



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.07.1995  
COM(95) 325 final

95/0184 (CNS)

**COMMUNICATION FROM THE COMMISSION  
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

**Review of the development and implementation of Council Regulation (EEC) No.  
1210/90 on the establishment of the European Environment Agency and the  
European Environment Information and Observation Network**

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Draft

**COUNCIL RESOLUTION**

**on the development and implementation of the European Environment Agency**

(presented by the Commission)



## Introduction

1. The Council Regulation (EEC) 1210/90<sup>1</sup> which formally established the European Environment Agency (subsequently referred to as the EEA or Agency) made provision in its Article 20 for a decision by Council on the possibility of further tasks for the Agency. This Decision would be made in consultation with Parliament and on the basis of proposals in a report from the Commission. The Regulation stipulates that the Council make a decision no later than two years after the entry into force of the EEA Regulation. The Regulation came into force on the 30th October 1993 following the decision on 29th October 1993 to locate the EEA in Copenhagen, so the decision should be taken by 30th October 1995.
2. This Communication deals with three inter-related issues:
  - the requirement of Article 20 of the EEA Regulation to undertake a review of whether to propose further tasks for the Agency;
  - the need to establish, develop and improve the underlying infrastructure of the European Environmental Information and Observation Network (EIONET);
  - the need to establish the nature of participation of third countries in the Agency.

## Review of further tasks of the Agency

3. While the Regulation came into force in October 1993, in practice, the Agency only started operations in mid-1994. This was principally due to the time required to recruit an Executive Director, to put a minimal operative staff into place and for equipping premises. The Agency expects to be fully equipped and operational by the end of 1995.
4. In its short life, as described in the 1994 Annual General Report (see Annex 2), the Agency has successfully begun to implement the objectives described in the Council Regulation. In particular, the following activities have been undertaken:
  - production and agreement on a multi-annual Work Programme (1994 - 1999) and an annual Work Programme for 1994 / 1995 which, currently, is being carried out;
  - beginning of the establishment of the EEA's network, known as EIONET, selection and appointment of five European Topic Centres and close co-operation with National Focal Points;
  - the production of the pan-European "Europe's Environment. The Dobris assessment" report on the state of the environment.;This initial work bodes well for the success of the Agency in meeting its two principal objectives as a collator and provider of data and of technical and scientific support to the Union and to Member States.
5. However, the Agency, its Management Board and the Commission all recognise that before the Agency can be said to be fully established, the EIONET network for the gathering of data needs to be in place and operating. At present, EIONET is still in its early stages and requires improvements, particularly at the infrastructure level in

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<sup>1</sup> Council Regulation (EEC) 1210/90 of 7th May 1990 on the establishment of the European Environment Agency and the European environment information and observation network.

several Member States.

6. The Regulation contained a number of provisions aimed at assessing the progress and scope of the EEA's work. This includes an assessment of whether further tasks should be undertaken by the Agency. At this early stage in the Agency's life it would be premature to add to the workload the Agency already has to deal with. It is essential that, before any extension of work is agreed upon, the Agency be given sufficient time to complete its basic tasks of collection of basic information and the establishment of EIONET as well as the remaining tasks in its annual Work Programme.
7. The Commission believes that two full years of operations, with a full staff in post, are required by the Agency to fulfil its initial obligations and lay the basis for a successful undertaking of further work. The Commission therefore proposes to Council and Parliament that an extension of two years from October 30th 1995 be given before the decision required by Article 20 of the Regulation 1210/90 needs to be taken. This would allow the Agency to concentrate on and complete its initial tasks in the two year time period originally foreseen. It will further permit the Commission's Report to reflect on the experience of the Agency in practice and to be able to propose, if required, appropriate further tasks for the Agency. In the meantime, the Agency will continue to produce Annual General Reports on its activities which shall be forwarded to the European Parliament, the Council, the Commission and Member States.

#### **Improving the EIONET Infrastructure**

8. Article 2 of the Regulation requires the Agency to establish, in co-operation with Member States, and co-ordinate a network of organisations to collaborate in the provision of the information at European level which will enable the Community and the Member States to take the requisite measures to protect the environment. The network is defined in Article 4 and consists of:
  - the main component elements of the national information networks (to be identified by Member States)
  - the national focal points (designated by Member States)
  - the topic centres (chosen by decision of the EEA Management Board)
9. A number of these network components have been identified and have begun to operate. However, in many cases the infrastructure and means to fully contribute to the gathering and exchange of information are not yet sufficiently developed and available in all Member States. In particular, the network needs organisations who can make an active contribution to the Agency's tasks.
10. The upgrading of this infrastructure by Member States in 1996 is of fundamental importance to the proper functioning of the Agency and the carrying-out of its work programme and should be completed before any review of tasks takes place. On the basis of the experience gained, financial support is required to ensure that the network develops and plays a full role.
11. For its part, the Commission undertakes to consider all possibilities, including the recourse to existing financial instruments, for providing support where it is needed.

### **Participation of third countries in the Agency**

12. Article 19 of the Regulation stipulates that "The Agency is open to countries which are not members of the European Communities but which share the concern of the Communities and the Member States for the objectives of the Agency under agreements concluded between them and the Community following the procedure in Article 228 of the Treaty".
13. At present, besides the fifteen Member States, Iceland, Norway and Liechtenstein are members of the Agency following the agreement on the European Economic Area. Interest in participation in the work of the Agency has been expressed by Switzerland and Central and Eastern European countries.
14. The considerable interest generated in third countries reflects the pan-European nature of environmental problems. The Commission and the Agency are aware that certain aspects of environmental policy, eg river and air pollution, require information from areas outside of the European Union. In order to gather this data, the Agency needs to build links with appropriate institutions in those countries which can provide the information required. These links can be in the form of agreements, legal or otherwise, with key organisations identified by the Agency. In the meantime, third countries would have the possibility to apply for membership of the Agency according to the procedure of Article 228 of the Treaty.

### **Council Resolution**

15. The Council is invited to endorse a Resolution along the following guide-lines:
  - the decision of the Council regarding the review of further tasks be delayed for two years, ie until 30th October 1997;
  - Member States undertake the necessary efforts to bring their national networks to an appropriate level in 1996;
  - on the basis of need, the Commission should seek to assist and support Member States in overcoming the obstacles they face in the building of EIONET;
  - bi-lateral arrangements may be pursued with institutions in third countries, where necessary for the completion of the EEA's work-programme.
  - participation in the tasks of the Agency is open to countries which are not members of the European Community, subject to the procedure of Article 228 and other requirements of the Treaty.

**DRAFT**

**Council Resolution XXX/95**

95/0184 (CNS)

**of xx/xxx 1995**

**on the development and implementation of the European Environment Agency**

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Communication from the Commission on the Review of the development and implementation of Council Regulation (EEC) No. 1210/90 on the establishment of the European Environment Agency (EEA) and the European Environment Information and Observation Network (EIONET),

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Management Board of the EEA,

Whereas the Council Regulation (EEC) no. 1210/90 of 7th May 1990<sup>1</sup> makes provision in its Article 20 for a decision on further tasks for the Agency, based on a Report from the Commission, no later than two years after the entry into force of the Regulation;

Whereas, in accordance with Article 21 of the Regulation (EEC) 1210/90, the Regulation came into force on the 30 October 1993, the day following the decision of the competent authorities to locate the seat of the Agency in Copenhagen;

Whereas the Agency started to operate only in mid-1994 with its full staff not in post until the end of 1995 and whereas it would be desirable to allow at least two full years of operations by the Agency before a decision is made on the assignment of further tasks to it;

Whereas Articles 2 and 4 of Council Regulation (EEC) 1210/90 provide for the building of a network of organisations in its member countries which can contribute to the completion of the tasks of the Agency;

Whereas Article 19 of Regulation 1210/90 opens the Agency to countries who are not members of the European Communities who conclude an agreement with the Community following the procedure in Article 228 of the Treaty;

1. WELCOMES AND SUPPORTS the communication from the Commission.
2. CONSIDERS that since beginning operations in practice, the European Environment Agency has made progress in the achievement of the tasks assigned to it through:

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<sup>1</sup> OJ No L 120/5, 11 May 1990, p1.

- the recruitment of an executive Director and its operative staff;
- the adoption and carrying-out of an annual and multi-annual work programme;
- the establishment of topic centres, national focal points and basic elements of its Network.

3. RECOGNISES that the setting-up of the Agency and its network (EIONET) is a complex operation due to the high number of institutions involved.

4. NOTES that the tasks assigned to the Agency require the full operational capacity of the Agency and EIONET.

5. CONSIDERS that any decision on further tasks would be premature before the Agency has been fully operational for two years and before the complete establishment of its network and thus CONFIRMS that the decision foreseen in Article 20 of Regulation 1210/90 should be delayed for two years, until 30th October 1997.

6. UNDERLINES the need for national networks to be upgraded to an appropriate level in 1996 and therefore URGES Member States to make the necessary effort to ensure that the necessary infrastructure is operational. REQUESTS the Commission to assist and give support to Member States, within the framework of existing Community instruments, where required to overcome the obstacles faced at national level.

7. RECALLS that the Regulation 1210/90 has foreseen the possibility for third countries to become members of the Agency through following the procedures of Article 228 of the Treaty.

8. CONSIDERS useful that the Agency enters into agreements with institutions in third countries who can provide data necessary for the successful completion of the Agency's work.

9. INVITES the Commission to take the necessary measures to ensure that the Report foreseen by Article 20 of the Regulation 1210/90 is furnished to the Council in time for a decision on further tasks which should be taken before 30th October 1997.

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