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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	17 October 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 584 final
Subject:	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2007/2/EC as regards certain reporting requirements for infrastructures for spatial information

Delegations will find attached document COM(2023) 584 final.

Encl.: COM(2023) 584 final



EUROPEAN
COMMISSION

Brussels, 17.10.2023
COM(2023) 584 final

2023/0356 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Directive 2007/2/EC as regards certain reporting requirements for
infrastructures for spatial information**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

In its Communication on ‘Long-term competitiveness of the EU: looking beyond 2030’¹, the Commission has stressed the importance of a regulatory system that ensures that objectives are reached at minimum costs. It has committed therefore to a fresh push to rationalise and simplify reporting requirements, with the ultimate aim to reduce related burdens by 25%, without undermining the related policy objectives.

Reporting requirements play a key role in ensuring correct enforcement and proper monitoring of legislation. Their costs are overall largely offset by the benefit they bring, in particular in monitoring and ensuring compliance with key policy measures. Reporting requirements can however also impose disproportionate burdens on stakeholders, particularly affecting SMEs and micro-companies, also given organisational and technological developments that call for original reporting requirements to be adjusted. Their cumulation over time can result in redundant, duplicating or obsolete obligations, inefficient frequency and timing, or inadequate methods of collection. For this reason, several EU instruments creating reporting obligations include specific thresholds for smaller companies.

Streamlining reporting obligations and reducing administrative burdens is therefore a priority. In this context, the present proposal aims to simplify an initiative included in headline ambitions A European Green Deal and A Europe fit for the digital age in the policy area of Environment and affecting the following sectors: public services and professional services.

The proposal will rationalise reporting obligations under Directive 2007/2/EC by reducing the frequency of reporting requirements.

The rationalisation of reporting obligations addressed by this proposal concern public authorities, and may indirectly lead to reducing burden on businesses. More specifically, the less frequent reporting will lessen the burden on industries and utilities that are required to share data-sets identified in the Annexes to the Directive such as utility networks, location of production and industrial facilities, etc. No new obligations are added. The reporting obligation affected by this proposal will follow a biennial cycle instead of a yearly cycle.

- **Consistency with existing policy provisions in the policy area**

The proposal on the amendment of the Directive 2007/02/EC is part of a first package of measures to rationalise reporting requirements. This is a step in a process looking comprehensively at existing reporting requirements, with a view to assess their continued relevance and to make them more efficient.

The rationalisation introduced by these measures will not negatively affect the achievement of objectives in the policy area, since following a bi-annual reporting cycle instead of an annual reporting cycle still allows the capturing of implementation trends and evolutions in the Member States.

¹ COM(2023)168.

- **Consistency with other Union policies**

Under the Regulatory Fitness and Performance Programme (REFIT), the Commission ensures that its legislation is fit for purpose, targeted to the needs of stakeholders and minimises burdens while achieving its objectives. This proposal is therefore part of the REFIT programme, reducing the complexity of reporting burdens arising from the EU legal environment.

While certain reporting requirements are essential, they need to be as efficient as possible, avoiding overlaps, removing unnecessary burdens and using as much as possible digital and interoperable solutions.

The current proposal rationalises reporting requirements thus making the achievement of the objectives of legislation more efficient and less burdensome for public authorities.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for Directive 2007/2/EC is Article 192(1) of the Treaty on the Functioning of the European Union. Article 192(1) provides the legal basis for measures to protect the environment including the use of available data to inform environmental policy preparation.

- **Subsidiarity**

The reporting requirements concerned are imposed by EU law. Their rationalisation is therefore best done at EU level to ensure legal certainty and consistency of reporting. This will ensure a level playing field for public administrations across the EU, which will be benefiting from the rationalisation of reporting requirements arising from this proposal.

- **Proportionality**

The rationalisation of reporting requirements simplifies the legal framework by introducing minimum changes to existing requirements that do not affect the substance of the wider policy objective. The proposal is therefore limited to those changes that are necessary to ensure efficient reporting without changing any of the substantial elements of the legislation concerned.

- **Choice of the instrument**

Since the amendment to be made to Directive 2007/2/EC concerns the provision of information to the Commission by Member States, it does not need to be transposed. In this particular situation, it is therefore appropriate to use a decision for such amendment.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The 2022 evaluation of the INSPIRE Directive ⁽²⁾ found that the reporting burden can be further reduced in function of the alignment of INSPIRE provisions with regulatory reporting provisions in other environmental regulations. Moreover, making INSPIRE technically more efficient can support further administrative burden reduction by INSPIRE.

- **Stakeholder consultations**

N/A

- **Collection and use of expertise**

This proposal has been identified following a process of internal scrutiny of existing reporting obligations and based on the experience from implementation of the related legislation. Since this is a step in the process of continuous assessment of reporting requirements arising from EU legislation, the scrutiny of such burdens and of their impact on stakeholders will continue.

- **Impact assessment**

The proposal concerns limited and targeted changes of legislation in view of rationalising reporting requirements. They are based on experience from implementing legislation. The changes do not have significant impacts on the policy, but only ensure a more efficient and effective implementation. Their targeted nature and the lack of relevant policy options make an impact assessment not necessary.

- **Regulatory fitness and simplification**

This is a REFIT proposal, aiming to simplify legislation and cut burdens for stakeholders.

The proposal further simplifies reporting under Directive 2007/2/EC and coincides with other simplification initiatives (i.e., on rules for interoperability of data and network services) and the alignment with other data legislation (Open Data Directive).

- **Fundamental rights**

N/A.

4. BUDGETARY IMPLICATIONS

N/A.

² SWD(2022) 195 final, SWD(2022) 196 final.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Since the amendment to be made to Directive 2007/2/EC concerns the provision of information to the Commission by Member States, it does not need to be transposed.

- **Explanatory documents**

N/A.

- **Detailed explanation of the specific provisions of the proposal**

Article 1

Article 1 introduces a biennial reporting cycle instead of an annual reporting cycle. This reporting frequency is aligned with the frequency of reporting under Commission Implementing Regulation (EU) 2023/138 on High Value Datasets, that to a large extent has an overlapping data scope with Directive 2007/2/EC.

Proposal for a

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amending Directive 2007/2/EC as regards certain reporting requirements for infrastructures for spatial information

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements to ensure that they fulfil the purpose for which they were intended and to limit the administrative burden.
- (2) It is necessary to align the frequency and timing of reporting obligations on the implementation and use of Member States' infrastructures for spatial information with more recent horizontal digital data legislation as to reduce the administrative burden.
- (3) Directive 2007/2/EC of the European Parliament and of the Council³ lays down general rules aimed at the establishment of the Infrastructure for Spatial Information, for the purposes of Union environmental policies and policies or activities which may have an impact on the environment. Article 21(2) of that Directive requires Members State to update, if necessary, and publish a report including, among other things, a

¹ OJ C , , p. .

² OJ C , , p. .

³ 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).

summary description of the costs and benefits of implementing that Directive by 31 March of each year.

- (4) Taking into account the results of the Commission report⁴ on Actions to Streamline Environmental Reporting and the accompanying Fitness Check of Reporting and Monitoring of Union Environment Policy, Directive 2007/2/EC was amended by Regulation (EU) 2019/1010 of the European Parliament and of the Council⁵ to reduce the scope of reporting to the governance for its implementation and the reuse of public spatial data. The evaluation of Directive 2007/2/EC concluded by the Commission in 2022 found that there is scope to make it technically more efficient by means of further administrative burden reduction.
- (5) In order to reduce administrative burdens, it is appropriate to lower the frequency of reporting under Directive 2007/2/EC to once every two years.
- (6) Directive 2007/2/EC should therefore be amended accordingly.
- (7) Since the amendment to be made to Directive 2007/2/EC concerns the provision of information to the Commission by Member States, it does not need to be transposed. In this particular situation, it is therefore appropriate to use a decision for such amendment.

HAVE ADOPTED THIS DECISION:

Article 1

Amendment to Directive 2007/2/EC

In Article 21(2) of Directive 2007/2/EC, the first sentence is replaced by the following:

‘No later than 31 March every two years, starting from 31 March 2025, Member States shall update, if necessary, a summary report. Those reports, which shall be made public by the Commission services, shall include summary descriptions of:’.

Article 2

Entry into Force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁴ COM/2017/0312 final, Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee and the Committee of the Regions Actions to Streamline Environmental Reporting

⁵ Regulation (EU) 2019/1010 of the European Parliament and of the Council of 5 June 2019 on the alignment of reporting obligations in the field of legislation related to the environment, and amending Regulations (EC) No 166/2006 and (EU) No 995/2010 of the European Parliament and of the Council, Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU of the European Parliament and of the Council, Council Regulations (EC) No 338/97 and (EC) No 2173/2005, and Council Directive 86/278/EEC (OJ L 170, 25.6.2019, p. 115).

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President