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14842/18

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**LIMITE** 

ENV 825 CLIMA 236 COMER 127 CODEC 2130

### **NOTE**

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	13975/18
No. Cion doc.:	9617/18 - COM(2018) 381 final
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the alignment of reporting obligations in the field of environment policy and thereby amending Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Council Regulations (EC) No 338/97 and (EC) No 2173/2005
	<ul> <li>Preparation for the trilogue</li> </ul>

### I. <u>INTRODUCTION</u>

- 1. At its meeting on 7 November 2018, the Committee of Permanent Representatives agreed on a mandate (13458/18) for the Presidency to open negotiations with the European Parliament on the abovementioned proposal with a view to reach a first-reading agreement.
- 2. A first trilogue took place on 15 November 2018. At the debriefing of the outcome in Coreper on 16 November, the Presidency informed delegations that progress had been made but it remained clear that some issues still needed to be further clarified at technical level and compromises needed to be explored for the main outstanding political issues.

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## II. WAY FORWARD

- 4. With a view to the second trilogue on 7 December 2018, the Presidency proposes some modifications to the Council's position, which take into account the discussions held at the first trilogue, the results of the tripartite technical meeting and the concerns expressed by Member States at the last WPE meeting. The proposed mandate for the second trilogue is set out in detail in the fourth column of the table contained in the Annex to this Note, with the exception of the compromise proposal for Article 3 which will be circulated separately ahead of the COREPER meeting on 5 December.
- 5. The main outstanding issues can be summarized as follows:
  - a) Article 7– paragraph 1 point 2 amending Regulation (EC) No 166/2006 (PRTR) The Commission's proposal establishes that the reporting date shall be no later than 9 months after the end of the reporting year. The EP could not agree to the Council's previous mandate of 15 months but indicated that it could accept a longer delay than the one proposed by the Commission. After having listen carefully to the main concerns of the Member States, the Presidency proposes a compromise of 11 months after the end of the reporting year.
  - b) Article 3 amending Directive 2004/35/EC (Environmental liability)

The Commission's proposal establishes a reporting obligation that was not found in the original Directive. The Council's initial mandate sought to delete this Article as it was considered to be outside the scope of the alignment proposal. On the other hand, the EP proposed amendments which further developed the reporting obligations and insisted on a delegated act for establishing the reporting format. In view of these divergent views, the Presidency is proposing a compromise text aiming to bring the position of the two co-legislators closer together.

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# III. <u>CONCLUSION</u>

6. In light of the above, the <u>Permanent Representatives Committee</u> is invited to examine the <u>Presidency</u> compromise suggestions for the two main outstanding issues, with a view to agreeing on a revised mandate for the second trilogue. The <u>Presidency</u> believes that an agreement with the Parliament at first reading could be achieved at this second trilogue.

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## Proposal for a

### REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the alignment of reporting obligations in the field of environment policy and thereby amending Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Council Regulations (EC) No 338/97 and (EC) No 2173/2005

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the	
		Coreper on 7 November 2018	fourth column	
		lment 1		
		tle	,	
Proposal for a	Proposal for a		Acceptable	
REGULATION OF THE	REGULATION OF THE			
EUROPEAN PARLIAMENT AND	EUROPEAN PARLIAMENT AND			
OF THE COUNCIL	OF THE COUNCIL			
on the alignment of reporting	on the alignment of reporting			
obligations in the field of	obligations in the field of			
environment policy and thereby	legislation related to the			
amending Directives 86/278/EEC,	<i>environment</i> and thereby amending			
2002/49/EC, 2004/35/EC,	Directives 86/278/EEC,			
2007/2/EC, 2009/147/EC and	2002/49/EC, 2004/35/EC,			
2010/63/EU, Regulations (EC) No	2007/2/EC, 2009/147/EC and			
166/2006 and (EU) No 995/2010,	2010/63/EU, Regulations (EC) No			
and Council Regulations (EC) No	166/2006 and (EU) No 995/2010,			
338/97 and (EC) No 2173/2005	and Council Regulations (EC) No			
	338/97 and (EC) No 2173/2005			
(Text with EEA relevance)	(Text with EEA relevance)			
Amendment 2				
	Recital 1			
(1) In order to address the need for	(1) In order to address the need for		Acceptable	
implementation and compliance	implementation and compliance			

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
information, amendments of	information, amendments of several	coreper on 7 Trovelliber 2010	Tour or column
several pieces of environmental	pieces of legislation <i>related to the</i>		
legislation should be introduced	<i>environment</i> should be introduced,		
taking into account the results of	taking into account the results of the		
the Commission Report on Actions	Commission Report on Actions to		
to Streamline Environmental	Streamline Environmental Report <sup>45</sup>		
Report <sup>45</sup> and its related Fitness	and its related Fitness Check <sup>46</sup> .		
Check <sup>46</sup> .			
<sup>45</sup> COM(2017) 312	<sup>45</sup> COM(2017) 312.		
<sup>46</sup> SWD(2017) 230	<sup>46</sup> SWD(2017) 230.		
		ment 3	
	Recital 1	a (new)	
	(1a) This Regulation seeks to		Acceptable
	modernise information		
	management and ensure a more		
	consistent approach to the		
	legislative acts within its scope by		
	simplifying reporting so as to		
	reduce the administrative burden,		
	enhancing the database for future		
	evaluations, and increasing		
	transparency for the benefit of the		
	public, each time in accordance		
	with the circumstances.		
	Amend Reci	lment 4 tal 2	
(2) It is necessary that accessibility	(2) It is necessary that accessibility		Acceptable
to data should ensure that the	to data should ensure that the		_
administrative burden on all entities	administrative burden on all entities		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
remains as limited as possible. It requires active dissemination at national level in accordance with Directives 2003/4/EC <sup>47</sup> and 2007/2/EC <sup>48</sup> of the European Parliament and of the Council and their implementing rules, to ensure the appropriate infrastructure for public access, reporting and datasharing between public authorities.	remains as limited as possible, especially on non-governmental entities such as small and medium enterprises (SMEs). It requires active dissemination at national level in accordance with Directives 2003/4/EC47 and 2007/2/EC48 of the European Parliament and of the Council and their implementing rules, to ensure the appropriate infrastructure for public access, reporting and data-sharing between public authorities.		
<sup>47</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26). <sup>48</sup> Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).	<sup>47</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26). <sup>48</sup> Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).		

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the	
		Coreper on 7 November 2018	fourth column	
	Amendment 5			
	Reci	tal 3		
(3) Data reported by Member States	(3) The process of Member States'	(3) The data and the process of	Acceptable	
are essential for the Commission to	comprehensive and timely	Member States' comprehensive		
monitor, review and assess the	<b>reporting of relevant data</b> is	and timely reporting is essential		
performance of the legislation	essential for the Commission to	for the Commission to monitor,		
against the objectives it pursues in	monitor, review and assess the	review and assess the performance		
order to inform any future	performance of the legislation	of the legislation against the		
evaluation of the legislation, in	against the objectives it pursues in	objectives it pursues in order to		
accordance with paragraph 22 of	order to inform any future	inform any future evaluation of the		
the Interinstitutional Agreement	evaluation of the legislation, in	legislation, in accordance with		
between the European Parliament,	accordance with paragraph 22 of	paragraph 22 of the		
the Council of the European Union	the Interinstitutional Agreement	Interinstitutional Agreement		
and the European Commission on	between the European Parliament,	between the European Parliament,		
Better Law-Making of 13 April	the Council of the European Union	the Council of the European Union		
2016 <sup>49</sup> . It is appropriate to add	and the European Commission on	and the European Commission on		
provisions to several legislative	Better Law-Making of 13 April	Better Law-Making of 13 April		
acts in the environmental sector for	2016 <sup>49</sup> . It is appropriate to add	2016 <sup>49</sup> . It is appropriate to add		
the purpose of their future	provisions to several legislative acts	provisions to several legislative		
evaluation, on the basis of data	in the environmental sector for the	acts in the environmental sector for		
collected during implementation,	purpose of their future evaluation,	the purpose of their future		
possibly complemented by	on the basis of data collected during	evaluation, on the basis of data		
additional scientific, analytical	implementation, possibly	collected during implementation,		
data. In that context, there is a need	complemented by additional	possibly complemented by		
for relevant data that will allow	scientific, analytical data. In that	additional scientific, analytical		
better assessment of the efficiency,	context, there is a need for relevant	data. In that context, there is a need		
effectiveness, relevance, coherence	data that will allow better	for relevant data that will allow		
and EU value added of Union	assessment of the efficiency,	better assessment of the efficiency,		
legislation, hence the necessity to	effectiveness, relevance, coherence	effectiveness, relevance, coherence		
ensure appropriate reporting	and EU value added of Union	and EU value added of Union		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
mechanisms that can also serve as	legislation, hence the necessity to	legislation, hence the necessity to	Tour th Column
indicators for this purpose.	ensure appropriate reporting	ensure appropriate reporting	
maleutors for tims purpose.	mechanisms that can also serve as	mechanisms that can also serve as	
<sup>49</sup> OJ L 123, 12.5.2016, p. 1.	indicators for this purpose both for	indicators for this purpose.	
ου Ε 123, 12.3.2010, p. 1.	decision-makers and for the	marcators for tims purpose.	
	general public.	<sup>49</sup> OJ L 123, 12.5.2016, p. 1.	
	49 O. I. 122 12 5 2016 1		
	<sup>49</sup> OJ L 123, 12.5.2016, p. 1.		
		lment 6	
(5) I 1 1 1 1 1	•	ital 5	
(5) In accordance with the	(5) In accordance with the		Acceptable
evaluation of Directive 2002/49/EC	evaluation of Directive 2002/49/EC		
of the European Parliament and of	of the European Parliament and of		
the Council <sup>50</sup> there is a need to	the Council50 there is a need to		
streamline the reporting deadlines	streamline the reporting deadlines		
for noise maps and action plans to	for noise maps and action plans to		
allow sufficient time for public	allow sufficient time for public		
consultation of action plans. To that	consultation of action plans. To that		
end, and for one time only, the	end, and for one time only, the		
deadline for the review or revision	deadline for the review or revision		
of the action plans is postponed by	of the action plans is postponed by		
one year so that the deadline of the	one year so that the deadline of the		
next round (the fourth round) of	next round (the fourth round) of		
action plans is not 18 July 2023 but	action plans is not 18 July 2023 but		
18 July 2024. Thus, from the fourth	18 July 2024. Thus, from the fourth		
round onwards, the Member States	round onwards, the Member States		
will have approximately two years	will have approximately two years		
between making the noise maps	between making the noise maps and		
and completing the review or	completing the review or revision of		
revision of action plans instead of	action plans instead of one year as		

one year as currently the case. For the following rounds of action planning, the five years cycle for the review or revision will then resume. Moreover, in order to better meet the objectives of the Directive 2002/49/EC and to provide a basis for developing measures at Union level, reporting by Member States should be carried out by electronic means. It is also necessary to enhance public participation by requiring certain information to be made publicly available while aligning this obligation to other Union legislation, such as Directive 2007/2/EC, without duplicating practical requirements.  30 Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189).	Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
	one year as currently the case. For the following rounds of action planning, the five years cycle for the review or revision will then resume. Moreover, in order to better meet the objectives of the Directive 2002/49/EC and to provide a basis for developing measures at Union level, reporting by Member States should be carried out by electronic means. It is also necessary to enhance public participation by requiring certain information to be made publicly available while aligning this obligation, such as Directive 2007/2/EC, without duplicating practical requirements.  50 Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of	currently the case. For the following rounds of action planning, the five years cycle for the review or revision will then resume.  Moreover, in order to better meet the objectives of the Directive 2002/49/EC and to provide a basis for developing measures at Union level, reporting by Member States should be carried out by electronic means. It is also necessary to enhance public participation by requiring <i>comprehensible</i> , <i>accurate and comparable</i> information to be made publicly available while aligning this obligation to other Union legislation, such as Directive 2007/2/EC, without duplicating practical requirements.  To Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of	Coreper on 7 November 2018	fourth column

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
		lment 7	
	Reci		
(7) Based on the Commission	(7) Based on the Commission report	(7) Based on the Commission	
report to the Council and the	to the Council and the European	report to the Council and the	
European Parliament concerning	Parliament concerning the	European Parliament concerning	
the implementation of Directive	implementation of Directive	the implementation of Directive	
2007/2/EC and the REFIT	2007/2/EC and the REFIT	2007/2/EC and the REFIT	
evaluation <sup>52</sup> , it is appropriate, with	evaluation <sup>52</sup> , it is appropriate, with a	evaluation <sup>52</sup> , it is appropriate, with	
a view to simplifying the	view to simplifying the	a view to simplifying the	
implementation of that Directive	implementation of that Directive	implementation of that Directive	
and reducing administrative burden	and reducing administrative burden	and reducing administrative burden	
related to monitoring by Member	related to monitoring by Member	related to monitoring by Member	
States, to no longer require	States, to no longer require Member	States, to no longer require	
Member States to send to the	States to send to the Commission	Member States to send to the	
Commission triennial reports, and	triennial reports, and the	Commission triennial reports, and	
the Commission to present to the	Commission to present to the	the Commission to present to the	
European Parliament and to the	European Parliament and to the	European Parliament and to the	
Council a summary report, because	Council a summary report, because	Council a summary report, because	
the reporting Fitness Check	the reporting Fitness Check	the reporting Fitness Check	
confirmed the limited use of such	confirmed the limited use of such	confirmed the limited use of such	
reports. <sup>53</sup>	reports. <sup>53</sup> Nevertheless, the	reports. <sup>53</sup> Nevertheless, the	
	Commission should continue to	Commission should continue to	
<sup>52</sup> COM(2016) 478 and	carry out, at regular intervals, an	carry out, every six years, an	
SWD(2016) 273.	evaluation of that Directive and	evaluation of that Directive and	
<sup>53</sup> COM(2017) 312	make that evaluation publicly	make it publicly available.	
	available.		
	<u> </u>	<del></del>	
	<sup>52</sup> COM(2016) 478 and	<sup>52</sup> COM(2016) 478 and	
	SWD(2016) 273.	SWD(2016) 273.	
	<sup>53</sup> COM(2017) 312.	<sup>53</sup> COM(2017) 312.	

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
	Amend		
	Reci	tal 9	
(9) It is necessary to amend the	(9) It is necessary to amend the		To be clarified (as corresponding
reporting obligations laid down in	reporting obligations laid down in		AM on the Article fell)
Articles 43, 54 and 57 of Directive	Articles 43, 54, 57 <i>and 58</i> of		
2010/63/EU of the European	Directive 2010/63/EU of the		
Parliament and of the Council <sup>56</sup> .	European Parliament and of the		
These provisions include, with the	Council56. These provisions		
objective of improving	include, with the objective of		
transparency and reducing	improving transparency and		
administrative burden, the	reducing administrative burden, the		
establishment of a central, open-	establishment of a central, open-		
access searchable database for non-	access searchable database for non-		
technical project summaries and	technical project summaries and		
related retrospective assessments,	related retrospective assessments,		
conferral of implementing powers	conferral of implementing powers		
on the Commission to establish a	on the Commission to establish a		
common format for the submission	common format for the submission		
of non-technical project summaries	of non-technical project summaries		
and related retrospective	and related retrospective		
assessments, information on	assessments, information on		
implementation and replacing the	implementation and replacing the		
three-yearly statistical reporting by	three-yearly statistical reporting by		
the Commission by the requirement	the Commission by the requirement		
of setting up a dynamic central	of setting up a dynamic central		
database hosted by the Commission	database hosted by the Commission		
and releasing information on a	and releasing information on a		
yearly basis.	yearly basis. <i>In light of a</i>		
56	Commission report in 2017 <sup>56a</sup> , the		
<sup>56</sup> Directive 2010/63/EU of the	clause for a review of that		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).	Directive as laid down in Article 58 therein should be reconsidered with a view to a future revision.  56 Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).  56a COM (2017) 631 final, Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions in accordance with Article 58 of Directive 2010/63/EU on the protection of animals used for scientific purposes,	Coreper on / November 2018	Tourth column
	COM(2017)0631.		
		ment 9	
	Recital 1	4 a (new)	
	(14a) Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Regulations (EC) No 338/97 and (EC) No 2173/2005 should		Acceptable

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	therefore he are anded accordingly	Coreper on 7 November 2018	Tourth column
	therefore be amended accordingly,		
HAVE ADOPTED THIS REGULA	TION:		
	Artic	cle 1	
Amendments to Council Directive 86	5/278/EEC of 12 June 1986 on the prote	ection of the environment, and in parti	cular of the soil, when sewage sludge
	is used in a	agriculture	
Directive 86/278/EEC is amended			
as follows:			
		ment 10	
		oh 1 – point -1 (new)	
	Directive 8		
	Article 2 – paragraph	n I – point d a (new)	
	-1. In Article 2, the following point		-1. In Article 2, the following
	is added:		point is added:
	"(da) 'spatial data services': means the operations which may be		"(da) 'spatial data services': means spatial data services as
	performed, by invoking a computer		defined in Article 3(4) of
	application, on the spatial data		Directive 2007/2/EC of the
	contained in spatial data sets or on		European Parliament and of the
	the related metadata as defined in		Council*;
	Article 3(4) of Directive 2007/2/EC		,
	of the European Parliament and of		* Directive 2007/2/EC of the
	the Council*;		European Parliament and of the
			Council of 14 March 2007
	* Directive 2007/2/EC of the		establishing an Infrastructure for
	European Parliament and of the		Spatial Information in the
	Council of 14 March 2007		<b>European Community</b>
	establishing an Infrastructure for		(INSPIRE) (OJ L 108, 25.4.2007,
	Spatial Information in the		p. 1).".

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
	European Community (INSPIRE)		
	(OJ L 108, 25.4.2007, p. 1).".		
	Amend	ment 11	
		h 1 – point -1 a (new)	
	Directive 8	36/278/EEC	
	Article 2 – paragrap	h 1 – point d b (new)	
	-1a. In Article 2, the following		-1 a. In Article 2, the following
	point is added:		point is added:
	"(db) 'spatial data set': means an		"(db) 'spatial data set': means a
	identifiable collection of spatial		spatial data set as defined in
	data as defined in Article 3(3) of		Article 3(3) of Directive
	Directive 2007/2/EC.".		2007/2/EC.".
1. Article 10 is replaced by the		1. Article 10 is replaced by the	See Presidency compromise text
following:		following:	on Art. 10 (1) und (2) (see AM 15)
"Article 10		"Article 10	
1. Member States shall ensure that		1. Member States shall ensure that	
publicly available up-to-date		[] up-to-date records are kept,	
records are kept, which register:		which register:	
	Amond	 ment 12	
		graph 1 – point 1	
		86/278/EEC	
		graph 1 – point d	
(d) the names and addresses of the	deleted	- Point a	See Presidency compromise text
recipients of the sludge and the			on Art. 10 (1) above und (2) (see
place where the sludge is to be			AM 15)
used;			1202

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column			
	Amendment 13					
		graph 1 – point 1 86/278/EEC				
		agraph 1 – point e				
(e) any other information with regard to the transposition and implementation of this Directive provided by the Member States to the Commission pursuant to Article 17.	deleted Article 10 – para	graph 1 – point c	See Presidency compromise text on Art. 10 (1) above und (2) (see AM 15)			
	Amend	ment 14				
	Article 1 – para	graph 1 – point 1				
		86/278/EEC				
		ph 1 – subparagraph 2	<u>,                                      </u>			
Spatial data services as defined in Article 3(4) of Directive 2007/2/EC of the European Parliament and of the Council* shall be used to present the spatial data sets included in the information registered in those records.	Spatial data services shall be used to present the spatial data sets included in the information registered in those records.		Acceptable			
* Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)(OJ L 108, 25.4.2007, p. 1).						

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	Amend		
	Article 1 – parag		
	Directive 8		
2 771	Article 10 – paragrap		
2. The records referred to in	2. The records referred to in	2. The records referred to in	
paragraph 1 shall be made available	paragraph 1 shall be made available	paragraph 1 shall be made available	
to the public for each calendar year, within three months of the end of	and easily accessible to the public	to the public for each calendar year, within <b>nine</b> months of the end of	
	for each calendar year, within three months of the end of the relevant		
the relevant calendar year, in a consolidated format as laid down in		the relevant calendar year, in a consolidated format as laid down in	
the Annex to Commission Decision	calendar year, in a consolidated format as laid down in the Annex to	the Annex to Commission Decision	
94/741/EC** or another format	Commission Decision	94/741/EC** or another	
provided pursuant to Article 17.	94/741/EC** or another format	consolidated format provided	
provided pursuant to Article 17.	provided pursuant to Article 17.	pursuant to Article 17.	
	provided pursuant to Article 17.	pursuant to Article 17.	
Member States shall submit to the		Member States shall submit to the	
Commission the electronic location		Commission, by electronic means,	
of the information made publicly		the information [] referred to	
available under paragraph 1.		[] <b>in</b> paragraph <b>2</b> .	
	Amend	ment 16	
	Article 1 – parag		
	Directive 8		
	Article 10 –	paragraph 3	
3. Information on the methods of	3. Information on the methods of		Acceptable
treatment and the results of the	treatment and the results of the		
analyses shall be released upon	analyses shall be released to the		
request to the competent	competent authorities.		
authorities.			

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the	
		Coreper on 7 November 2018	fourth column	
	Amendment 50			
		graph 1 – point 2		
		6/278/EEC		
	T	ele 17		
The Commission is empowered to	The Commission is empowered to		Not acceptable	
lay down, by means of an	lay down, by means of an			
implementing act, a format in	implementing act, a format in			
accordance with which Member	accordance with which Member			
States are to provide information on	States are to provide information on			
the implementation of Directive	the implementation of Directive			
86/278/EEC as required by Article	86/278/EEC as required by Article			
10 of this Directive. That	10 of this Directive. That			
implementing act shall be adopted	implementing act shall be adopted			
in accordance with the examination	in accordance with the examination			
procedure referred to in Article	procedure referred to in Article			
15(2). The Commission services	15(2). The Commission services			
shall publish a Union-wide	shall publish a Union-wide			
overview including maps on the	overview including maps on the			
basis of the data made available by	basis of the data made available by			
the Member States pursuant to	the Member States pursuant to			
Articles 10 and 17.	Articles 10 and 17. <i>In light of that</i>			
	data, the Commission shall also, if			
	necessary, submit appropriate			
	proposals for increased protection			
	of the soil and the environment.			

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
		cle 2	
Amendments to Directive 2002/49/E	0 1	the Council of 25 June 2002 relating to	o the assessment and management of
	environmo	ental noise	
Directive 2002/49/EC is amended		Directive 2002/49/EC is amended	
as follows:		as follows:	
1. In Article 3 the following point		1. In Article 3 the following point	
is added:		is added:	
'(x) 'data repository' means an		'(w) 'data repository' means an	
information system, managed by		information system, managed by	
the European Environment Agency,		the European Environment Agency,	
containing environmental noise		containing environmental noise	
information and data made		information and data made	
available through national data		available through national data	
reporting and exchange nodes		reporting and exchange nodes	
under the control of the Member		under the control of the Member	
States. '.		States.'.	
	Amend	ment 17	<u> </u>
		graph 1 – point 4	
		2002/49/EC	
	Article 10 –	paragraph 2	
4. Article 10(2) is replaced by the			
following:			
		(2.57)	
'2. The Member States shall ensure			
that the information from strategic noise maps and summaries of the	that the information from strategic noise maps and summaries of the	that the information from strategic noise maps and summaries of the	that the information from strategic
action plans as referred to in Annex	action plans as referred to in Annex	action plans as referred to in Annex	noise maps and summaries of the action plans as referred to in Annex
VI are sent to the Commission			
The solit to the Commission	7 Tare sent to the Commission	vi are sent to the commission	viale sent to the Commission

	ED 1	C " '	
Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
within six months of the dates laid	within six months of the dates laid	within six months of the dates laid	within six months of the dates laid
down in Articles 7 and 8	down in Articles 7 and 8	down in Articles 7 and 8	down in Articles 7 and 8
respectively. For that purpose,	respectively. For that purpose,	respectively. For that purpose,	respectively. For that purpose,
Member States shall only report the	Member States shall only report the	Member States shall only report the	Member States shall only report the
information electronically to the	information electronically to <i>a</i>	information electronically to the	information electronically to <b>a</b>
data repository to be established in	<i>mandatory</i> data repository. In case	data repository to be established in	mandatory data repository to be
accordance with the regulatory	a Member State wants to update	accordance with the <b>examination</b>	established <b>by the Commission by</b>
procedure with scrutiny referred to	information, it shall describe the	procedure referred to in Article 13(	means of implementing acts.
in Article 13(3). In case a Member	differences between the updated	<b>2</b> ). In case a Member State wants to	Those implementing acts shall be
State wants to update information,	and original information and the	update information, it shall describe	adopted in accordance with the
it shall describe the differences	reasons for the update when	the differences between the updated	<b>examination</b> procedure referred to
between the updated and original	making the updated information	and original information and the	in Article 13(2). In case a Member
information and the reasons for the	available to the data repository.	reasons for the update when	State wants to update information,
update when making the updated		making the updated information	it shall describe the differences
information available to the data		available to the data repository."	between the updated and original
repository."			information and the reasons for the
			update when making the updated
			information available to the data
			repository."
		ment 18	
		oh 1 – point 4 a (new)	
		2002/49/EC	
		agraph 2 a (new)	
	4a. In Article 10, after paragraph		Not acceptable
	2, the following paragraph is		
	inserted:		
	"2a. The Commission shall adopt		
	delegated acts in accordance with		

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
	Article 12a to supplement this		
	Directive concerning the setting		
	up of the mandatory data		
	repository referred to in paragraph		
	2, and the detailed rules of the		
	digital information exchange		
	mechanism to share the		
	information from the strategic		
	noise maps and summaries of		
	action plans.".		
	Amend		
	Article 2 – paragrap		
	Directive 2		
	Article 12	2 a (new)	
	4b. The following Article is		Not acceptable
	added:		
	"Article 12a		
	Exercise of the delegation		
	1. The power to adopt delegated		
	acts is conferred on the		
	Commission subject to the		
	conditions laid down in this		
	Article.		
	2. The power to adopt delegated		
	acts referred to in Article 10(2a)		
	shall be conferred on the		
	Commission for a period five years		
	from [date of entry into force of		
	this Regulation]. The Commission		
	shall draw up a report in respect of		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	the delegation of power not later		
	than nine months before the end of		
	the five-year period. The		
	delegation of power shall be tacitly		
	extended for periods of an		
	identical duration, unless the		
	European Parliament or the		
	Council opposes such extension		
	not later than three months before		
	the end of each period.		
	3. The delegation of power referred		
	to in Article 10(2a) may be revoked		
	at any time by the European		
	Parliament or by the Council. A		
	decision to revoke shall put an end		
	to the delegation of the power		
	specified in that decision. It shall		
	take effect the day following the		
	publication of the decision in the		
	Official Journal of the European		
	Union or at a later date specified		
	therein. It shall not affect the		
	validity of any delegated acts		
	already in force.		
	4. Before adopting a delegated act,		
	the Commission shall consult		
	experts designated by each		
	Member State in accordance with		
	the principles laid down in the		
	Interinstitutional Agreement of 13		

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
	April 2016 on Better Law-		
	Making*.		
	5. As soon as it adopts a delegated		
	act, the Commission shall notify it		
	simultaneously to the European		
	Parliament and to the Council.		
	6. A delegated act adopted		
	pursuant to Article 10(2a) shall		
	enter into force only if no objection		
	has been expressed either by the		
	European Parliament or by the		
	Council within a period of two		
	months of notification of that act		
	to the European Parliament and to		
	the Council or if, before the expiry		
	of that period, the European		
	Parliament and the Council have		
	both informed the Commission		
	that they will not object. That		
	period shall be extended by two		
	months at the initiative of the		
	European Parliament or of the		
	Council.		
	* OJ L 123, 12.5.2016, p. 1.".		

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
Commission proposar	DI amendments	Coreper on 7 November 2018	fourth column
	Amend	ment 20	Tour on Column
		graph 1 – point 5	
	<u> </u>	2002/49/EC	
	Annex V	I – point 3	
5. Annex VI point 3 is replaced by the following:  '3. Information exchange mechanism  "The Commission, assisted by the European Environment Agency, shall develop a mandatory digital information exchange mechanism to share the information from the strategic noise maps and summaries of action plans, as referred to in Article 10 (2) in accordance with the regulatory procedure with scrutiny referred to in Article 13(3)."	5. Annex VI point 3 is <i>deleted</i> .	5. Annex VI point 3 is replaced by the following:  '3. Information exchange mechanism  "The Commission, assisted by the European Environment Agency, shall develop a mandatory digital information exchange mechanism to share the information from the strategic noise maps and summaries of action plans, as referred to in Article 10 (2) in accordance with the <b>examination</b> procedure referred to in Article 13 (2)."	5. Annex VI point 3 is replaced by the following:  '3. Information exchange mechanism  "The Commission, assisted by the European Environment Agency, shall, by means of implementing acts, develop a mandatory digital information exchange mechanism to share the information from the strategic noise maps and summaries of action plans, as referred to in Article 10 (2). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2)."
Article 3  Amendments to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage  Directive 2004/35/EC is amended  IArticle 3 deleted.  A Presidency compromise			
as follows:		[Article 3 deleted.]	A Presidency compromise proposal will be sent separately.

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
Commission proposar	21 unenuments	Coreper on 7 November 2018	fourth column
	Amend	1	
	Article 3 – paragrap	oh 1 – point -1 (new)	
		004/35/EC	
	Article 2 – paragraph	1 – point 16 a (new)	
	-1. In Article 2, the following point	To be clarified by EP	
	is added:		
	"16a. 'spatial data services' means		
	the operations which may be		
	performed, by invoking a computer		
	application, on the spatial data		
	contained in spatial data sets or on		
	the related metadata as defined in		
	Directive 2007/2/EC of the		
	European Parliament and of the Council*;		
	Council,		
	* Directive 2007/2/EC of the		
	European Parliament and of the		
	Council of 14 March 2007		
	establishing an Infrastructure for		
	Spatial Information in the		
	European Community (INSPIRE)		
	(OJ L 108, 25.4.2007, p. 1).".		
		ment 22	
	Article 3 – parag		
		2004/35/EC	
Moush on Chokon aboll an ayers that	Article 18 –		T
Member States shall ensure that	Member States shall ensure that	Not acceptable	
adequate and up-to-date information, at least on imminent	adequate and up-to-date information, at least on imminent		
information, at least on infininent	information, at least on miniment		

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
Commission proposal	21 umenuments	Coreper on 7 November 2018	fourth column
threats of damage is available to the	threats of damage is available to	•	
public in an open data format	the public and to the Commission		
online, in accordance with Annex	in an open data format online, in		
VI of this Directive and with	accordance with Annex VI of this		
Article 7(4) of Directive 2003/4/EC	Directive and with Article 7(4) of		
of the European Parliament and of	Directive 2003/4/EC of the		
the Council*. For each incident, the	European Parliament and of the		
information listed in Annex VI of	Council*. For each incident, the		
this Directive shall be provided as a	information listed in Annex VI of		
minimum.	this Directive shall be provided as a		
* Directive 2003/4/EC of the	minimum.		
Directive 2003/4/EC of the			
European Parliament and of the			
Council of 28 January 2003 on public access to environmental			
information (OJ L 41, 14.2.2003, p.			
26).			
20).	Amend	ment 23	
		graph 1 – point 2	
		004/35/EC	
	Article 18 – para		
	1a. The Commission shall adopt a	Not acceptable	
	delegated act in accordance with		
	Article 18a to amend Annex VI to		
	this Directive concerning the		
	detailed criteria according to		
	which the scale and type of the		
	environmental damage shall be		
	classified.		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column			
	Amendment 24					
	<u> </u>	graph 1 – point 2				
		004/35/EC				
2 G .: 1 1		paragraph 2				
2. Spatial data services as defined in Article 3(4) of Directive	2. Spatial data services shall be used to present the spatial data sets, such	To be clarified by EP				
2007/2/EC of the European	as the spatial location of incidents,					
Parliament and of the Council**	included in the information referred					
shall be used to present the spatial	to in paragraph 1 of this Article.					
data sets, such as the spatial location of incidents, included in						
the information referred to in						
paragraph 1 of this Article.						
paragraph 1 01 time 1 1101010.						
** Directive 2007/2/EC of the						
European Parliament and of the						
Council of 14 March 2007						
establishing an Infrastructure for						
Spatial Information in the European						
Community (INSPIRE)(OJ L 108,						
25.4.2007, p. 1).';						
	Amend	ment 25				
		graph 1 – point 2				
		004/35/EC				
Article 18 – paragraph 3						
3. The Commission services shall	3. The Commission services shall					
publish a Union-wide overview	publish a Union-wide overview					
including maps on the basis of the	including maps on the basis of the					
data made available by the Member	data made available by the Member					

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column		
States pursuant to paragraph 1.	States pursuant to paragraph 1 and update it regularly.	Coreper on 7 110 temper 2010	704747 6074777		
		ment 26			
	Article 3 – parag				
	Directive 2				
		14 – introductory part			
4. The Commission shall, at regular	4. The Commission shall, <i>no later</i>				
intervals, carry out an evaluation of	than 1 January 2022 and at least				
this Directive. The evaluation shall	every five years thereafter, carry				
be based, inter alia, on the	out an evaluation of this Directive				
following elements:	and of its implementation. The				
	evaluation shall be <i>made publicly</i> available and be based, inter alia,				
	on the following elements:				
	on the following elements.				
	Amend	ment 27			
	Article 3 – parag				
	Directive 2				
	Article 18 – paragrap	sh 4 – point b a (new)			
	(ba) an analysis of the	-			
	developments and relevant				
	changes in the Member States.				
Amendment 28					
Article 3 – paragraph 1 – point 2					
Directive 2004/35/EC					
	Article 18 – paragraph 4 a (new)				
	4a. The Commission shall within	Not acceptable			
	due course inform the European				
	Parliament and the Council on the				
	results of the evaluation referred				

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	to in paragraph 4 and, if	•	
	necessary, present appropriate		
	legislative proposals.		
	Amend	ment 29	
		graph 1 – point 2	
		2004/35/EC	
		agraph 4 b (new)	
	4b. The evaluation referred to in	Not acceptable	
	paragraph 4 shall also consider		
	the extension of the definition of		
	'environmental damage' as		
	defined in Article 2(1), and of the		
	scope of this Directive to include damages to human health, in		
	order to also include damages to		
	the air which can have significant		
	health risks.		
		ment 30	<u> </u>
		ph 1 – point 2 a (new)	
		2004/35/EC	
		8 a (new)	
	2a. The following Article is	Not acceptable	
	inserted:		
	"Article 18a		
	Exercise of the delegation		
	1. The power to adopt delegated		
	acts is conferred on the		
	Commission subject to the		
	conditions laid down in this		
	Article.		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	2. The power to adopt delegated	<u> </u>	
	acts referred to in Article 18(1a)		
	shall be conferred on the		
	Commission for an indeterminate		
	period from [date of entry into		
	force of this Regulation].		
	3. The delegation of power		
	referred to in Article 18(1a) may		
	be revoked at any time by the		
	European Parliament or by the		
	Council. A decision to revoke shall		
	put an end to the delegation of the		
	power specified in that decision. It		
	shall take effect the day following		
	the publication of the decision in		
	the Official Journal of the		
	European Union or at a later date		
	specified therein. It shall not affect		
	the validity of any delegated acts		
	already in force.		
	4. Before adopting a delegated act,		
	the Commission shall consult		
	experts designated by each		
	Member State in accordance with		
	the principles laid down in the		
	Interinstitutional Agreement of 13		
	April 2016 on Better Law-		
	Making*.		
	5. As soon as it adopts a delegated		
	act, the Commission shall notify it		

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
	simultaneously to the European Parliament and to the Council.		
	6. A delegated act adopted		
	pursuant to Article 18(1a) shall		
	enter into force only if no		
	objection has been expressed		
	either by the European Parliament		
	or by the Council within a period		
	of two months of notification of		
	that act to the European		
	Parliament and to the Council or		
	if, before the expiry of that period,		
	the European Parliament and the		
	Council have both informed the		
	Commission that they will not		
	object. That period shall be		
	extended by two months at the		
	initiative of the European		
	Parliament or of the Council."		
	* OJ L 123, 12.5.2016, p. 1.".		
	Amendi	ment 31	
	Article 3 – parag	graph 1 – point 3	
	Directive 2		
	Annex VI – paragraph		
The information referred to in	The information referred to in	To be clarified by EP	
Article 18(1) shall refer to	Article 18(1) shall <i>include a list of</i>		
emissions, events or incidents	emissions, events or incidents		
causing environmental damage or	causing environmental damage or		
imminent threat of damage, with	imminent threat of damage, with		

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
Commission proposal	Er amendments	Coreper on 7 November 2018	fourth column
the following information and data	the following information and data	Coreper on 7 November 2018	Tour tir Column
for each instance:	for each instance:		
Tor each instance.	Tor each instance.		
	Amend	ment 32	
	Article 3 – paraș	graph 1 – point 3	
	Directive 2	2004/35/EC	
	Annex VI – point	7 – point c a (new)	
	(ca) relevant judicial		
	proceedings;		
	Arti	cle 4	
Amendments to Directive 2007/2/2	EC of the European Parliament and of	the Council of 14 March 2007 establi	shing an Infrastructure for Spatial
	Information in the Europe	ean Community (INSPIRE)	
	Ţ	, ,	
Directive 2007/2/EC is amended as			
follows:			
1. Article 21 is amended as follows:			
(a) in paragraph 2, the introductory			
sentence is replaced by the			
following:			
"2. No later than 31 March every		"2. No later than 31 March every	"2. No later than 31 March every
year Member States shall update		year Member States shall <b>if</b>	year Member States shall update, <b>if</b>
and publish their summary report.		<b>necessary</b> update and publish their	necessary, and publish their
This report, which shall be made		summary report. This report, which	summary report. This report, which
public by the Commission services		shall be made public by the	shall be made public by the
assisted by the European		Commission services assisted by	Commission services assisted by
Environment Agency, shall include		the European Environment Agency,	the European Environment Agency,
summary descriptions of:";		shall include summary descriptions	shall include summary descriptions
(b) paragraph 3 is deleted;		of:";	of:";
		(b) paragraph 3 is deleted;	(b) paragraph 3 is deleted;

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column		
	Amendment 33				
	Article 4 – paragraph 1 -	– point 1 – point a a(new)			
		2007/2/EC			
		ph 2 – point c a (new)			
	(aa) in paragraph 2, the		Not acceptable		
	following point is inserted:				
	"(ca) an analysis of the				
	development of the infrastructure				
	for INSPIRE in the Member				
	States;";	ment 34			
		ment 34 graph 1 – point 2			
		2007/2/EC			
	_ ========	h 2 – introductory part			
The Commission shall, at regular	The Commission shall, <b>no later</b>	The Commission shall, <b>no later</b>	The Commission shall, <b>no later</b>		
intervals, carry out an evaluation of	than 1 January 2022 and at least	than 1 January 2023 and at least	than 1 January 2022 and at least		
this Directive. The evaluation shall	every five years thereafter, carry	every six years thereafter, carry	every five years thereafter, carry		
be based, inter alia, on the	out an evaluation of this Directive	out an evaluation of this Directive,	out an evaluation of this Directive,		
following elements:	and of its implementation, and	and of its implementation. The	and of its implementation, and		
	make it publicly available. The	evaluation shall be based, inter alia,	make it publicly available. The		
	evaluation shall be based, inter alia,	on the following elements:	evaluation shall be based, inter alia,		
	on the following elements:		on the following elements:		
		ment 35			
		graph 1 – point 2			
		2007/2/EC			
		agraph 2 a (new)	N 4 11		
	2a. The Commission shall within		Not acceptable		
	due course inform the European				
	Parliament and the Council on the				

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
	results of the evaluation referred		
	to in the second paragraph and, if		
	necessary, present appropriate		
	legislative proposals.		
	Artic	cle 5	
Amendments to Directive 200	9/147/EC of the European Parliament and	d of the Council of 30 November 2009	on the conservation of wild birds
	Amenda	ment 36	
	Article 5 – parag	graph 1 – point 1	
	Directive 20	009/147/EC	
	Article 12 –	paragraph 1	
Member States shall forward t	o "1. Member States shall forward to	"1. Member States shall forward to	
. Tribinio en States snam for mara t			

the Commission every six years, at the same time as the report drawn up pursuant to Article 17 of Council Directive 92/43/EEC\*, a report on the implementation of the measures taken under this Directive and the main impacts of these measures. This report shall include in particular information concerning the status and trends of wild bird species protected by this Directive, the threats and pressures on them, the conservation measures taken for them and the contribution of the network of Special Protection Areas to the objectives laid out in Article 2 of this Directive.":

Commission every six years, at the same time as the report drawn up pursuant to Article 17 of Council Directive 92/43/EEC\*, a report on the implementation of the measures taken under this Directive and the main impacts of these measures. That report shall be made accessible to the public and shall include in particular information concerning the status and trends of wild bird species protected by this Directive, the threats and pressures on them, the conservation measures taken for them and the contribution of the network of Special Protection Areas to the objectives laid out in Article 2 of this

the Commission every six years, in the same **year** as the report drawn up pursuant to Article 17 of Council Directive 92/43/EEC\*, a report on the implementation of the measures taken under this Directive and the main impacts of these measures. This report shall include in particular information concerning the status and trends of wild bird species protected by this Directive, the threats and pressures on them, the conservation measures taken for them and the contribution of the network of Special Protection Areas to the objectives laid out in Article 2 of this Directive.

Presidency proposes to accept

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
*Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7.)";	*Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7.)";	The format of this report shall be established in accordance with the procedure set out in Article 21 of Directive 92/43/EEC. For this purpose, the Commission shall be assisted by the committee referred to in Article 16(1) of this Directive.";  *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7.)";	The Commission shall, by means of implementing acts, establish the format of the report referred to in the first subparagraph.  Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16a.";  *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7.)";  The following Article is inserted:  "Article 16a  Committee procedure  1. The Commission shall be assisted by the Committee for Adaptation to Technical and Scientific Progress established by [reference to the legal act which created the committee]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column	
		Coreper on 7 November 2018	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.  Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply."	
	Amendment 37 Article 5 – paragraph 1 – point 2 Directive 2009/147/EC Article 12 – paragraph 2 – sentence 1			
2. in paragraph 2, the first sentence is replaced by the following:				
"2. The Commission, assisted by the European Environment Agency, shall prepare every six years a composite report based on the information referred to in paragraph 1.".	2. The Commission, assisted by the European Environment Agency, shall prepare <i>and publish</i> , every six years, a composite report based on the information referred to in paragraph 1.		Acceptable	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column	
Article 6  Amendments to Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes				
Directive 2010/63/EU is amended as follows:  1. Article 43 is amended as follows:  (a) paragraphs 2 and 3 are replaced by the following:				
'2. From 1 January 2021, Member States shall require the non-technical project summary to specify whether a project is to undergo a retrospective assessment and by what deadline. Member States shall ensure that the non-technical project summary is updated within 6 months of the completion of the retrospective assessment with the results thereof.'		'2. [], Member States may require the non-technical project summary to specify whether a project is to undergo a retrospective assessment and by what deadline. In such case, from 1 January 2021, Member States shall ensure that the non-technical project summary is updated within 6 months of the completion of the retrospective assessment with the results thereof.		
3. Member States shall, until 31 December 2020, publish the non-technical project summaries of authorised projects and any updates thereto. From 1 January 2021, Member States shall submit and		3. Member States shall, until 31 December 2020, publish the non-technical project summaries of authorised projects and any updates thereto. From 1 January 2021, Member States shall submit []		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
publish the non-technical project summaries, at the latest within 6 months of authorisation, and any updates thereto, by electronic transfer to the Commission.		for publication the non-technical project summaries, at the latest within 6 months of authorisation, and any updates thereto, by electronic transfer to the Commission.	
2. Article 54 is amended as follows: (a) the title of the Article and paragraphs 1 and 2 are replaced by the following: 'Information on implementation and provision of statistical data			
1. Member States shall by 30 September 2023, and every 5 years thereafter, send the information on the implementation of this Directive and in particular Articles 10(1), 26, 28, 34, 38, 39, 43 and 46 thereof.		1. Member States shall by <b>10 November</b> 2023, and every 5 years thereafter, send the information on the implementation of this Directive and in particular Articles 10(1), 26, 28, 34, 38, 39, 43 and 46 thereof.	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column		
	Amendment 38				
		h <b>1 – point 2 – point a</b> 2010/63/EU			
		oh 1 – subparagraph 3			
The Commission services shall publish a Union overview on the basis of the data submitted by the Member States.	No later than 6 months after the submission by the Member States of the data referred to in the second subparagraph, the Commission services shall publish and regularly update a Union overview on the basis of that data.	n i suoparagraph 5	To be clarified by EP		
Member States shall submit that statistical information to the Commission, at the latest by 30 September of the following year, by electronic transfer, in a non-summarised format established by the Commission in accordance with paragraph 4.		Member States shall submit that statistical information to the Commission, at the latest by 10 November of the following year, by electronic transfer, in a non-summarised format established by the Commission in accordance with paragraph 4.			
	Amend	ment 39			
Article 6 – paragraph 1 – point 2 – point b  Directive 2010/63/EU  Article 54 – paragraph 4					
(b) paragraph 4 is replaced by the following:	THUCK 34	paragrapii			
"4. The Commission shall establish a common format and information content for submitting the	4. The Commission shall establish a common format and information content for submitting the		"4. The Commission shall, by means of implementing acts, establish a common format and		

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
information referred to in	information referred to in		information content for submitting
paragraphs 1, 2 and 3 in accordance	paragraphs 1, 2 and 3 in accordance		the information referred to in
with the regulatory procedure	with the <i>examination</i> procedure		paragraphs 1, 2 and 3. <b>Those</b>
referred to in Article 56(3).";	referred to in Article 56(3).		implementing acts shall be
			adopted in accordance with the
			<b>examination</b> procedure referred to
		. 10	in Article 56(3).
		ment 40	
		oh 1 – point 2 a (new) 2010/63/EU	
		paragraph 3	
	2a. In Article 56, paragraph 3 is	p	Deletion (see AM 39)
	replaced by the following:		
	"3. Where reference is made to this		
	paragraph, Article 5 of Regulation		
	(EU) No 182/2011 shall apply.";		
		cle 7	
)	o 166/2006 of the European Parliamen Int Release and Transfer Register and d		v
Regulation (EC) No 166/2006 is amended as follows:			
1. in Article 5(1), the second			
subparagraph is replaced by the following:			
'The operator of each facility that		'The operator of each facility that	'The operator of each facility that
undertakes one or more of the		undertakes one or more of the	undertakes one or more of the
activities specified in Annex I,		activities specified in Annex I,	activities specified in Annex I,
above the applicable capacity		above the applicable capacity	above the applicable capacity
thresholds specified therein, shall		thresholds specified therein, shall	thresholds specified therein, shall

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
communicate by electronic means		communicate by preferably	communicate by [] electronic
to its competent authority the		electronic means to its competent	means to its competent authority
information identifying the facility		authority the information	the information identifying the
in accordance with the format		identifying the facility in	facility in accordance with the
referred to in Article 7(2) unless		accordance with the format referred	format referred to in Article 7(2)
that information is already		to in Article 7(2) unless that	unless that information is already
available to the competent		information is already available to	available to the competent
authority.';		the competent authority.';	authority.';
		ment 43	
		graph 1 – point 2	
		C) No 166/2006	
		paragraph 2	0.26 1 0 1 11 11
2. Member States shall provide,	2. No later than 31 March every	2. Member States shall provide,	2. Member States shall provide,
each year, to the Commission by	year, Member States shall provide	each year, to the Commission by	each year, to the Commission by
electronic transfer a report	to the Commission by electronic	electronic transfer a report	electronic transfer a report
containing all the data referred to in	transfer a report containing all the	containing all the data referred to in	containing all the data referred to in
Article 5(1) and (2) in a format and	data referred to in Article 5(1) and	Article 5(1) and (2) in a format and	Article 5(1) and (2) in a format and
by a date to be established by the	(2) in a format to be established by	by a date to be established by the	by a date to be established by the
Commission by means of	the Commission by means of	Commission by means of	Commission by means of
implementing acts in accordance	implementing acts in accordance	implementing acts in accordance	implementing acts in accordance
with the procedure referred to in	with the procedure referred to in	with the procedure referred to in	with the procedure referred to in
Article 19(2). The reporting date	Article 19(2). The reporting date	Article 19(2). The reporting date	Article 19(2). The reporting date
shall be, in any case, no later than 9	shall be, in any case, no later than 9	shall be, in any case, no later than	shall be, in any case, no later than
months after the end of the	months after the end of the	[] 15 months after the end of the	11 months after the end of the
reporting year.	reporting year.	reporting year.	reporting year, except for the
			reporting years 2018 and 2019
			for which the reporting date shall
			be no later than 15 months after
			the end of the reporting year.

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
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3. The Commission services,		3. The Commission services,	
assisted by the European		assisted by the European	
Environment Agency, shall		Environment Agency, shall	
incorporate the information		incorporate the information	
reported by the Member States into		reported by the Member States into	
the European PRTR within 2		the European PRTR within [] 1	
months from completion of		month from completion of	
reporting by the Member States in		reporting by the Member States in	
accordance with paragraph 2.";		accordance with paragraph 2.";	
3. Article 11 is replaced by the following: Article 11 Confidentiality			
Whenever information is		Whenever information is	
considered confidential by a		considered confidential by a	
Member State in accordance with		Member State in accordance with	
Article 4 of Directive 2003/4/EC of		Article 4 of Directive 2003/4/EC of	
the European Parliament and of the		the European Parliament and of the	
Council, the report referred to in		Council*, the report referred to in	
Article 7(2) of this Regulation for		Article 7(2) of this Regulation for	
the reporting year concerned shall		the reporting year concerned shall	
indicate separately for each facility		indicate separately for each facility	
which information cannot be made		which information cannot be made	
public and why. That reason shall		public and why. []	
be made public.			

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column		
Article 8 Amendments to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market					
		ment 44 paragraph 1			
	Regulation (EU	J) No 995/2010 - paragraph 1			
In Article 20, the title and paragraphs (1), (2) and (3) are replaced by the following: "Article 20 Monitoring of implementation and access to information					
1. Member States shall make available to the public and the Commission, by 30 April of each year information on the application of this Regulation during the previous calendar year. The Commission may establish, by means of implementing acts, the format and procedure for Member States to make available such information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).	1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year information on the application of this Regulation during the previous calendar year. The Commission may establish, by means of implementing acts, the format and procedure for Member States to make available such information. Those implementing acts shall be adopted in accordance with the examination procedure referred	1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year information on the application of this Regulation during the previous calendar year. The Commission shall establish, by means of implementing acts, the format and procedure for Member States to make available such information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).			

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Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
	to in Article 19(2)	Coreper on 7 November 2018	fourth column
	to in Article 18(2).	4.45	
		ment 45	
		paragraph 1	
		995/2010/EU - paragraph 3	
3. By 3 December 2015 and every	3. By 3 December <b>2021</b> and	3. By 3 December 2015 and every	3. By 3 December 2015 and every
		1 -	
six years thereafter, the Commission shall, on the basis of	every <i>five</i> years thereafter, the Commission shall, on the basis	six years thereafter, the	<u>five</u> years thereafter, the
,	of information on and	Commission shall, on the basis of	Commission shall, on the basis of
information on and experience with		information, in particular	information, in particular
the application of this Regulation,	experience with the application	referred to in paragraph 1, and	referred to in paragraph 1, and
review the functioning and	of this Regulation, review the	experience with the application of	experience with the application of
effectiveness of this Regulation,	functioning and effectiveness of	this Regulation, review the	this Regulation, review the
including in preventing illegally	this Regulation, including in	functioning and effectiveness of	functioning and effectiveness of
harvested timber or timber products	preventing illegally harvested	this Regulation, including in	this Regulation, including in
derived from such timber being	timber or timber products	preventing illegally harvested	preventing illegally harvested
placed on the market. It shall in	derived from such timber being	timber or timber products derived	timber or timber products derived
particular consider the	placed on the market. It shall in	from such timber being placed on	from such timber being placed on
administrative consequences for	particular consider the	the market. It shall in particular consider the administrative	the market. It shall in particular consider the administrative
small and medium-sized enterprises	administrative consequences for small and medium-sized		
and product coverage. The		consequences for small and	consequences for small and
Commission shall report to the	enterprises and product	medium-sized enterprises and	medium-sized enterprises and
European Parliament and to the Council on the results of the review	coverage. The Commission	product coverage. The Commission	product coverage. The Commission
	shall report to the European Parliament and to the Council	shall report to the European Parliament and to the Council on	shall report to the European Parliament and to the Council on
and accompany such reports, if necessary, by appropriate	on the results of the review and	the results of the review and	the results of the review and
legislative proposals."	accompany such reports, if	accompany such reports, if	accompany such reports, if
legistative proposats.	1 2 1	necessary, by appropriate	necessary, by appropriate
	necessary, by appropriate legislative proposals.		legislative proposals."
	registative proposats.	legislative proposals."	registative proposats.

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the		
		Coreper on 7 November 2018	fourth column		
Article 9 Amendments to Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community					
	Amend	ment 46			
		graph 1 – point 1			
		(i) No 2173/2005			
		paragraph 1			
1. Member States shall make available to the public and the	1. Member States shall make available to the public and the	1. Member States shall make available to the public and the			
Commission, by 30 April of each	Commission, <i>at the latest</i> by 30	Commission, at the latest by 30			
year, information on the application	April of each year, information	April of each year, information			
of this Regulation during the	on the application of this	on the application of this			
previous calendar year.	Regulation during the previous	Regulation during the previous			
	calendar year.	calendar year:			
2. The Commission may establish,		2. The Commission <b>shall</b> establish,			
by means of implementing acts, the		by means of implementing acts, the			
format and the procedure for		format and the procedure for			
Member States to make available		Member States to make available			
the information referred to in		the information referred to in			
paragraph 1. Those implementing acts shall be adopted in accordance		paragraph 1. Those implementing acts shall be adopted in accordance			
with the examination procedure		with the examination procedure			
referred to in Article 11(3).		referred to in Article 11(3).			
3. Based on the information					
referred to in paragraph 1, the					
Commission services shall make					
publicly available, on an annual					
basis, a Union-wide overview on					

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
		Coreper on 7 November 2018	fourth column
the basis of the data submitted by			
the Member States.			

## Amendment 47 Article 9 – paragraph 1 – point 2

Regulation (EC) No 2173/2005 Article 9 – paragraph 1

By December 2021 and every 6 years thereafter, the Commission shall, on the basis of information on and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation. In doing so it should take into account the progress on implementation of the voluntary Partnership Agreements. The Commission shall report to the European Parliament and to the Council on the result of the review and accompany such reports where appropriate, by proposals for improvement of the FLEGT licensing scheme."

By December 2021 and every 5 years thereafter, the Commission shall, on the basis of information on and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation. In doing so it *shall* take the progress on implementation of the voluntary Partnership Agreements into account The Commission shall report to the European Parliament and to the Council on the result of the review every 5 years and accompany such reports where appropriate, by proposals for improvement of the FLEGT licensing scheme.

By December 2021 and every 6 years thereafter, the Commission shall, on the basis of information, in particular referred to in Art. **8(1),** and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation. In doing so it **shall** take into account the progress on implementation of the voluntary Partnership Agreements. The Commission shall report to the European Parliament and to the Council on the result of the review and accompany such reports where appropriate, by proposals for improvement of the FLEGT licensing scheme."

By December 2021 and every 5 years thereafter, the Commission shall, on the basis of information, in particular referred to in Art. 8(1), and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation. In doing so it **shall** take into account the progress on implementation of the voluntary Partnership Agreements. The Commission shall report to the European Parliament and to the Council on the result of the review every 5 years and accompany such reports where appropriate, by proposals for improvement of the FLEGT licensing scheme."

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column		
	Article 10				
Amendments to Council Regulation	on (EC) No 338/97 of 9 December 1990	1 0 1 0	auna and flora by regulating trade		
	the	rein			
"(b) On the basis of the data	T	"(b) On the basis of the	T		
submitted by the Member States		information submitted by the			
referred to in point (a), the		Member States referred to in point			
Commission services shall make		(a), the Commission services shall			
publicly available, before 31		make publicly available, before 31			
October each year a Union-wide		October each year a Union-wide			
overview on the introduction into,		overview on the introduction into,			
and the export and re- export from,		and the export and re- export from,			
the Union of specimens of the		the Union of specimens of the			
species to which this Regulation		species to which this Regulation			
applies and shall forward to the		applies and shall forward to the			
Convention Secretariat information		Convention Secretariat information			
on the species to which the		on the species to which the			
Convention applies.		Convention applies.			
Convenient approxi		convenien approxi			
	Amend	ment 48			
	Article 10 – para	graph 1 – point 1			
	Regulation (E	EC) No 338/97			
	Article 15 – para	graph 4 – point c			
(c) Without prejudice to Article 20,	(c) Without prejudice to Article		(c) Without prejudice to Article 20,		
the management authorities of the	20, the management authorities		the management authorities of the		
Member States shall, one year	of the Member States shall, one		Member States shall, one year		
before each meeting of the	year before each meeting of the		before each meeting of the		
Conference of the Parties to the	Conference of the Parties to the		Conference of the Parties to the		
Convention, communicate to the	Convention, communicate to		Convention, communicate to the		
Commission all the information	the Commission all the		Commission all the information		

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
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relating to the relevant preceding	information relating to the		relating to the relevant preceding
period required for drawing up the	relevant preceding period		period required for drawing up the
reports referred to in Article VIII.7	required for drawing up the		reports referred to in Article VIII.7
(b) of the Convention and	reports referred to in Article		(b) of the Convention and
equivalent information on the	VIII.7 (b) of the Convention		equivalent information on the
provisions of this Regulation that	and equivalent information on		provisions of this Regulation that
fall outside the scope of the	the provisions of this		fall outside the scope of the
Convention. The information to be	Regulation that fall outside the		Convention. The format for its
communicated and the format for	scope of the Convention. The		presentation shall be specified by
its presentation shall be specified	format for its presentation shall		the Commission by means of
by the Commission in accordance	be specified by the Commission		implementing acts. Those
with the regulatory procedure	in accordance with the		implementing acts shall be
referred to in Article 18(2).	examination procedure referred		adopted in accordance with the
	to in Article 18(2).		examination procedure referred to
	<u> </u>		in Article 18(2).
(d) On the basis of the of the data		(d) On the basis of the <b>information</b>	
submitted by the Member States		submitted by the Member States	
referred to in point (c), the		referred to in point (c), the	
Commission shall make publicly		Commission shall make publicly available a Union-wide overview	
available a Union-wide overview			
on the implementation and		on the implementation and	
enforcement of this Regulation.";		enforcement of this Regulation.";	
2. the following new point (e) is		2. the following new point (e) is	
added:		added:	
"(e) The management authorities of		"(e) The management authorities of	
the Member States shall		the Member States shall	
communicate to the Commission		communicate to the Commission	
before 15 April each year all the		before 15 <b>June</b> each year all the	
information relating to the		information relating to the	

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
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preceding year for drawing up the		preceding year for drawing up the	
annual illegal trade report referred		annual illegal trade report referred	
to in CITES Resolution Conf. 11.17		to in CITES Resolution Conf. 11.17	
(rev. CoP17).".		(rev. CoP17).".	
		ment 49	
		agraph 1 a (new)	
	•	CC) No 338/97	
D		paragraph 2	D 1 (* ( AN/ 40)
Present text	In Article 18, paragraph 2 is		Deletion (see AM 48)
2. Where reference is made to this	replaced by the following:		
paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply,	"2. Where reference is made to		
having regard to the provisions of	this <i>paragraph</i> , Article 5 of		
Article 8 thereof.	Regulation (EU) No 182/2011		
There o dictor.	shall apply.".		
The period laid down in Article			
5(6) of Decision 1999/468/EC shall			
be set at three months. As regards			
the Committee's tasks			
referred to in points 1 and 2 of			
Article 19, if, on the expiry of a			
period of three months from the			
date of referral to the Council, the			
Council has not acted, the			
proposed measures shall be adopted			
by the Commission.			

Commission proposal	EP amendments	Council position	Comments/ Suggestions in the
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Article 11			
		I mile me de la companya della companya della companya de la companya de la companya della compa	
This Regulation shall enter into		This Regulation shall enter into	This Regulation shall enter into
force on the day following that of		force on the day following that of	force on the day following that of
its publication in the <i>Official</i>		its publication in the <i>Official</i>	its publication in the <i>Official</i>
Journal of the European Union. It		Journal of the European Union. It	Journal of the European Union. It
shall apply from XXX.		shall apply from XXX. <b>However</b> ,	shall apply from the day of entry
		<b>Articles 7, 8, 9 and 10</b> [] shall	into force. However, Articles 7, 8,
		apply from 1 January 2020 and	$\overline{9}$ and $\overline{10}$ [] shall apply from $\overline{1}$
		Article 1 from [] 1 January	January 2020 and Article 1 from
		2022.	[] 1 January 2022.