



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.03.1999  
COM(1999) 122 final

97/ 168 (SYN)

Re-examined proposal for a

**COUNCIL REGULATION**

**amending Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European environment information and observation network**

(presented by the Commission pursuant to Article 189c (d)  
of the EC Treaty)

## **EXPLANATORY MEMORANDUM**

On 13<sup>th</sup> June 1997, the Commission adopted a proposal to amend the Council Regulation (EEC) No 1210/90 in the European Environment Agency (COM/97/282 - SYN 97/168 - OJ C 255, 20.8.1997).

The Economic and Social Committee adopted its opinion in December 1997 (OJ C 73, 9.3.1998).

The European Parliament delivered its opinion on the First Reading on 18<sup>th</sup> February 1998 ( OJ C 80 , 16.3.1998).

The Committee of the Regions adopted its opinion on 12<sup>th</sup> March 1998 (OJ C 180, 11.6.1998).

The Commission adopted its Amended proposal on 24<sup>th</sup> March 1998 (COM/98/191 final - OJ C 123 , 22.4.1998).

The Council formally adopted its Common Position on 20<sup>th</sup> July 1998 (OJ C 364, 25.11.1998).

The European Parliament examined the Council's Common Position at Second Reading on 9<sup>th</sup> February 1999 and approved it, subject to 9 amendments.

Pursuant to Article 189c (d) of the Treaty, the Commission submits the present re-examined proposal for a Council Decision amending Regulation (EEC) No 1210/90 on the European Environment Agency. This proposal incorporates some amendments following the Second Reading in Parliament.

### **Amendments accepted in full by the Commission**

Amendment 3 introduces a precision into Article 2(xi) of the original Regulation that Agency environmental information should be 'reliable and comparable', in line with Agency objectives.

Amendment 8 clarifies the intention of the original Commission proposal on membership of the Bureau of the Agency Management Board to ensure that the Commission and Parliament, as well as Member States, are represented.

### **Amendments partially accepted by the Commission**

Amendment 2 inserts a reference to development and maintenance of a reference centre. This is acceptable. The Commission however cannot support the reference to a data register, which was rejected in the Common Position, as this would effectively alter reporting systems established under other legislation. The reference to 'compliance' is not accepted as the Agency information is only suitable for an indirect assessment of the effectiveness of Community environmental legislation.

### **Amendments not accepted by the Commission**

Amendment 1 returns to a position on Agency advice on monitoring systems that was rejected in the Common Position. The Commission accepts the Common Position,

which is based on the view that the national monitoring systems are a matter for Member States. The reference to co-operation between Agency and Commission is unnecessary as it is already covered in the objectives set out in Article 1.

Amendment 4 is considered unnecessary as freedom of access to Agency information is already adequately covered by Article 6 of the existing Regulation.

Amendment 5 makes reference to compliance (see above reference to Amendment 2) and unnecessary reference to evaluation of policy (adequately covered in Article 1 of the existing Regulation).

Amendment 6 is inflexible and obliges co-operation with IMPEL, which is 'just' an informal network, and 'other bodies'.

Amendment 7 seeks to reverse the text of the Common Position, which the Commission supports, that expresses the will of Member States to avoid any binding legal requirements on them to furnish information to the Agency.

Amendment 9 restores text related to future reviews that were inadvertently missing from the published Common Position. However, the Commission cannot accept the reference to the evaluation of the cost-effectiveness of centralised and decentralised [Community environmental ] actions for the following reasons:

- the original proposal also makes provision for a performance and efficiency review;
- the Agency's cost-effectiveness cannot be considered in the wider framework of the EU's Institutions, rather cost-effectiveness must be a criterion for review on the basis of the Agency's own role and objectives.

Re-examined Proposal for a

## COUNCIL REGULATION

**amending Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European environment information and observation network**

**(presented by the Commission pursuant to Article 189c (d) of the EC Treaty)**

*Common Position*

*Amended text*

### Article 1(2) (a)

1. (iii) to record, collate and assess data on the state of the environment, to draw up expert reports on the quality, sensitivity and pressures on the environment within the territory of the Community, to provide uniform assessment criteria for environmental data to be applied in all Member States, to develop further a reference centre on the environment. The Commission shall use this information in its task of ensuring the implementation of Community legislation on the environment;

1. (iii) to record, collate and assess data on the state of the environment, to draw up expert reports on the quality, sensitivity and pressures on the environment within the territory of the Community, to provide uniform assessment criteria for environmental data to be applied in all Member States, to develop further and maintain a reference centre on the environment. The Commission shall use this information in its task of ensuring the implementation of Community legislation on the environment;

### Article 1(2)(b)

2. (xi) to ensure the broad dissemination of environmental information, in particular on the state of the environment, to the general public and, to this end, to promote the use of new telematics technology for this purpose;

2. (xi) to ensure the broad dissemination of reliable and comparable environmental information, in particular on the state of the environment, to the general public and, to this end, to promote the use of new telematics technology for this purpose;

*Common Position*

*Amended text*

Article 1(5)(b)

The Management Board shall elect a bureau to which it may delegate executive decisions, according to the rules that it shall adopt.

The Management Board shall elect a bureau to which it may delegate executive decisions, according to the rules that it shall adopt. The Bureau shall include amongst its members one of the Board members designated by the European Parliament and one of the representatives of the Commission on the Board.

## **ANNEX - Amendments not accepted by the Commission**

(Amendment 1 )

ARTICLE 1(2)(a) Article 2(ii), 3rd indent (Regulation (EEC) No 1210/90)

Common position of the Council

Amendments by Parliament

- to advise individual Member States, *upon their request and* where this is consistent with the Agency's *annual* work-programme, on the development, establishment and expansion of their systems for the monitoring of environmental measures, provided such activities do not endanger the fulfilment of the other tasks established by this Article. Such advice may also include peer reviews by experts *at the specific request of Member States.*

*The information, assistance and advice under point (ii) can be required by a Member State, the Commission or other EU institutions or be provided by the Agency on its own initiative.*

*The Commission shall in general seek to cooperate with the Agency in cases where appropriate information can be provided by the Agency to support Commission initiatives or implementation of acts.*

*Such requests should in normal circumstances be in line with the Agency's approved working programmes.*

(Amendment 4)

ARTICLE 1(2)(b) Article 2(xiiia) (new) (Regulation (EEC) No 1210/90)

Common position of the Council

Amendments by Parliament

*(xiiia) to use the reference centre of information on the environment to ensure freedom of access to validated information on the environment, in accordance with the requirements set out in Council Directive 90/313/EEC on the freedom of access to information on the environment<sup>(1)</sup>.*

<sup>(1)</sup> OJ L 158, 23.6.1990, p. 56.

(Amendment 5)

ARTICLE 1(3)(b)(-i) (new) Article 3(2), 1st subparagraph (Regulation (EEC) No 1210/90)

Common position of the Council

Amendments by Parliament

*(-i) the first subparagraph is replaced by the following:  
"The Agency shall furnish information which can be directly used in the implementation and evaluation of, and compliance with, Community environmental policy."*

(Amendment 6)

ARTICLE 1(3)(c) Article 3(3), 1st subparagraph (Regulation (EEC) No 1210/90)

Common position of the Council

Amendments by Parliament

3. The Agency *may* also cooperate in the exchange of information with other bodies, including with the IMPEL network.

3. The Agency *shall* also cooperate in the exchange of information with *and assist* other bodies, including with the IMPEL network.

(Amendment 7)

ARTICLE 1(4)(a) Article 4(2), 2nd subparagraph (Regulation (EEC) No 1210/90)

Common position of the Council

Amendments by Parliament

Member States shall keep the Agency informed of the main component elements of their national environment information networks. Member States shall, *as appropriate*, cooperate with the Agency and contribute to the work of the European environment information and observation network in accordance with the work programme of the Agency by collecting, collating and analysing data nationwide. Member States may also join to cooperate in these activities at a transnational level.

Member States shall keep the Agency informed of the main component elements of their national environment information networks. Member States shall cooperate with the Agency and contribute to the work of the European environment information and observation network in accordance with the work programme of the Agency by collecting, collating and analysing data nationwide. Member States may also join to cooperate in these activities at a transnational level.

(Amendment 9)

ARTICLE 1(8a)(new) Article 20 (Regulation (EEC) No 1210/90)

Common position of the Council

Amendments by Parliament

8a. Article 20 is replaced by the following:

"1. Not later than 31 December 2003, on the basis of a report from the Commission, the Council shall review the progress of and tasks undertaken by the Agency in relation with the Union's global policy on the environment. This report shall contain a cost effectiveness evaluation on centralised and decentralised actions.

2. The Agency shall conduct an evaluation of its performance and efficiency before 15 September 1999 and submit a report to the management board, the Commission and the European Parliament."