

PE-CONS No/YY - 2018/0205(COD)

REGULATION NO .../ ...  
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

on the alignment of reporting obligations in the field of *legislation related to the environment*  
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

(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  
114, 192(1) and 207 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 Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> OJ C [...], [...], p. [...].

Whereas:

- (1) In order to address the need for implementation and compliance information, amendments of several pieces of **■** legislation *related to the environment* should be introduced, taking into account the results of the Commission Report on Actions to Streamline Environmental Report<sup>3</sup> and its related Fitness Check<sup>4</sup>.
- (2) *This Regulation seeks to 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.*
- (3) It is necessary that accessibility to data should ensure that the administrative burden on all entities remains as limited as possible, *especially on non-governmental entities such as small and medium sized enterprises (SMEs)*. It requires active dissemination at national level in accordance with Directives 2003/4/EC<sup>5</sup> and 2007/2/EC<sup>6</sup> 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.

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<sup>3</sup> COM(2017) 312.

<sup>4</sup> SWD(2017) 230.

<sup>5</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>6</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).

- (4) *The data and the process of Member States' comprehensive and timely reporting is essential for the Commission to monitor, review and assess the performance of the legislation against the objectives it pursues in order to inform any future evaluation of the legislation, in accordance with paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016<sup>7</sup>. It is appropriate to add provisions to several legislative acts in the environmental sector for the purpose of their future evaluation, on the basis of data collected during implementation, possibly complemented by additional scientific, analytical data. In that context, there is a need for relevant data that will allow better assessment of the efficiency, effectiveness, relevance, coherence and EU value added of Union legislation, hence the necessity to ensure appropriate reporting mechanisms that can also serve as indicators for this purpose *both for decision-makers and for the general public.**

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<sup>7</sup> OJ L 123, 12.5.2016, p. 1.

- (5) It is necessary to amend the reporting obligations laid down in Articles 10 and 17 of Council Directive 86/278/EEC. The obligation to report to the Commission should be simplified and, at the same time, Member States should be required to ensure a higher level of transparency, whereby the required information will be made available in an easily accessible manner, electronically, in line with the requirements of Directives 2003/4/EC and Directive 2007/2/EC, in particular on public access, data-sharing and services. *Given the over-riding importance of enabling Union citizens to quickly access environmental information, it is essential that the Member States make data publicly available as fast as technically feasible with the aim of having the information available within three months of the year end.*

- (6) In accordance with the evaluation of Directive 2002/49/EC of the European Parliament and of the Council<sup>8</sup> there is a need to streamline the reporting deadlines for noise maps and action plans to allow sufficient time for public consultation of action plans. To that end, and for one time only, the deadline for the review or revision of the action plans is postponed by one year so that the deadline of the next round (the fourth round) of action plans is not 18 July 2023 but 18 July 2024. Thus, from the fourth round onwards, the Member States will have approximately two years between making the noise maps and completing the review or revision of action plans instead of 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 *comprehensible, accurate and comparable* information to be made publicly available while aligning this obligation to other Union legislation, such as Directive 2007/2/EC, without duplicating practical requirements.

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<sup>8</sup> 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, 18.7.2002).

- (7) *The Union is committed to strengthen the evidence base of the Environmental Liability Directive in a transparent way, as undertaken by the Commission's Expert Group on Directive 2004/35/EC. In order to facilitate comparable evidence, guidelines providing a common understanding of "environmental damage" as defined in article 2 of the Environmental Liability Directive should be developed by the Commission.*
- (8) Based on the Commission report to the Council and the European Parliament concerning the implementation of Directive 2007/2/EC and the REFIT evaluation<sup>9</sup>, it is appropriate, with a view to simplifying the implementation of that Directive and reducing administrative burden related to monitoring by Member States, to no longer require Member States to send to the Commission triennial reports, and the Commission to present to the European Parliament and to the Council a summary report, because the reporting Fitness Check confirmed the limited use of such reports<sup>10</sup>. *Nevertheless, the Commission should continue to carry out, every five years, an evaluation of that Directive and make that evaluation publicly available.*

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<sup>9</sup> COM(2016) 478 and SWD(2016) 273

<sup>10</sup> COM(2017) 312.

- (9) The Fitness Check of Directives 2009/147/EC<sup>11</sup> and 92/43/EEC<sup>12</sup> concluded that the a three year reporting cycle is required under Directive 2009/147/EC, however this has in practice already been done with the same reporting cycle of six years as for the Directive 92/43/EEC, with a similar primary focus on providing up to date information on status and trends of species. The need for a streamlined implementation of the two Directives justifies the need to adapt the legislation to the practice, by ensuring a *sixyearly* status assessment, while acknowledging that Member States do the necessary monitoring activities for some vulnerable species. This joint practice should also facilitate the preparation of the six yearly reports on application of the Directives that Member States to submit to the Commission. In order to ensure an assessment of the policy progress, Member States should be required to provide information, in particular, on the status and trends of wild bird species, the threats and pressures on them, the conservation measures taken and the contribution of the network of Special Protection Areas to the objectives of the Directive.

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<sup>11</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7.)

<sup>12</sup> SWD(2016) 472 final

- (10) It is necessary to amend the reporting obligations laid down in Articles 43, 54 and 57 of Directive 2010/63/EU of the European Parliament and of the Council<sup>13</sup>. These provisions include, with the objective of improving transparency and reducing administrative burden, the establishment of a central, open-access searchable database for non-technical project summaries and related retrospective assessments, conferral of implementing powers on the Commission to establish a common format for the submission of non-technical project summaries and related retrospective assessments, information on implementation and replacing the three-yearly statistical reporting by the Commission by the requirement of setting up a dynamic central database hosted by the Commission and releasing information on a yearly basis.

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<sup>13</sup> 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).



(11) In accordance with the findings of the REFIT evaluation<sup>14</sup> of Regulation (EC) No 166/2006 of the European Parliament and of the Council<sup>15</sup>, it is necessary to amend or abolish the reporting obligations laid down in that Regulation. In order to enhance coherence with reporting under Directive 2010/75/EU of the European Parliament and of the Council<sup>16</sup>, it is necessary to confer implementing powers to the Commission to establish the type, format and frequency of information to be made available under Regulation (EC) No 166/2006, and to abolish the reporting format currently laid down in that Regulation. *Given the over-riding importance of enabling Union citizens to quickly access environmental information, it is essential that the Member States and the Commission make data publicly available as fast as technically feasible with the aim of having the information available within three months of the year end, including by progressing towards this objective through an implementing act under this Regulation.* It is also necessary to amend Article 11 of Regulation (EC) No 166/2006 on confidentiality to ensure greater transparency of reporting to the Commission. To minimise administrative burden on Member States and the Commission, it is further necessary to abolish the reporting obligations laid down in Articles 16 and 17 of Regulation (EC) No 166/2006, as these provide information that is of limited value or does not correspond to policy needs.

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<sup>14</sup> SWD(2017) 710

<sup>15</sup> Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p. 1).

<sup>16</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

- (12) To improve and facilitate the access of the public to information on the implementation of Regulation (EU) No 995/2010 of the European Parliament and of the Council<sup>17</sup>, the data provided by the Member States on the implementation of that Regulation should be made publicly available by the Commission through a Union-wide overview of this data; in order to increase consistency of information and to facilitate the monitoring of the functioning of the Regulation, implementing powers should be conferred to the Commission to lay down the format and procedure for Member States to make information available, and the frequency and period of provision of information should be aligned to that of the Council Regulation (EC) No 2173/2005<sup>18</sup>.
- (13) Reporting under Council Regulation (EC) No 338/97<sup>19</sup> needs to be streamlined and aligned with the reporting requirements under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), signed at Washington, D.C., on 3 March 1973, to which the European Union and all of its Member States are parties. The reporting requirements under CITES were amended at the 17th CITES Conference of the Parties which took place in 2016, to adjust the frequency of the reporting for measures on the implementation of CITES and to create a new reporting mechanism on illegal trade in CITES-listed species. Those changes need to be reflected in Regulation (EC) No 338/97.

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<sup>17</sup> 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 (OJ L 295, 12.11.2010, p. 23).

<sup>18</sup> 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 (OJ L 347, 30.12.2005, p. 1).

<sup>19</sup> Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).

- (14) To improve and facilitate the access of the public to information on the implementation of the Regulation (EC) No 2173/2005, the data provided by the Member States on the implementation of that Regulation should be made publicly available through a Commission Union-wide overview. On the basis of the experience that the Commission and the Member States have gained from the first year of Forest Law Enforcement, Governance and Trade licencing, provisions of the Regulation related to reporting need to be updated. The Commission, in exercising its implementing powers to lay down the format and procedure for Member States to make information available, should be assisted by the Committee established in Article 11 of that Regulation. The provisions on evaluation of the Regulation need to be updated.
- (15) The European Environment Agency (EEA) is already carrying out important tasks in the monitoring and reporting of EU environmental legislation, which should be explicitly introduced in the relevant legislation. For other pieces of legislation, the role and resourcing of the EEA in relation to supporting the Commission in environmental reporting will be addressed following the finalisation of the ongoing evaluation.

(16) *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 therefore be amended accordingly,*

HAVE ADOPTED THIS *REGULATION*:

## Article 1

Amendments to Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture

Directive 86/278/EEC is amended as follows:

1. *In Article 2 the following point is added:*

*“(da) ‘spatial data services’: means spatial data services as defined in Article 3(4) of Directive 2007/2/EC of the European Parliament and of the Council<sup>20</sup>;*

2. *In Article 2 the following point is added:*

*“(db) ‘spatial data set’: means a spatial data set as defined in Article 3(3) of Directive 2007/2/EC.”.*

3. *Article 10 is replaced by the following:*

*“Article 10*

*1. Member States shall ensure that up-to-date records are kept, which register:*

- (a) the quantities of sludge produced and the quantities supplied for use in agriculture;*

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<sup>20</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).*

- (b) the composition and properties of the sludge in relation to the parameters referred to in Annex II A;
- (c) the type of treatment carried out, as defined in Article 2(b);
- (d) the names and addresses of the recipients of the sludge and the place where the sludge is to be used;
- (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.

Spatial data services **■** shall be used to present the spatial data sets included in the information registered in those records.

2. The records referred to in paragraph 1 shall be made available *and easily accessible* to the public for each calendar year, within *eight* months of the end of the relevant calendar year, in a consolidated format as laid down in the Annex to Commission Decision 94/741/EC\***■** or another *consolidated* format provided pursuant to Article 17.

Member States shall submit to the Commission, *by electronic means*, the information *referred to in* paragraph 2.

3. Information on the methods of treatment and the results of the analyses shall be released **■** to the competent authorities.

**■**

\***■** Commission Decision (94/741/EC) of 24 October 1994 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector (implementation of Council Directive 91/692/EEC)(OJ L 296, 17.11.1994, p. 42).";

4. Article 17 is replaced by the following:

"The Commission is empowered to lay down, by means of an implementing act, a format in accordance with which Member States are to provide information on the implementation of Directive 86/278/EEC as required by Article 10 of this Directive. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2). The Commission services shall publish a Union-wide overview including maps on the basis of the data made available by the Member States pursuant to Articles 10 and 17."

## Article 2

### Amendments to 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

Directive 2002/49/EC is amended as follows:

1. In Article 3 the following point is added:

‘(w) ‘data repository’ means an information system, managed by the European Environment Agency, containing environmental noise information and data made available through national data reporting and exchange nodes under the control of the Member States.’

2. Article 8(5) is replaced by the following:

"The action plans shall be reviewed, and revised if necessary, when a major development occurs affecting the existing noise situation, and at least every five years after the date of their approval.

For those reviews and revisions, that in accordance with subparagraph 1 would be due to take place in 2023, that review and revision shall be postponed to take place no later than 18 July 2024."



3. Article 9(1) is replaced by the following:

- '1. Member States shall ensure that the strategic noise maps they have made, and where appropriate adopted, and the action plans they have drawn up are made available and disseminated to the public in accordance with relevant EU legislation, in particular Directive 2003/4/EC of the European Parliament and of the Council\* and Directive 2007/2/EC of the European Parliament and of the Council\*\*, and in conformity with Annexes IV and V to Directive 2002/49/EC, including by means of available information technologies.

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\* 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).

\*\* 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)."

4. Article 10(2) is replaced by the following:

‘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 a *mandatory* data repository to be established *by the Commission by means of implementing acts*. *Those implementing acts shall be adopted* in accordance with the *examination* procedure ■ referred to in Article 13(2). In case a Member State wants to update 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.”

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 as follows:

1. Article 14(2) is deleted;
2. Article 18 is replaced by the following:

‘Article 18

Information on implementation and evidence base

1. *The Commission shall collect information from the Member States, disseminated in accordance with Directive 2003/4/EC\*, as far as available, on the experience gained in the application of this Directive. This information shall cover the data set out in Annex VI and be collected by 30 April 2022 and every five years thereafter.*
2. **■** *On the basis of this information referred to in paragraph 1, the Commission shall carry out an evaluation of this Directive and publish it before 30 April 2023, and every five years thereafter.*

3. **█** *By 31 December 2020 the Commission shall develop guidelines providing a common understanding of the term “environmental damage” as defined in Article 2 of this Directive.*

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\* 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).

3. Annex VI is replaced by the following:

‘ANNEX VI

INFORMATION AND DATA REFERRED TO IN ARTICLE 18(1)

The information referred to in Article 18(1) shall refer to *cases of* environmental damage *under this Directive*, with the following information and data for each instance:

1. *Type* of environmental damage, date of occurrence and/or discovery of the damage.  
**█** The type of environmental damage shall be classified as damage to *protected species and natural habitats, water and land as referred to in Art. 2(1)*;

2. **■ Description of the activity in accordance with Annex III.**

**■**

*Member States shall include any other relevant information on the experience gained with the implementation of this Directive.*

#### Article 4

Amendments to 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)

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 year Member States shall update, *if necessary*, and publish their summary report. This report, which shall be made public by the Commission services assisted by the European Environment Agency, shall include summary descriptions of:"

- (a) paragraph 3 is deleted;

2. Article 23 is replaced by the following:

‘The European Environment Agency shall publish and update annually the Union-wide overview on the basis of metadata and data made available by the Member States through network services in accordance with Article 21. The Union-wide overview shall include, as appropriate, indicators for outputs, results and impacts of this Directive, Union-wide overview maps and Member State overview reports.

The Commission shall, *no later than 1 January 2022 and at least every five years thereafter*, carry out an evaluation of this Directive, *and of its implementation, and make it publicly available*. The evaluation shall be based, inter alia, on the following elements:

- (a) the experience gathered with the implementation of this Directive;
- (b) the information collected by Member States in accordance with Article 21 and the Union-wide overviews compiled by the European Environment Agency;
- (c) relevant scientific, analytical data;
- (d) other information including relevant scientific, analytical data required on the basis of the Better Regulation guidelines, in particular by relying on efficient and effective information management processes.’

## Article 5

### Amendments to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

Article 12 of Directive 2009/147/EC is amended as follows:

1. paragraph 1 is replaced by the following:

"1. Member States shall forward to 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. *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.";

*The Commission shall, by means of implementing acts, establish the format of the report referred to in the first subparagraph. The format of this report shall be aligned with the format of the report referred to in Article 17(1) of Council Directive 92/43/EEC. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16a."*

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\* 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)";

2. in paragraph 2, the first sentence is replaced by the following:

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

3. *The following Article is inserted:*

*"Article 16a*

*Committee procedure*

1. *The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*
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."*



## 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. 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 *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. ■'

(b) the following new paragraph 4 is added:

'4. The Commission shall establish a common format for submitting the information referred to in paragraphs 1 and 2 in accordance with the regulatory procedure referred to in Article 56(3). The Commission services shall establish and maintain a searchable, open access database on non-technical project summaries and any updates thereto.';

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 *10 November 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.

Member States shall submit and publish that data, by electronic transfer in a format established by the Commission in accordance with paragraph 4.

*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* ■ .

2. Member States shall collect and make publicly available, on an annual basis, statistical information on the use of animals in procedures, including information on the actual severity of the procedures and on the origin and species of non-human primates used in procedures.

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.

The Commission shall establish and maintain a searchable, open access database containing that statistical information. On an annual basis, the Commission services shall make publicly available the statistical information submitted by the Member States in accordance with this paragraph and a summary report thereof."

- (b) paragraph 4 is replaced by the following:

"4. The Commission shall, *by means of implementing acts*, establish a common format and information content for submitting the information referred to in paragraphs 1, 2 and 3. *Those implementing acts shall be adopted* in accordance with the *examination* procedure referred to in Article 56(3).";

3. Article 57 is deleted.

## Article 7

Amendments to Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC

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 undertakes one or more of the activities specified in Annex I, above the applicable capacity thresholds specified therein, shall communicate by electronic means to its competent authority the information identifying the facility in accordance with the format referred to in Article 7(2) unless that information is already available to the competent authority.’;

2. Article 7(2) and (3) are replaced by the following:

"2. Member States shall provide, each year, to the Commission by electronic transfer a report containing all the data referred to in Article 5(1) and (2) in a format and by a date to be established by the Commission by means of implementing acts in accordance with the procedure referred to in Article 19(2). The reporting date shall be, in any case, no later than *11* months after the end of the reporting year.

3. The Commission services, assisted by the European Environment Agency, shall incorporate the information reported by the Member States into the European PRTR within *1 month* from completion of reporting by the Member States in accordance with paragraph 2.";

3. Article 11 is replaced by the following:

Article 11

Confidentiality

Whenever information is considered confidential by a Member State in accordance with Article 4 of Directive 2003/4/EC of the European Parliament and of the Council\*, the report referred to in Article 7(2) of this Regulation for the reporting year concerned shall indicate separately for each facility which information cannot be made public and why. ■

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\* 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).";

4. Articles 16 and 17 are deleted;

5. Annex III is deleted.

