



23.8.2018

DRAFT OPINION

of the Committee on Legal Affairs

for the Committee on the Environment, Public Health and Food Safety

on the 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
(COM(2018)0381 – C8-0244/2018 – 2018/0205(COD))

Rapporteur for opinion: Heidi Hautala

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Directive 86/278/EEC

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall, no later than 1 January 2021 and at least every three years thereafter, carry out an evaluation of this Directive and its implementation. The Commission shall report to the European Parliament and to the Council on the results of this evaluation and accompany such reports, if necessary, by appropriate legislative proposals.

Or. en

Amendment 2

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Directive 2002/49/EC

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member States shall ensure that the information from strategic noise maps and summaries of the action plans as referred to in Annex VI are sent to the Commission within six months of the dates laid down in Articles 7 and 8 respectively. For that purpose, Member States shall only report the information electronically to the data repository ***to be established in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).*** In case a Member State wants to update

2. The Member States shall ensure that the information from strategic noise maps and summaries of the action plans as referred to in Annex VI are sent to the Commission within six months of the dates laid down in Articles 7 and 8 respectively. For that purpose, Member States shall only report the information electronically to the data repository. In case a Member State wants to update information, it shall describe the differences between the updated and original information and the

information, it shall describe the differences between the updated and original information and the reasons for the update when making the updated information available to the data repository.

reasons for the update when making the updated information available to the data repository. ***The Commission shall adopt delegated acts in accordance with Article 10a to supplement this Directive concerning the setting up of the data repository.***

Or. en

Amendment 3

Proposal for a regulation

Article 2 – paragraph 1 – point 4 a (new)

Directive 2002/49/EC

Article 10a

Text proposed by the Commission

Amendment

4 a. The following Article is added:

Article 10a

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(2) shall be conferred on the Commission for a period of five years from... [OJ: date of entry into force of Regulation (EU) 2018/... of the European Parliament and of the Council*+]. The Commission shall draw up a report in respect of 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(2) 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 simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 10(2) 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 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.

** Regulation (EU) 2018/... of the European Parliament and of the Council of ... on [the alignment of reporting obligations in the field of environment policy ...], (OJ L ..., p. ...).*

+ OJ: Please insert in the text the number, of the Regulation contained in document 2018/0205(COD) and insert the number, name, date and OJ reference of that Regulation in the footnote.

Or. en

Amendment 4

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Directive 2002/49/EC

Annex VI – point 3

Text proposed by the Commission

"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).

Amendment

The Commission, assisted by the European Environment Agency, shall ***adopt delegated acts in accordance with Article 10a to supplement this Directive concerning the development of*** 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).

Or. en

Amendment 5

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Directive 2004/35/EC

Article 18 – paragraph 4 – introductory part

Text proposed by the Commission

4. The Commission shall, ***at regular intervals***, carry out an evaluation of this Directive. The evaluation shall be based, inter alia, on the following elements:

Amendment

4. The Commission shall, ***no later than 1 January 2021 and at least every three years thereafter***, carry out an evaluation of this Directive. The evaluation shall be based, inter alia, on the following elements:

Or. en

Amendment 6

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Directive 2004/35/EC
Article 18 – paragraph 4 – point a

Text proposed by the Commission

(a) the experience gathered with the implementation of this Directive;

Amendment

(a) the experience gathered with the implementation of this Directive *in terms of actual remediation of environmental damage, in particular in relation to any incidents of environmental damage caused by genetically modified organisms (GMOs), the application of this Directive to protected species and natural habitats, the right of an operator to limit his liability in accordance with the international conventions referred to in Article 4(3), and the exclusion of pollution covered by the international instruments listed in Annexes IV and V from the scope of this Directive;*

Or. en

Amendment 7

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Directive 2004/35/EC

Article 18 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) an analysis of the developments and changes within the relevant international fora and their implementation in the Member States.

Or. en

Amendment 8

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Directive 2004/35/EC

Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a *The Commission shall report to the European Parliament and to the Council on the results of the evaluation referred to in paragraph 4 and accompany such report, if necessary, by appropriate legislative proposals.*

Or. en

Amendment 9

Proposal for a regulation

Article 4 – paragraph 1 – point 2

Directive 2007/2/EC

Article 23 – paragraph 2

Text proposed by the Commission

The Commission shall, *at regular intervals*, carry out an evaluation of this Directive. The evaluation shall be based, inter alia, on the following elements:

Amendment

The Commission shall, *no later than 1 January 2021 and at least every three years thereafter*, carry out an evaluation of this Directive. The evaluation shall be based, inter alia, on the following elements:

Or. en

Amendment 10

Proposal for a regulation

Article 4 – paragraph 1 – point 2

Directive 2007/2/EC

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall report to the European Parliament and to the Council on the results of the evaluation referred to in paragraph 2 and accompany such report, if necessary, by appropriate legislative proposals.

Amendment 11

Proposal for a regulation

Article 5 – paragraph 1 – point 1

Directive 2009/147/EC

Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall forward to 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.”;

Amendment

1. Member States shall forward to 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. ***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 Directive.

Or. en

Amendment 12

Proposal for a regulation

Article 5 – paragraph 1 – point 2

Directive 2009/147/EC

Article 12 – paragraph 2 – first sentence

Text proposed by the Commission

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..

Amendment

The Commission, assisted by the European Environment Agency, shall ***publish*** every six years a composite report based on the information referred to in paragraph 1.

Amendment 13

Proposal for a regulation

Article 6 – paragraph 1 – point 2 – point a

Directive 2010/63/EU

Article 54 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The Commission services shall publish a Union overview on the basis of *the* data *submitted by the Member States*.

Amendment

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 a Union overview on the basis of *that* data.

Or. en

Amendment 14

Proposal for a regulation

Article 6 – paragraph 1 – point 2 – point a

Directive 2010/63/EU

Article 54 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Commission shall, no later than 1 January 2021 and at least every three years thereafter, carry out an evaluation of this Directive and its implementation, based in particular on the information received from the Member States under Article 54(1), and taking into account advancements in the development of alternative methods not entailing the use of animals. The Commission shall report to the European Parliament and to the Council on the results of this evaluation and accompany such report, if necessary, by appropriate legislative proposals.

Amendment 15

Proposal for a regulation

Article 6 – paragraph 1 – point 2 – point b

Directive 2010/63/EU

Article 54 – paragraph 4

Text proposed by the Commission

4. The Commission shall establish a common format and information content for submitting the information referred to in paragraphs 1, 2 and 3 in accordance with the *regulatory* procedure referred to in Article 56(3).;

Amendment

4. The Commission shall establish a common format and information content for submitting the information referred to in paragraphs 1, 2 and 3 in accordance with the *examination* procedure referred to in Article 56(3).

Or. en

Amendment 16

Proposal for a regulation

Article 6 – paragraph 1 – point 2 a (new)

Directive 2010/63/EU

Article 56 – paragraph 3

Present text

3. Where reference is made to this paragraph, *Articles 5 and 7 of Decision 1999/468/EC* shall apply, *having regard to the provisions of Article 8 thereof.*

Amendment

2 a. In Article 56, paragraph 3 is replaced by the following:

3. Where reference is made to this paragraph, *Article 5 of Regulation (EU) No 182/2011* shall apply.

Or. en

Amendment 17

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

3. By 3 December 2015 and every *six* 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, including in preventing illegally harvested timber or timber products derived from such timber being placed on the market. It shall in particular consider the administrative consequences for small and medium-sized enterprises and product coverage. The Commission shall report to the European Parliament and to the Council on the results of the review and accompany such reports, if necessary, by appropriate legislative proposals.

Amendment

3. By 3 December 2015 and every *three* 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, including in preventing illegally harvested timber or timber products derived from such timber being placed on the market. It shall in particular consider the administrative consequences for small and medium-sized enterprises and product coverage. The Commission shall report to the European Parliament and to the Council on the results of the review and accompany such reports, if necessary, by appropriate legislative proposals.

Or. en

Amendment 18

Proposal for a regulation

Article 9 – paragraph 1 – point 2

Regulation (EC) No 2173/2005

Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

By December 2021 and every *three* 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.

of the FLEGT licensing scheme.

Or. en

Amendment 19

Proposal for a regulation

Article 10 – paragraph 1 – point 1

Regulation (EC) No 338/97

Article 15 – paragraph 4 – point c

Text proposed by the Commission

(c) Without prejudice to Article 20, the management authorities of the Member States shall, one year before each meeting of the Conference of the Parties to the Convention, communicate to the Commission all the information relating to the relevant preceding period required for drawing up the reports referred to in Article VIII.7 (b) of the Convention and equivalent information on the provisions of this Regulation that fall outside the scope of the Convention. The information to be communicated and the format for its presentation shall be specified by the Commission in accordance with the *regulatory* procedure referred to in Article 18(2).

Amendment

(c) Without prejudice to Article 20, the management authorities of the Member States shall, one year before each meeting of the Conference of the Parties to the Convention, communicate to the Commission all the information relating to the relevant preceding period required for drawing up the reports referred to in Article VIII.7 (b) of the Convention and equivalent information on the provisions of this Regulation that fall outside the scope of the Convention. The information to be communicated and the format for its presentation shall be specified by the Commission in accordance with the *examination* procedure referred to in Article 18(2).

Or. en

Amendment 20

Proposal for a regulation

Article 10 – paragraph 1 – point 1 a (new)

Regulation (EC) No 338/97

Article 18 – paragraph 2

Present text

2. Where reference is made to this

Amendment

1 a. In Article 18, paragraph 2 is replaced by the following:

2. Where reference is made to this

paragraph, *Articles 5 and 7 of Decision 1999/468/EC* shall apply, *having regard to the provisions of Article 8 thereof.*

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.

paragraph, *Article 5 of Regulation (EU) No 182/2011* shall apply.

Or. en