



STUDY TO SUPPORT THE FITNESS CHECK OF ENVIRONMENTAL MONITORING AND REPORTING OBLIGATIONS

A summary of public consultation responses

May 2016



EUROPEAN COMMISSION

Directorate-General for Environment

Contact: Joachim D'Eugenio, Steve White

E-mail: Joachim.D'Eugenio@ec.europa.eu ; Stephen.White@ec.europa.eu

Directorate-General for Environment
Fitness Check of Environmental Monitoring and Reporting Requirements

**Europe Direct is a service to help you find answers
to your questions about the European Union.**

Freephone number (*):

00 800 6 7 8 9 10 11

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

LEGAL NOTICE

This document has been prepared for the European Commission however it reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

More information on the European Union is available on the Internet (<http://www.europa.eu>).

Luxembourg: Publications Office of the European Union, **2016**

ISBN ABC 12345678

DOI 987654321

© European Union, **2016**

Reproduction is authorised provided the source is acknowledged.

Printed in the United Kingdom

PRINTED ON ELEMENTAL CHLORINE-FREE BLEACHED PAPER (ECF)

Table of Contents

| | | |
|-----|---|----|
| 1 | Analysis of responses to the public consultation: Streamlining monitoring and reporting obligations in environmental policy | 1 |
| 1.1 | Introduction..... | 1 |
| 1.2 | Respondents to the consultation..... | 1 |
| 2 | General principles and objectives related to monitoring and reporting of the environmental acquis | 3 |
| 2.1 | Overall satisfaction with the current arrangements | 3 |
| 2.2 | Objectives of monitoring and reporting | 11 |
| 2.3 | Principles of monitoring and reporting | 15 |
| 3 | Current perceptions of environmental monitoring and reporting | 18 |
| 3.1 | Different governance levels | 18 |
| 3.2 | Standardised Reporting Directive | 19 |
| 3.3 | The process for reporting | 24 |
| 4 | Additional evidence provided | 30 |
| 4.1 | Public authorities..... | 31 |

1 Analysis of responses to the public consultation: Streamlining monitoring and reporting obligations in environmental policy

1.1 Introduction

1.1.1 This report

The European Commission is undertaking a [Fitness Check](#) of the monitoring and reporting obligations resulting from EU environmental legislation. The Fitness Check aims to ensure that environmental monitoring and reporting are fit for purpose and deliver the information required in an efficient way.

As part of the Fitness Check, the EC launched a public consultation in November 2015. The consultation sought the views of stakeholders and the public about the principles to be applied in setting monitoring and reporting requirements, as well as current shortcomings, overlaps and potential improvements that should be examined during the process.

This report presents a summary of the results of the public consultation.

1.1.2 Method and timing of the consultation

The public consultation took the form of an online questionnaire and ran between 18 November 2015 and 10 February 2016. The questionnaire included 15 questions. These were organised in 6 sections (introduction, general information, general principles and objectives relating to monitoring and reporting, current perceptions, areas for further consideration and additional evidence), and were presented in a variety of closed-ended and open-ended formats.

Responses were welcomed from citizens, organisations and public authorities.

Respondents were also invited to submit supporting documentation together with their survey response.

1.1.3 Purpose and structure of this document

This document summarises key findings from the public consultation, and is structured in line with the sections contained in the survey.

- Section 1 summarises and provides a high-level profile of respondents to the survey,
- Section 2 provides an overview of overall satisfaction levels, attitudes to monitoring and reporting obligations and perceptions of the principles and objectives of monitoring;
- Section 3 provides a more detailed assessment of perceptions of effectiveness and efficiency of monitoring in relation to specific policy areas as well as attitudes to wider issues such as governance, standardisation and the role of IT;
- Section 4 summarises additional qualitative evidence submitted by respondents;
- Section 5 presents overall conclusions from the consultation and implications for the Fitness Check.

1.2 Respondents to the consultation

A total of 150 responses were made by stakeholders, citizens and organisations across the EU. The majority of these (56%) were public authorities, including EU executive agencies and Member State national authorities (see Table 1). This group included representatives of government departments and environmental agencies at the national and sub-national level.

Late responses were received after the formal deadline from two Member State authorities which needed to undertake extensive cross-departmental consultation to

establish common positions on the survey content. Whilst these survey responses were not included within the quantitative analysis, the extensive qualitative evidence and position statements provided were integrated into the findings in this report.

The findings of the public consultation were presented at a stakeholder workshop, held in Brussels on 27th April 2016. Content of the draft document was subsequently revised following comments at the workshop.

One in six respondents were individual citizens, while representatives of civil society organisations and professional bodies made up a further 9% of the sample each.

A large number of responses were received from individuals or organisations based in Germany (33%), followed by Belgium (22%) Denmark (7%) and the UK and Sweden (5% respectively) (see Figure 1).

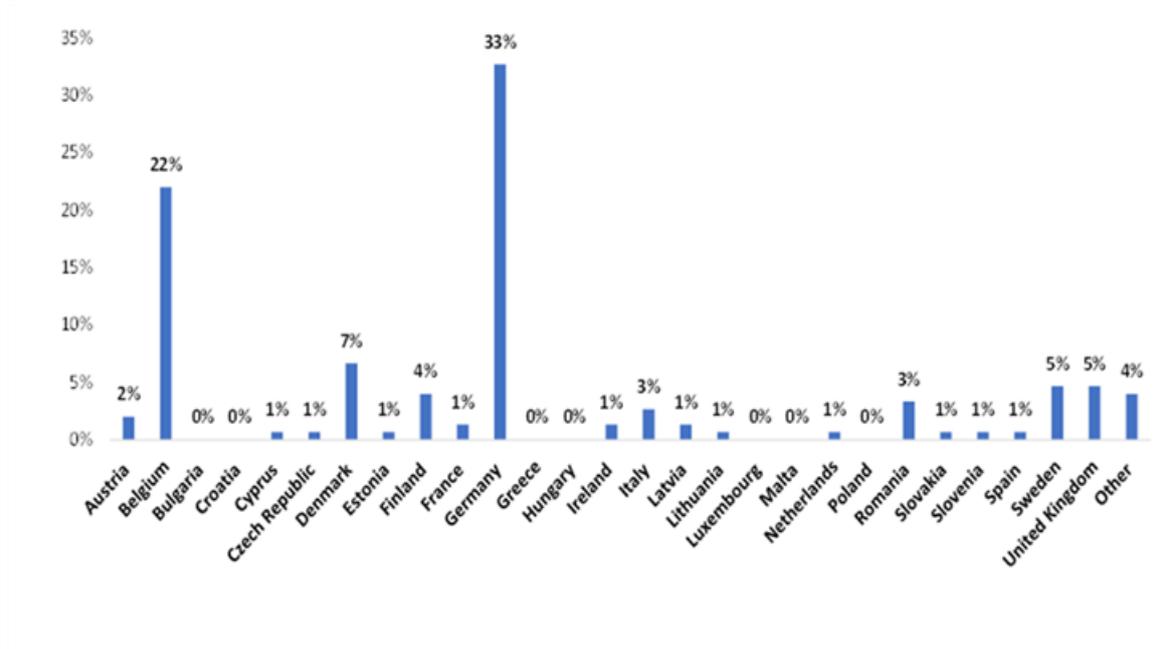
It is important to consider that these figures mask differences in the profile of respondents; the relatively high number of Belgian responses can be explained by the fact that some 19/33 (58%) of these are pan-European organisations or institutions based in Brussels. Similarly, of the high number of responses from Germany, some 23/49 (47%) represented state or municipal level authorities, with the remainder representing federal (national) level authorities, private businesses and civil society associations.

Table 1. Q2.1: Who are you? (N=150)

| | Count | Proportion |
|-------------------------------|-------|------------|
| An individual/private person | 26 | 17% |
| Academic/research institution | 2 | 1% |
| Civil society organisation | 14 | 9% |
| Private enterprise | 4 | 3% |
| Public authority | 83 | 55% |
| International organisation | 3 | 2% |
| Professional organisation | 14 | 9% |
| Other | 4 | 3% |
| All respondents | 150 | 100% |

This report presents numerical analyses of the responses received, as well as more qualitative summaries. The numerical summaries in the tables and charts reflect the views of those organisations and individuals choosing to respond to the survey, and are influenced by differences in administrative structures and response rates between Member States. They should not therefore be seen as a statistically representative cross section of those with an interest in environmental monitoring and reporting.

Figure 1. Please give your country of residence/establishment



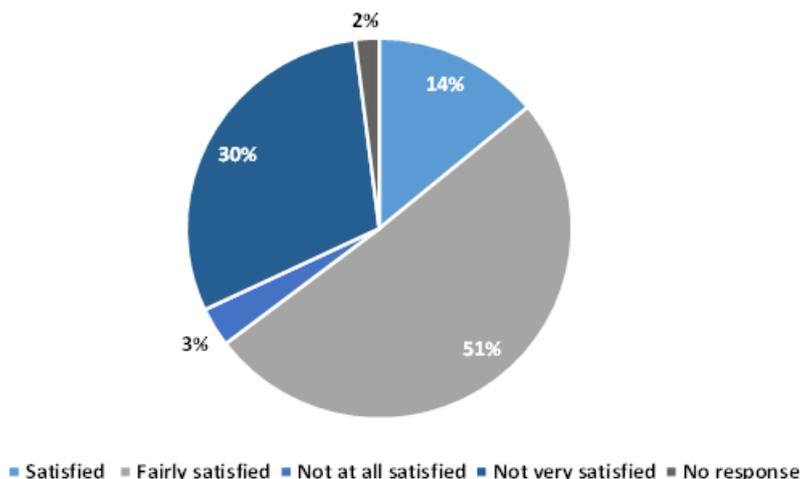
2 General principles and objectives related to monitoring and reporting of the environmental acquis

2.1 Overall satisfaction with the current arrangements

Question 3.1 asked respondents about their overall level of satisfaction with environmental monitoring and reporting requirements.

65% of the responses were positive (fairly satisfied (51%) or satisfied (14%)) about the existing environmental monitoring and reporting obligations. Nonetheless, nearly a third (30%) of respondents claimed they were not very satisfied with these requirements (see Figure 2).

Figure 2. Q3.1: On the whole, are you satisfied, fairly satisfied, not very satisfied or not satisfied at all with environmental monitoring and reporting arrangements?

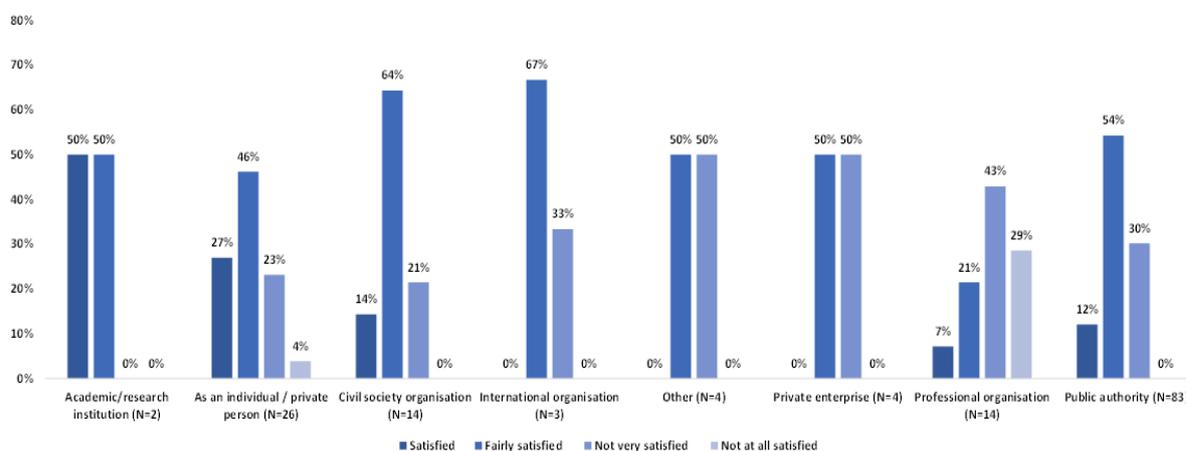


An open-ended follow up question asked those respondents expressing dissatisfaction the reasons for this.

The most common response (given by at least 17 respondents) was the lack of coordination of reporting requests for related policy areas by departments and agencies of the European Commission/European Union responsible for monitoring implementation of different Directives. There are concerns that this leads to duplication of reporting efforts to comply with similar requests relating to different Directives. Again, it is important to consider that for many respondents these survey responses represented consolidated positions across multiple international, national or sub-national departments/business domains, so the true scale of this problem may in practice be larger.

In terms of their overall satisfaction with current arrangements, most respondents in each category were 'fairly satisfied' with existing monitoring and reporting arrangements, with the exception of professional organisations – where nearly half of respondents were reportedly not very satisfied. Interestingly, the small sample of private enterprises responding to the survey was split between those fairly satisfied and not very satisfied with existing arrangements (see Figure 3). Subsequent qualitative responses provided a more nuanced understanding of the reasons behind the satisfaction or dissatisfaction of these groups.

Figure 3. Q3.1: Satisfaction with environmental monitoring and reporting requirements, by respondent category¹



More detailed analysis suggested that much of this dissatisfaction also resulted from a lack of clarity as to the subsequent use of requested data. Two respondents from public authorities commented, that while in general requirements to collect data are precise, they are concerned that this data may not be actively used to support assessment of policy implementation.

Specific comments were provided by a number of respondents, although it is important to caution that these represent a relatively small sub-sample and may not represent the opinion of respondents as a whole (while noting that some MS authorities reportedly based comments on consultation across multiple departments):

- Of the five respondents who indicated dissatisfaction with existing arrangements, two respondents explained that not all data reported at the Member State level will be comparable at the EU level to support policy decisions owing to different interpretations of reporting requirements between Member States.
- One respondent suggested that one lesson learnt during the implementation of different Directives as well as the INSPIRE process is that not every kind of data will be comparable at the EU level owing to different initial positions and different interpretations between MS. Another drew the specific example of the Water Framework Directive, where the massive differences in water bodies across the

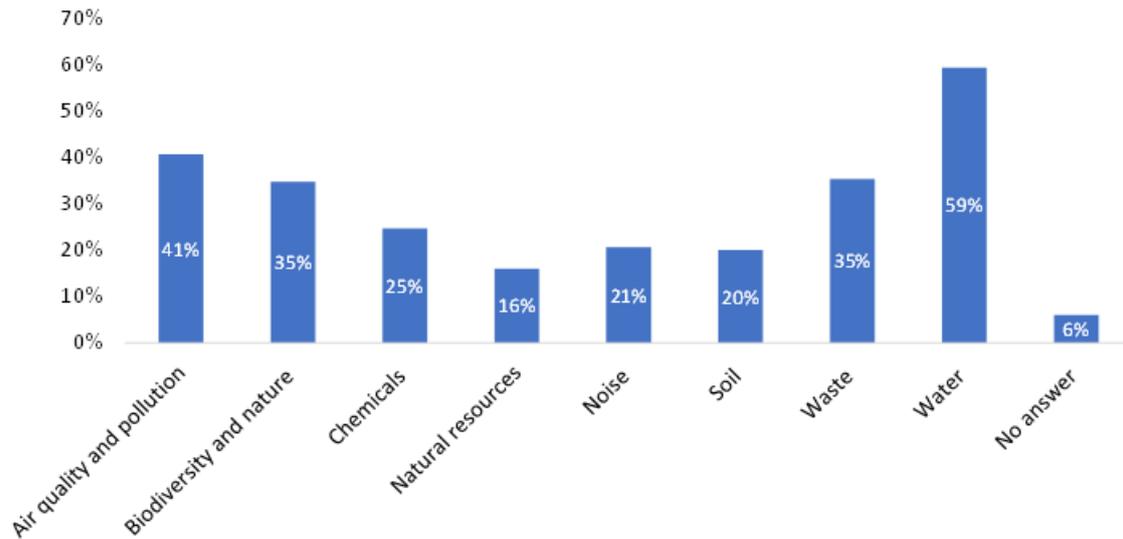
¹ Please note the small size of some sub-samples (as given in brackets for each group)

EU28 lead to very different data requirements between MS despite standard monitoring objectives.

- Seventeen respondents indicated that greater coordination between the Directorate-Generals of the Commission and EU executive agencies (for example, under the INSPIRE Directive) could support greater harmonization and prevent redundant data acquisition and reporting.
- Four respondents cited the deficiency of the European Pollutant Release Transfer Register (E-PRTR) to support environmental monitoring and reporting in relation to the Industrial Emissions Directive and other policy areas because of the format of the dataset, although one respondent cited the ongoing merger between E-PRTR reporting and IED reporting as a positive step that is likely to reduce administrative burdens.
- Four respondents (three environmental authorities and one private enterprise) felt that existing reporting requirements were too prescriptive (in the sense that the resources required to collect data may be far greater than the value gained from the data). These respondents also indicated a lack of clarity as to how this data is used by the Commission, and for what purpose it is requested.
- One respondent (representing a national environmental agency) indicated that they were fairly satisfied overall but highlighted the areas of IED, Waste and the E-PRTR as areas with which they tended to be less satisfied with.
- A view was expressed by two industry associations that information requirements relating to existing monitoring obligations place a disproportionate burden on smaller organisations.
- Three respondents (one individual and two civil society organisations) were dissatisfied with the existing regime as they felt requirements were not strict enough in terms of delivering the required environmental outcomes, and enforcement action was lacking because of a lack of confidence in data. Some Member States were seen to be collecting more data than their counterparts, meaning benchmarking was not always possible.

Question 3.2 asked respondents with which environmental policy domains they were most familiar. The most common policy domain reported by respondents was water (59%) followed by air quality and pollution (41%) waste (35%) and biodiversity and nature policy (35%). A majority of respondents had familiarity with reporting requirements for more than one policy domain.

Figure 4. Q3.2: Please choose the environmental policy area(s) for which you are familiar with the monitoring and reporting requirements



Effectiveness

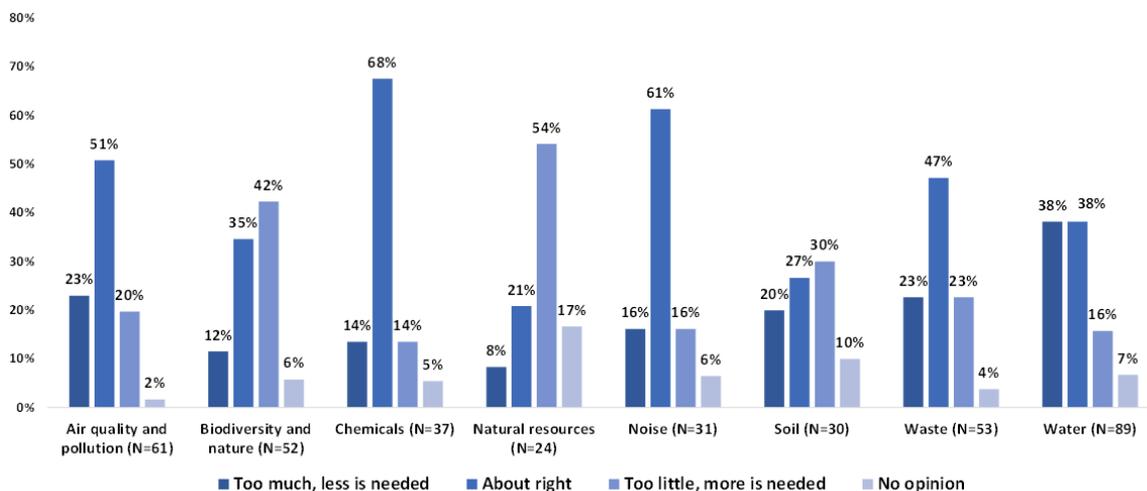
The second part of Question 3.2 asked respondents about the volume of information collected in the policy domains with which they were most familiar. Overall, the responses to this question reveal a spread of opinion about whether too much or too little, or the right amount of information, is collected (see Figure 5).

Respondents generally felt that more information was required in relation to biodiversity and nature protection, natural resources (particularly with regard to lifecycle production impacts on natural resources) and soil, where baseline data and monitoring was cited by at least four respondents in public authorities as being particularly deficient in their MS.

A large majority of respondents felt that existing amounts of information collected in the air quality and pollution, chemicals, noise and waste were 'about right' to meet policy objectives.

In relation to water, respondents with knowledge of this area were split on whether existing information requirements were appropriate or whether less was needed.

Figure 5. Q3.2b: Which of these statements do you consider as appropriate about the amount of information that is collected (for the areas which you are familiar with)?



Respondents were also asked to provide specific comments and examples relating to the effectiveness of monitoring in their specific policy domain:

- For those familiar with **air quality and pollution** issues, the largest proportion (51%) indicated that the current amount of information collected is about right, followed by those who consider that too much information (23%) or too little information (20%) is collected. Of those making specific comments on this topic three respondents indicated that existing reporting obligations (ROs) lead to collection of too much data beyond what is needed (in the words of one respondent, often in a format without context which lessens the usability of the data, like the PRTR). One respondent suggested that providing links from data to reports, websites or information services would be beneficial in this regard. Three respondents noted the lack of reporting for issues such as concentrations of small particles, despite growing evidence of their harmful effects on human health. It was suggested that recommendations from health experts (such as the World Health Organisation) should have a greater bearing on monitoring requirements. One MS authority suggested that European Environment Agency statistics could be modified to include compliance modelling data (such as that used in the UK).
- For those engaged in **biodiversity and nature** issues, the largest proportion (42%) indicated that too little information is collected and more is needed, followed by those who consider that the existing level is about right (35%) and those who think less is needed (12%). Of those making specific comments on this topic, five respondents felt there was a lack of detail from MS authorities on monitoring methods applied and an overall lack of objectivity in reporting, meaning that results cannot be easily compared. One respondent from an environmental authority noted the substantial level of detail in their reporting in comparison to other MS, suggesting that this may have arisen through differences in the translation of the Directives into domestic law. Specific limitations were cited by five respondents with regard to the Birds and Habitats Directive – where MS are not required to report on screening results and outcomes of Appropriate Assessment. This data would, it is argued, be necessary to assess the effectiveness of the Directives in achieving their objectives. By contrast, reporting of derogations under the Birds Directive was felt by one respondent to place a substantial burden on authorities with little species protection benefit. One MS authority also highlighted potential duplication of reporting with information required for programme monitoring under Pillar 2 of the CAP and biodiversity, as well as the Marine Strategy Framework Directive (which explicitly instructs MS to utilise assessments of marine elements that are also covered and reported on under the Habitats and Birds Directives and Water Framework Directive, yet places different reporting requirements on authorities, leading to duplication of effort).
- For those engaged in **chemical** regulation reporting, the largest proportion (68%) felt that existing information requirements were about right, followed by those who felt less was needed and those who felt more was needed (14%, respectively). Of those making specific comments, one respondent suggested that the industrial relevance of certain monitoring and reporting requirements should be more clearly communicated by authorities. Another respondent pointed to considerable potential to address substance classification issues and different labelling systems throughout the EU through standardized chemical exposure criteria. With regard to REACH, the ECHA's new dissemination portal was highlighted by four respondents as best practice in monitoring, and thought to have made information more easily accessible to the public, although there are ongoing issues around establishing clear exposure scenarios and tonnage bands for registration data within Chemical Safety Reports.
- For **natural resources**, the largest proportion (54%) felt that more information was needed, followed by those that thought this was about right (21%) and those

with no opinion (17%). Of those with specific comments, respondents were split on the effectiveness of the Circular Economy Initiative – with one suggesting that the circular economy 'scoreboard' model was sufficiently comprehensive and four suggesting that more data is required on consumption of raw materials, life-cycles, import and export factors and their impacts on the environment. Three respondents indicated that comparable data on secondary raw materials is missing from the existing framework. One respondent (from a public authority) highlighted the Austrian Resource Efficiency Action Plan as a best practice example. Another suggested additional data requirements for Member States and industry should be based on the footprint methodology.

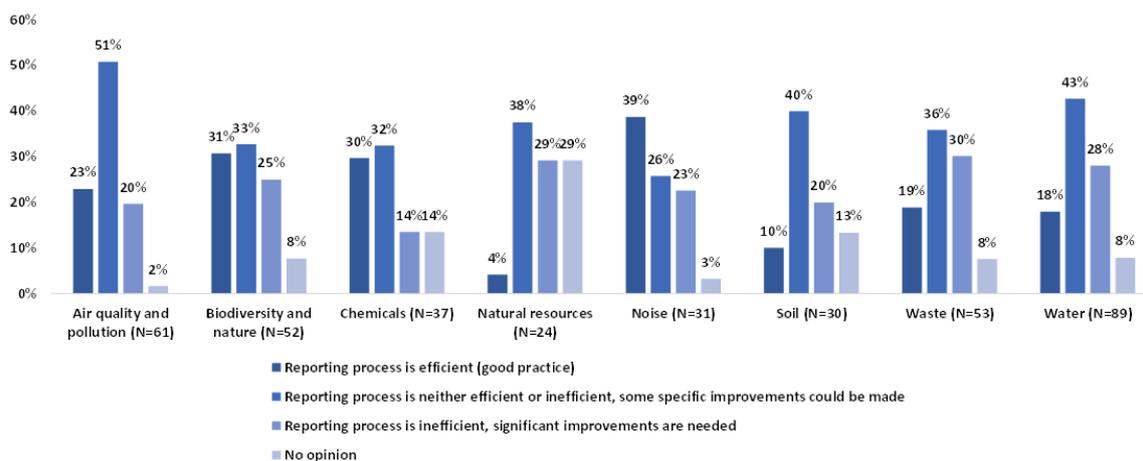
- For **noise**, the largest proportion (61%) thought that existing arrangements were about right, followed by those who felt too much or too little information was collected (16% respectively). Of those making specific comments, one respondent suggested that existing ROs should be updated to better reflect scientific evidence about health impacts. For instance, reporting thresholds could be updated to match the latest World Health Organisation Night Noise Guidelines for EU recommended indicator values. One Member State authority suggested that the distinction between voluntary and regulatory actions for authorities needed to be more clearly distinguished.
- For **soil**, the largest proportion of respondents (30%) thought that existing arrangements provided too little information and more was needed, followed by those who felt these were about right (27%) and those who thought too little information was collected (20%). Of those with specific comments, a number of respondents perceived difficulties arising from differences in the implementation of national policies to tackle soil contamination. This has resulted in a variety of definitions and reportedly leads to problems with the interpretation of indicators when reporting. A legally-binding Framework Directive was suggested by one respondent as a solution, together with structured and harmonized monitoring and reporting.
- For **waste**, the largest proportion of respondents thought that existing information collection was about right (47%) followed by those who felt either less or more was needed (23%, respectively). Of those providing additional comments, implementation reports were criticised by one respondent (a public authority) as an ineffective tool for verifying compliance and ensuring implementation, whilst generating substantial administrative burden. One respondent suggested that reports should be asked to specify more clearly what uncertainty/level of assumption is associated with any estimates made. Another suggested that, whilst the overall scope of reporting seems appropriate, there are a number of situations where the requirements do not seem to have been fully assessed at an EU level before being implemented – for example, the change in EEE/WEEE categories from the current ten to the new six categories. This was intended to simplify and align reporting procedures but the category definitions selected are likely to have a large impact both on obligated businesses and treatment facilities which will need to re-evaluate their reporting practices as a result of an arbitrary threshold change. One other respondent highlighted the lack of clarity in reporting requirements under the Waste Statistics Regulation – despite the distinction between 'household' and 'construction' industry reporting, for some waste types it is unclear which would be the relevant industry for reporting and there is evidence of waste being incorrectly assigned to the wrong industries. Another MS authority suggested that guidance establishing a minimum harmonisation of such reporting procedures, while recognising the different context of different MS, is long overdue.
- For **water**, an equal proportion of respondents (38%) thought existing information requirements were about right as those that felt this was too much, followed by 16% who thought this was too little. one respondent highlighted the

huge differences in water bodies between MS. In northern Europe, for example, a risk-based monitoring approach could be more appropriate and the current Common Implementation Strategy is seen as too bureaucratic to allow dynamic changes in monitoring and development of assessment methods (e.g. the development of new indicators). Another respondent pointed to the potential value of standardising non-compulsory reporting practices and associated tools such as remote sensing, passive sampling, effect-based monitoring and e-DNA. Reporting burdens were felt to differ between Directives; one respondent considered the Urban Waste Water Treatment and Nitrates Directives as having appropriate information requirements, whilst the WFD was felt to be disproportionately burdensome due to the low level of aggregation (e.g. the water body). Nonetheless, progress is thought to have been made on standardised reporting through the official guidance document. Eight respondents indicated that the overall burden of data reporting for the WFD has continuously risen in recent years, despite working group discussions around streamlining reporting for over five years. There was also concern that major parts of the provided data have not been analysed, weakening understanding of the natural background concentrations of substances of interest.

Efficiency

Question 4.2 asked respondents about their perceptions of the efficiency of the reporting process (with regard to cost and administrative burden) in the policy domains with which they were most familiar. Again, there was a spread of opinion in all policy domains about whether or not current monitoring and reporting arrangements are efficient (see). Noise was the only policy domain where the largest proportion of respondents viewed the current process to be efficient. Monitoring and reporting processes for waste and natural resources were seen by a greater proportion of respondents to be inefficient than efficient, while the remaining policy areas tended to be viewed as neither efficient or inefficient – but with the potential for significant improvements to be made.

Figure 6. Q4.2: Which of these statements do you consider as appropriate when assessing the cost and administrative burden of the reporting process?



Respondents were also asked to provide specific comments and examples relating to the efficiency of monitoring in their specific policy domain:

- For those familiar with **air quality and pollution** issues, the greatest proportion of respondents viewed the monitoring and reporting process as neither efficient nor inefficient (51%) followed by those who viewed the reporting process as efficient (23%) and those who viewed the process as inefficient (20%). Of those providing comments, three respondents voiced some concern as to the presence of errors and differences in interpretation of data arising from non-standard

reporting formats, although the benefits of electronic reporting on the European Pollutant Release and Transfer Register were highlighted by two other respondents in this regard. It was also argued by one respondent that BREF (Best Available Techniques) documents could be more concise and targeted in terms of their data requirements. Respondents also highlighted the importance of achieving greater reporting consistency between the Ambient Air Quality and Industrial Emissions Directives. In the view of one MS authority, there is a need for further simplification of the reporting format, with a simple accessible format translated into local languages and providing context for the data reported.

- For those engaged in **biodiversity and nature** issues, the greatest proportion of respondents thought that the process was neither efficient nor inefficient (33%) followed by those who viewed it as efficient (31%) and those who viewed it as inefficient (25%). Of those providing comments, five respondents felt there was a certain lack of objectivity in reporting arising from political pressure on nature conservation authorities. The Marine Strategy Framework Directive was highlighted as a particularly efficient reporting framework – particularly in the possibility to give web links to regionally coordinated actions. By contrast, Habides, the tool for the Birds and Habitats Directive, was thought by one respondent to be overly cumbersome and result in considerable staff time requirements for its annual completion.
- For those engaged in **chemical** regulation reporting, the greatest proportion (32%) regarded the process as neither efficient nor inefficient, followed closely by those who viewed it as efficient (30%) or inefficient (14%). Amongst those providing comments, there was a perception by two respondents that REACH data is not used in a comprehensive and consistent manner to promote substitution of Substances of Very High Concern throughout the whole sector. According to two respondents, there is substantial duplication of environmental permit monitoring within several different reporting requirements. Extending the reporting requirements of the E-PRTR to a priority list of pollutants to be addressed in outputs was seen by one respondent to be potentially beneficial and would help simplify the complexity and duplication arising under the existing system. Another MS authority suggested efficiency could be enhanced by making templates for triennial reporting under Article 12 of the POPs Regulation downloadable in Word format to facilitate assembly at the Member State level from information provided by competent authorities and others. It was also suggested by one respondent that historical data 'trends' should be subject to revision following new information – arguing that it is important to be able to re-baseline data over time to observe effects of improved measurement on levels of persistent chemicals detected.
- For **natural resources**, the greatest proportion (38%) regarded the process as neither efficient nor inefficient, followed closely by those who viewed it as inefficient (29%) or had no opinion (29%). Amongst those providing comments, there was a perception amongst some four respondents (particularly one representing the extractive industry) that the monitoring framework associated with the Circular Economy initiative would have adverse effects on such producers because of its use of a lead indicator based on production volumes and centralised setting of targets. One respondent suggested the monitoring framework needs to account for global pressures on natural resources, including ecosystem-level impacts and risks to human health, ideally within a BREF.
- For **noise**, the greatest proportion (39%) regarded the process as efficient, followed closely by those who viewed it as neither efficient nor inefficient (26%) or inefficient (23%). One respondent highlighted the duplication of data to the EEA and to the EC under INSPIRE – suggesting that EEA reporting requirements should be adapted to be INSPIRE compliant. Two MS authorities highlighted the demanding nature of the reporting process for noise, and suggested that the

existing time allocated between mapping and action planning under the Environmental Noise Directive do not allow for considered revision and consultation between authorities and the wider public. They suggested that the deadline between noise mapping and action planning should be extended to 2 years.

- For **soil**, the greatest proportion (40%) regarded the process as neither efficient nor inefficient, followed by those who viewed it as inefficient (20%), or efficient (10%). Amongst those providing comments, the range of baseline monitoring requirements and the overall burden of the reporting process was thought by two public authorities to be significant – with some information systems and databases not structured or organised to report certain indicators. The lack of a coordinated EU monitoring approach was thought by two respondents to add to the complexity and cost of monitoring at the MS level.
- For **waste**, the greatest proportion (36%) regarded the process as neither efficient nor inefficient, followed closely by those who viewed it as inefficient (30%) or efficient (19%). Amongst those providing comments, concern was voiced by two respondents about producers and processors of waste submitting data about the same material – leading to double reporting of tonnages. Five respondents pointed to the need for more detailed breakdowns in reporting for some key data types – for example, energy recovery from waste. These respondents pointed to a need for more information on the gaps between waste generation and treatment – more co-operation in reporting and use of data (for example, through the E-PRTR) was thought by one respondent to be a useful approach. According to another respondent, the overall usability of reporting formats could be greatly improved, with non-compliance being reported early and not in the final data validation. Reporting for waste is thought to result in some considerable costs to businesses (1 FTE for battery traceability and control, for example and 2 FTEs per year relating to WEEE reporting).
- For **water**, the greatest proportion (43%) regarded the process as neither efficient nor inefficient, followed by those who viewed it as inefficient (28%) or efficient (18%). Amongst those providing comments the range of related Directives and the lack of a uniform reporting system was felt by three respondents to be a major barrier to efficiency, often requiring the same data to be reported multiple times, although one respondent acknowledged that the reporting processes in the water sector are in a period of transition and may require more resources – noting, for example, that the Water Framework Directive included the repeal or streamlining of several previous Directives. Nonetheless, the number of data elements required was seen by two respondents to have increased in recent years and the harmonisation process was often challenging. According to one MS authority, the WFD monitoring cost is in the region of €30m/year, of which River Basin Characterisation represents around €10m a year. Whilst modelling and IT skills have helped improve the timeliness and validity of data, increasing complexity in reporting is thought to require increasing resources in the future. One respondent highlighted the significant potential for spatial data to be provided via the INSPIRE format. One MS authority indicated that the Water Information System for Europe (WISE) is an excellent system for reporting which could be extended – for example, through reporting at the River Basin District level rather than the MS level for some obligations, as this would give flexibility where multiple national administrations are involved.

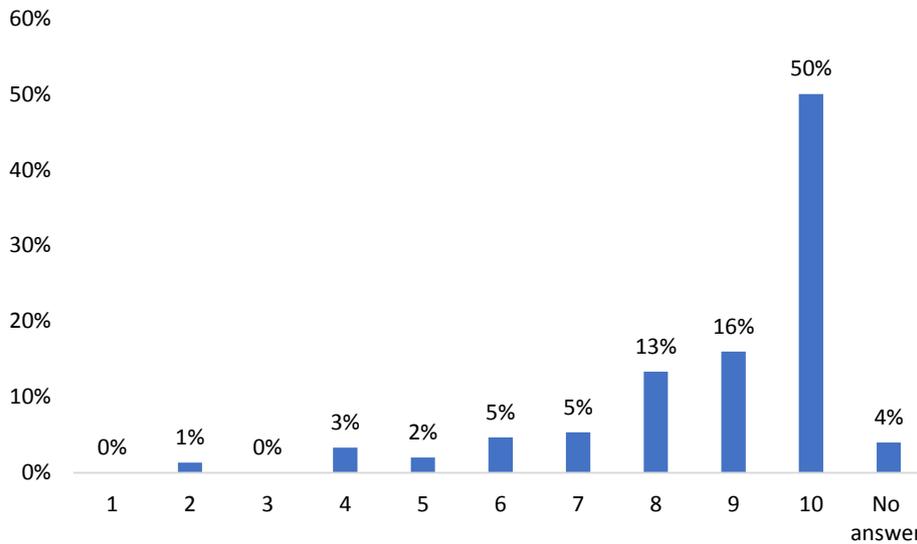
2.2 Objectives of monitoring and reporting

Question 3.3 asked respondents to rate different objectives for setting environmental monitoring and reporting requirements, scoring each one out of 10 (where a score of 1 is of no importance and 10 is of very high importance).

The majority of respondents agreed strongly with the assertion that monitoring and reporting should allow for an assessment of whether EU legal obligations are being met, with 50% assigning a score of 10 to this objective (see Figure 7).

Figure 7. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?

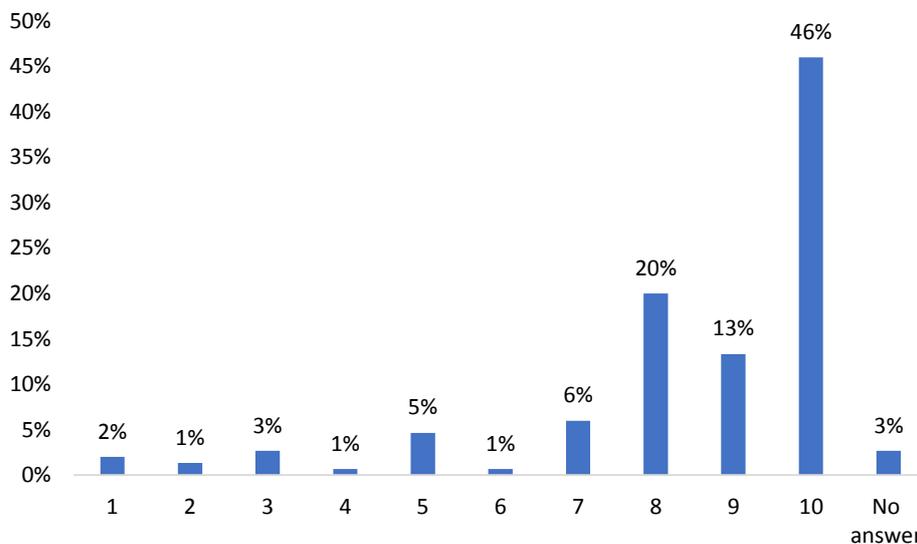
'Monitoring and reporting should allow for an assessment of whether EU legal obligations are being met'



There was also strong agreement for the statement that monitoring and reporting should support interested stakeholders to understand the state of the environment and the actions undertaken by authorities to maintain and improve it, with 46% assigning a rating of 10 to this objective (see Figure 8).

Figure 8. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?

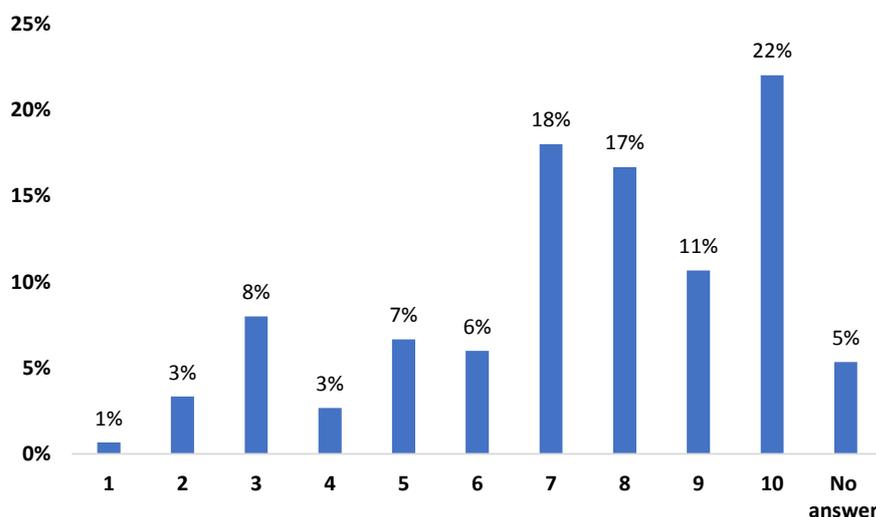
'Monitoring and reporting should allow stakeholders to understand the state of the environment and the actions taken to maintain and improve it'



Respondents were less emphatic about the need to evidence the costs and benefits of legislation within monitoring, although the majority expressed a high degree of agreement for this suggestion (see Figure 9).

Figure 9. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?:

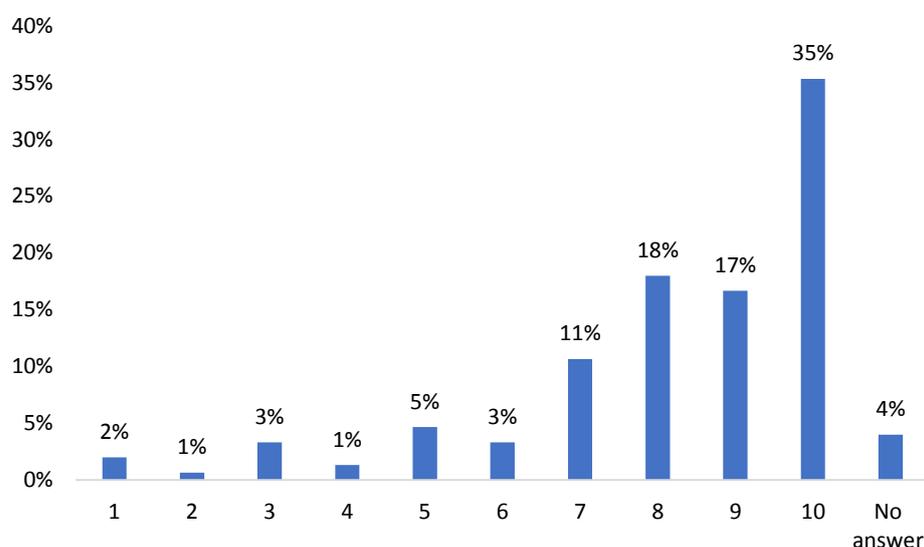
'Monitoring and reporting should indicate how well the legislation is working (i.e. costs and benefits)'



Respondents also tended to agree strongly with the assertion that monitoring should generate reliable environmental information for citizens so they understand what EU legislation achieves, in line with qualitative responses pointing to the potential to maximize the value of data in the context of the INSIRE Directive (see Figure 10). However, the strength of agreement with this assertion was less than for some of the other objectives.

Figure 10. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?:

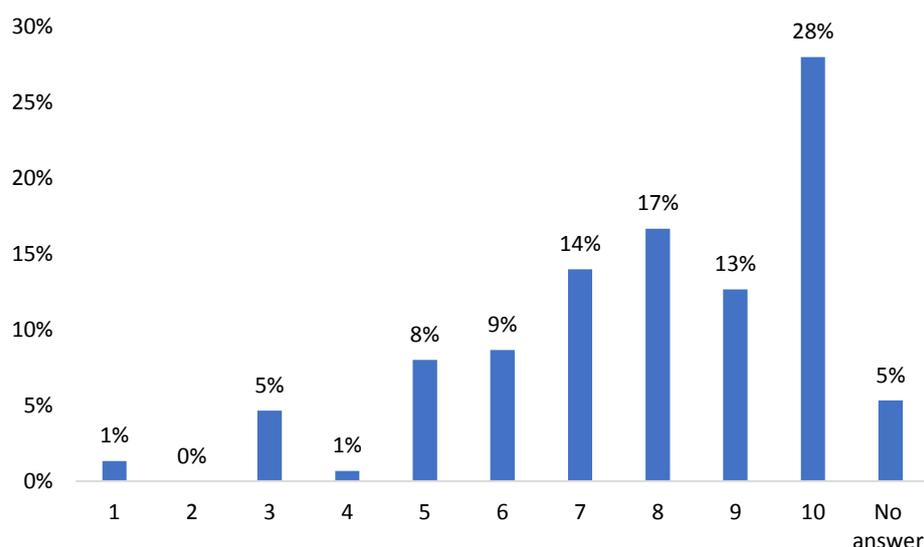
'Monitoring and reporting should generate reliable environmental information and ensure access to environmental information for citizens'



Most respondents also agreed with the suggestion that monitoring and reporting should allow assessment and comparison of the relative performance of Member States, despite the aforementioned challenges in doing so, but again expressed less emphatic support than for the other stated objectives (see Figure 11).

Figure 11. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?

'Monitoring and reporting should allow comparison between Member States as regards their performance when implementing EU environment law'



When the overall average ratings attached to these different objectives are compared, they demonstrate that respondents consider that all are important. Highest importance is attached to providing an assessment of whether legal obligations are met, followed by allowing stakeholders to understand the state of the environment and actions being taken to maintain it, ensuring access to environmental information for citizens and comparing MS performance in implementing EU law.

Table 2. Q3.3: Average importance scores by objective²

| Monitoring and reporting objectives | Average importance score (out of 10) |
|--|--------------------------------------|
| Monitoring and reporting should allow for an assessment of whether EU legal obligations are being met | 8.8 |
| Monitoring and reporting should allow stakeholders to understand the state of the environment and the actions taken to maintain and improve it | 8.5 |
| Monitoring and reporting should generate reliable environmental information and ensure access to environmental information for citizens | 8.2 |
| Monitoring and reporting should allow comparison between Member States as | 7.7 |

² Weighted mean average calculated across all responses

regards their performance when implementing EU environment law

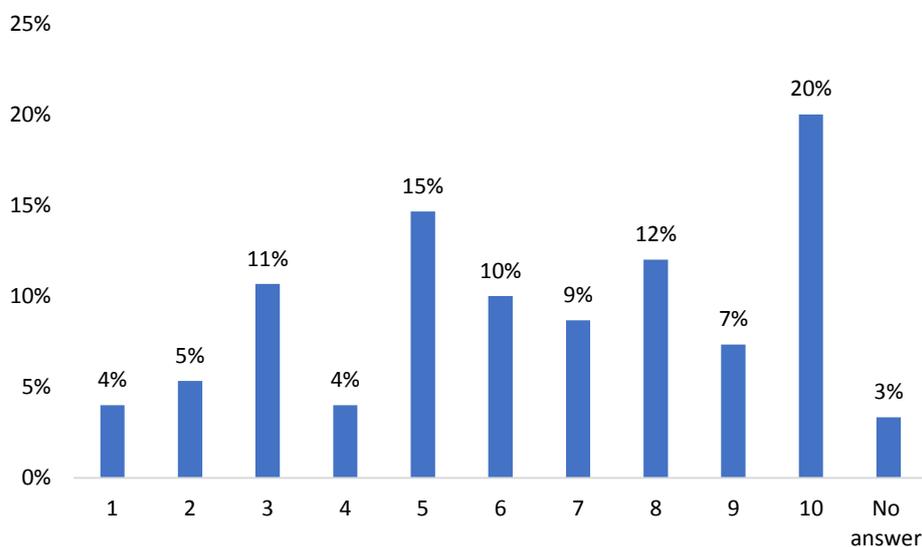
2.3 Principles of monitoring and reporting

Question 3.4 asked respondents about their perceptions relating to the importance of different criteria in setting environmental monitoring and reporting requirements and delivering EU value added. Respondents were asked to score each criterion out of 10, with a score of 1 meaning that the objective is not important and a score of 10 indicating that it is extremely important.

In response to the principle that monitoring and reporting should provide 'a very detailed picture', respondents were relatively split on the importance of this criterion (see Figure 12).

Figure 12. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

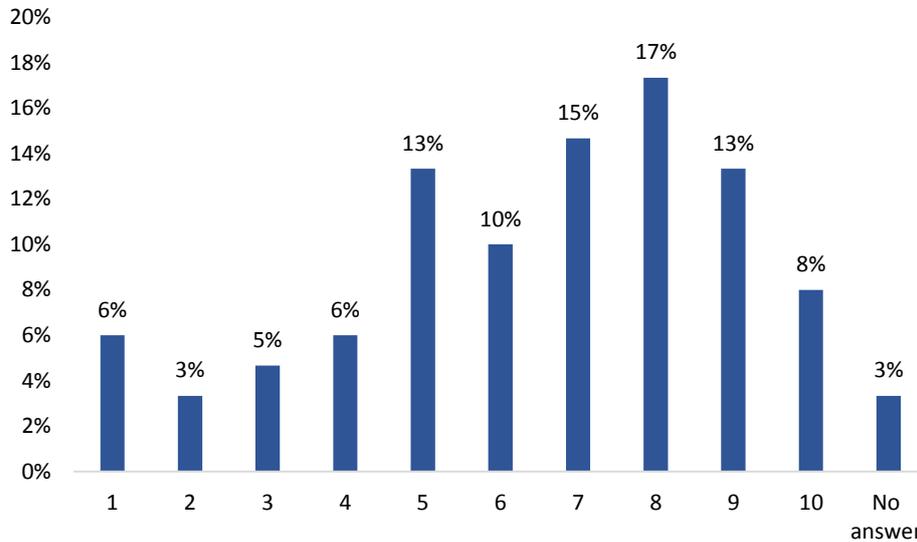
'Monitoring and reporting should provide a very detailed picture'



Respondents were broadly supportive of the suggestion that monitoring and reporting should cover the costs and benefits of the action, although again there was a wide spread of opinion about the importance of this criterion (see Figure 13).

Figure 13. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

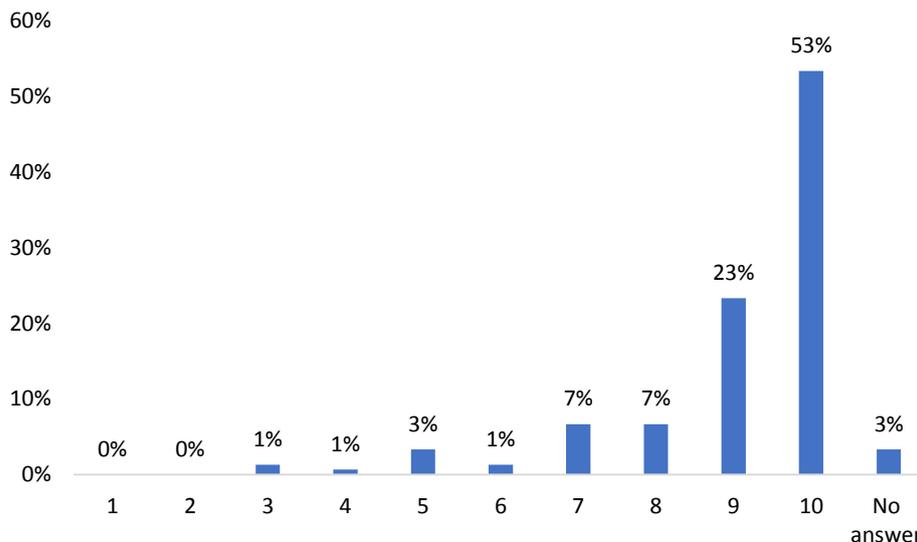
'Monitoring and reporting should cover the costs and benefits of the action'



A majority of respondents were strongly supportive of the assertion that information should be collected once and shared where possible to maximise value and minimise duplication, with 53% assigning a maximum score of 10 to this criterion (see Figure 14).

Figure 14. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

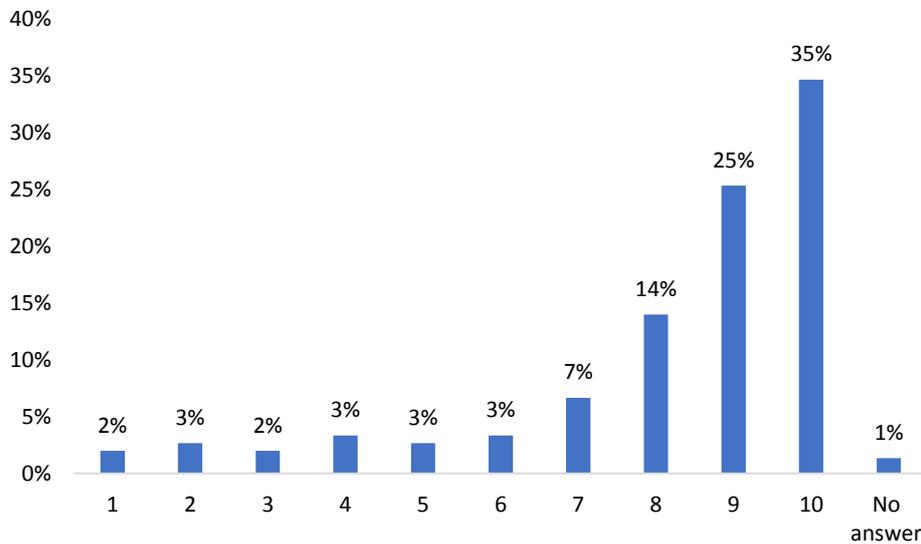
'Information should be collected once and shared where possible for many purposes'



Respondents also strongly agreed with the idea that a balance should be struck between the value of asking for more monitoring information, and the cost of obtaining that information, with 60% scoring this criterion a 9 or 10 (see Figure 15).

Figure 15. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

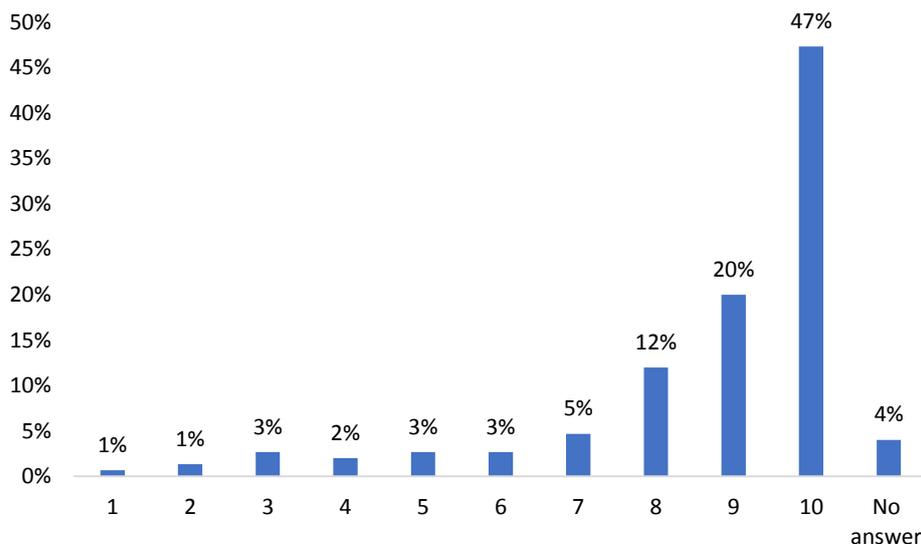
'A balance should be struck between asking for more information, and the cost of that provision'



There was also very strong support for the principle that reported information should be fully available to the general public, albeit at an appropriate scale and taking confidentiality into account, with two thirds giving this criterion a score of 9 or 10 (see Figure 16).

Figure 16. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

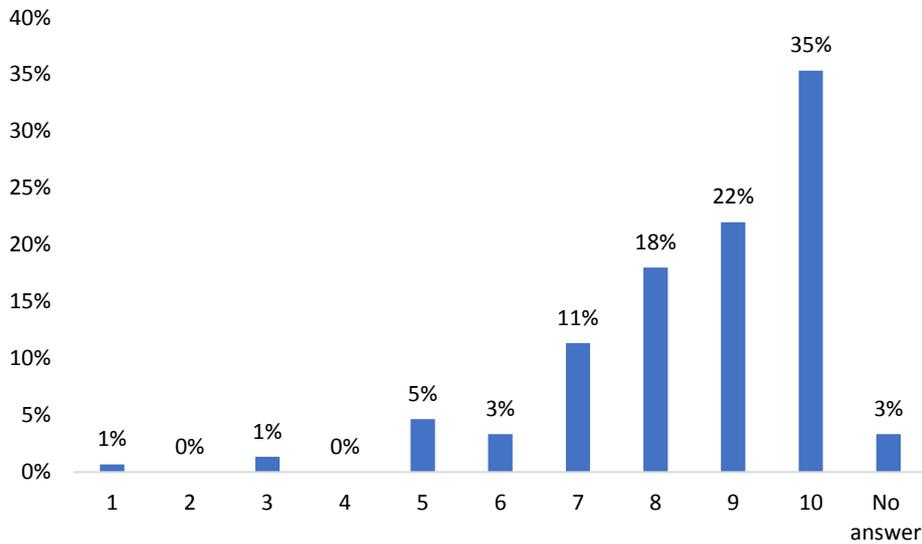
'Reported information should be fully available to the general public, after due consideration of the appropriate level of aggregation and subject to appropriate confidentiality constraints'



Respondents strongly agreed that monitoring and reporting should be timely and up to date (see Figure 17).

Figure 17. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

'Monitoring and reporting should be timely and up to date'

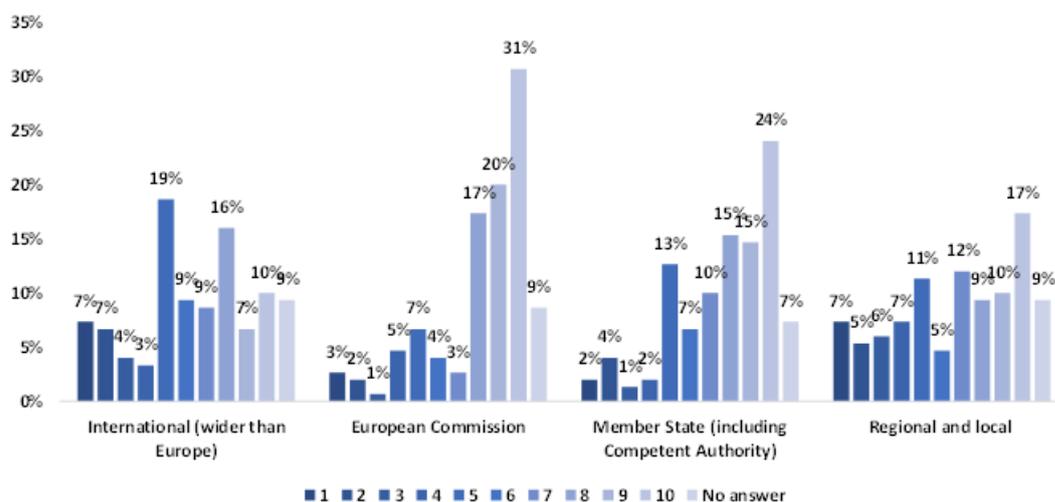


3 Current perceptions of environmental monitoring and reporting

3.1 Different governance levels

Question 4.3 asked about different levels of governance for environmental reporting, and which offered greatest potential to combine or streamline reporting requirements in order to reduce costs or administrative burdens. While there was agreement that such potential existed at all governance levels from regional and local to international, the strongest views were expressed for the potential at European Commission level (see Figure 18).

Figure 18. Q4.3: As well as environmental reporting obligations towards DG Environment, there are a number of international obligations, for example, to European marine conventions, OECD, UN, and UNECE. Attention needs to be made to ensuring that synergies are exploited between these commitments, and inconsistencies avoided. What are the levels of governance where there is the biggest potential to combine or streamline reporting requirements in order to reduce costs and administrative burdens?



Respondents were also asked to provide comments relating to the issue of different governance levels:

- One respondent highlighted the potential of the UN Sustainable Development Goals to promote more harmonised reporting internationally.
- Five respondents provided additional comments in support of further action at the EU level. One respondent clarified that since many EU environmental standards are relatively stringent in an international context, achieving consistency with international standards is relatively straightforward in this respect. The remaining four respondents took the view that the role of the Commission is to provide a clear indication of the data that needs to be collected – with one respondent explaining the particular importance of this in the context of complex or technical Directives (such as the Seveso Directive).
- Two respondents argued that the local level is the most appropriate area of focus, with one giving the explanation that this is where the bulk of monitoring efforts occur and the other highlighting that certain directives such as the Water Framework Directive have a specific focus on local or regional management (for example, through River Basin Districts).
- Another two respondents argued that additional resources (in the form of guidance or assistance from the EU and Member States) to the local level are needed to support more consistent approaches.
- Another respondent suggested that it was difficult to generalise in this regard, given the diversity of focus of different Directives as well as the diversity of regulatory and administrative systems between MS.

3.2 Standardised Reporting Directive

Question 4.4 asked respondents about the legal basis for reporting obligations. The Standardised Reporting Directive was agreed in 1991 to provide a single harmonised approach to monitoring and reporting. Many specific reporting decisions in different policy areas (e.g. water, waste) have been agreed. Over time, however, most

reporting requirements have been included in specific pieces of legislation so that they can be tailored to meet the requirements of the legislation.

Respondents expressed stronger support for reporting obligations being laid down specifically in individual pieces of legislation (61% agreed or strongly agreed) rather than being agreed informally between the Commission and Member States (28% agreed or strongly agreed) (see Figure 19 and Figure 20).

When responses are broken down by respondent group, we can see strong support for setting down reporting obligations (ROs) within legislation and harmonisation being achieved through collaboration amongst research institutions, private enterprise and professional organisations (see Table 3). These groups are also more inclined to disagree with the suggestion that ROs should be agreed on a case-by-case basis between the European Commission and Member States (0).

Figure 19. Q4.4: The Commission is now considering the repeal of the Standardised Reporting Directive including its specific reporting questionnaires – most of these being obsolete already. However, the question in relation to the Fitness Check on monitoring and reporting is whether such a legally-binding, horizontal approach should be developed again in the future. In this context, do you agree or disagree with the following statements?

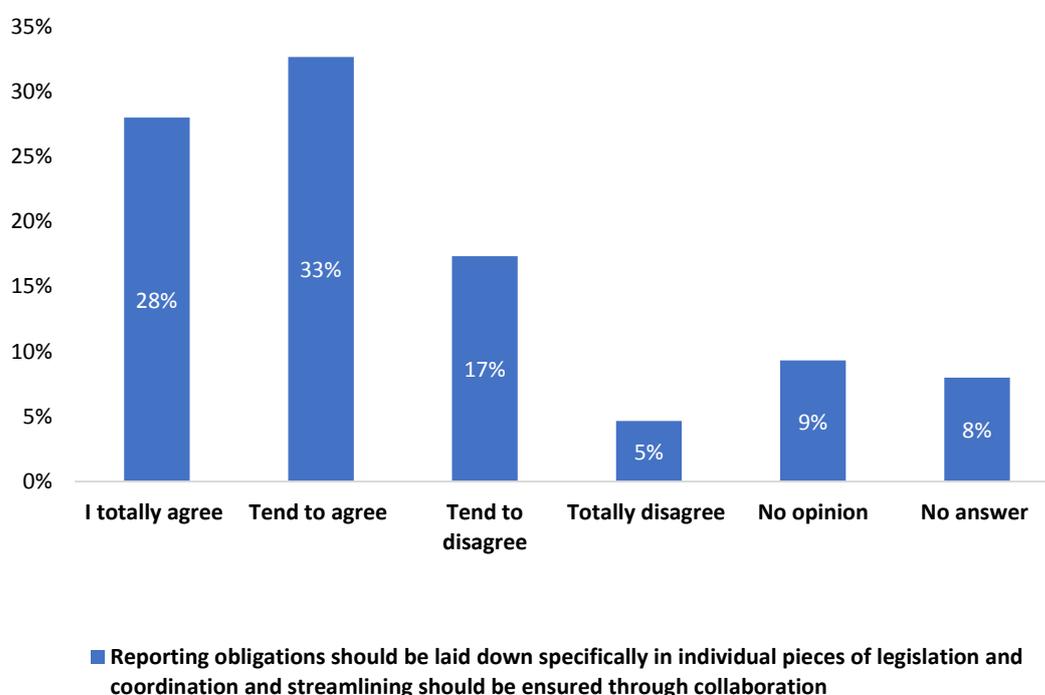
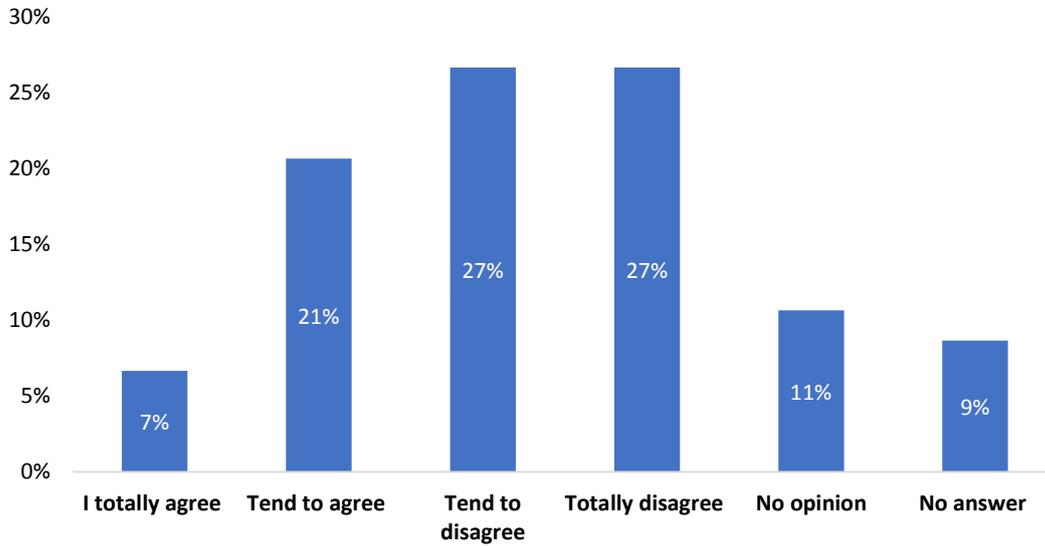


Table 3. Q4.4: Reporting obligations should be laid down in individual legislation – breakdown by respondent group

| | I totally agree | Tend to agree | Tend to disagree | Totally disagree | No opinion |
|-------------------------------------|-----------------|---------------|------------------|------------------|------------|
| Academic/research institution (N=2) | 50% | 0% | 0% | 0% | 50% |
| As an | 27% | 46% | 12% | 0% | 4% |

| | | | | | |
|---------------------------------------|-----|-----|-----|-----|-----|
| individual / private person (N=26) | | | | | |
| Civil society organisation (N=14) | 21% | 14% | 21% | 7% | 21% |
| International organisation (N=3) | 33% | 0% | 33% | 0% | 33% |
| Other (N=4) | 50% | 25% | 25% | 0% | 0% |
| Private enterprise (N=4) | 0% | 75% | 0% | 25% | 0% |
| Professional organisation (N=14) | 50% | 21% | 7% | 21% | 0% |
| Public authority (N=83) | 25% | 34% | 20% | 2% | 10% |

Figure 20. Q4.4: The Commission is now considering the repeal of the Standardised Reporting Directive including its specific reporting questionnaires – most of these being obsolete already. However, the question in relation to the Fitness Check on monitoring and reporting is whether such a legally-binding, horizontal approach should be developed again in the future. In this context, do you agree or disagree with the following statements?



■ Reporting requirements do not need to be laid down in legislation but should be agreed informally on a case-by-case basis between the EU Commission and the Member States

Q4.4: Reporting requirements should be agreed on a case-by-case basis between the EC and MS – breakdown by respondent group

| | I totally agree | Tend to agree | Tend to disagree | Totally disagree | No opinion |
|--|-----------------|---------------|------------------|------------------|------------|
| Academic/research institution (N=2) | 0% | 0% | 0% | 50% | 50% |
| As an individual / private person (N=26) | 12% | 15% | 27% | 27% | 4% |
| Civil society organisation (N=14) | 0% | 0% | 21% | 36% | 29% |
| International organisation (N=3) | 33% | 0% | 67% | 0% | 0% |
| Other (N=4) | 0% | 50% | 25% | 25% | 0% |
| Private enterprise (N=4) | 25% | 0% | 25% | 25% | 25% |
| Professional organisation (N=14) | 7% | 7% | 43% | 43% | 0% |
| Public authority (N=83) | 5% | 29% | 24% | 23% | 11% |

Respondents were also asked to provide general comments relating to the possible repeal of the Standardised Reporting Directive:

- Overall, five respondents to this question supported the concept of a 'core' set of monitoring requirements within delegating/implementing acts, with the details integrated into sectoral legislation.
- One respondent indicated that repeal of the SRD could be beneficial where there are different burdens for different Member States depending on the object of monitoring (for example, monitoring of water bodies). In such cases, a risk-based approach to monitoring could be beneficial.
- Another respondent pointed to the Common Implementation Strategy approach under the WFD and UWWTD as effective examples of processes for informally agreed reporting requirements.
- One proposed a balanced approach; general monitoring and reporting requirements in a 'horizontal' Directive, with specific requirements within the

specific Directives and practical arrangements being informally agreed. The horizontal element could include items of responsibilities, e-governance, e-reporting, codification systems, the role of questionnaires, etc., whilst specific requirements would deal with monitoring requirements, frequency and timing. Informal arrangements would include templates, guidance and data element attributes.

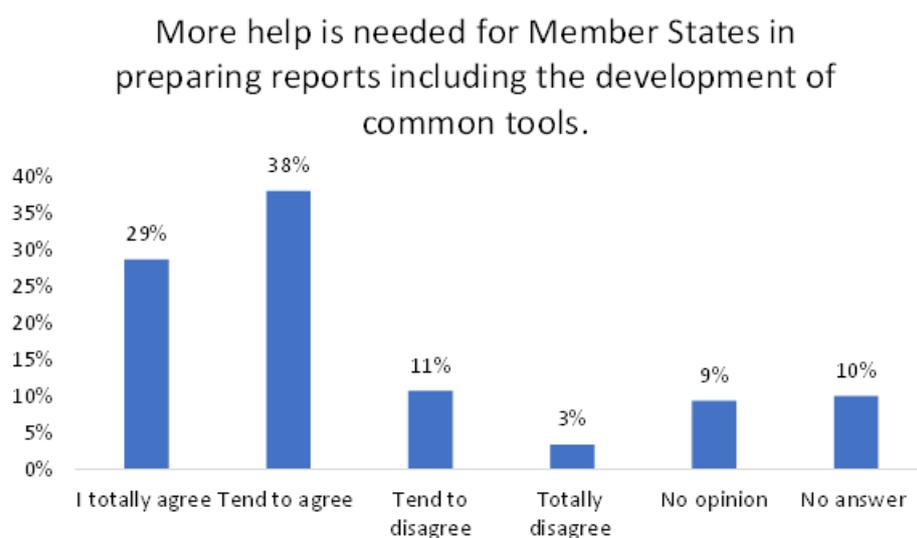
- Two respondents indicated that the Commission could support MS by giving greater forward guidance of information requirements, arguing that if MS know far in advance what information will be required and when, they can allocate resources appropriately and provide better data.
- One respondent highlighted that Water Framework Directive as an example of how much can be achieved even through the use of non-binding guidelines, although powers to specify monitoring and reporting requirements will usually need to be conferred on the Commission through implementing acts to spell out further detail.
- One respondent indicated that it would be useful to set out a requirement to report under the Water Framework Directive, while retaining flexibility to adapt and change specific reporting flows as required. Currently the WFD is in a consensus driven process. Legally binding regulations can be difficult to change, and there have reportedly been several occasions on which MSs have been told to ignore certain issues because the environmental situation has developed and the legislation cannot keep up.

3.3 The process for reporting

Question 5.1 asked about the process for reporting.

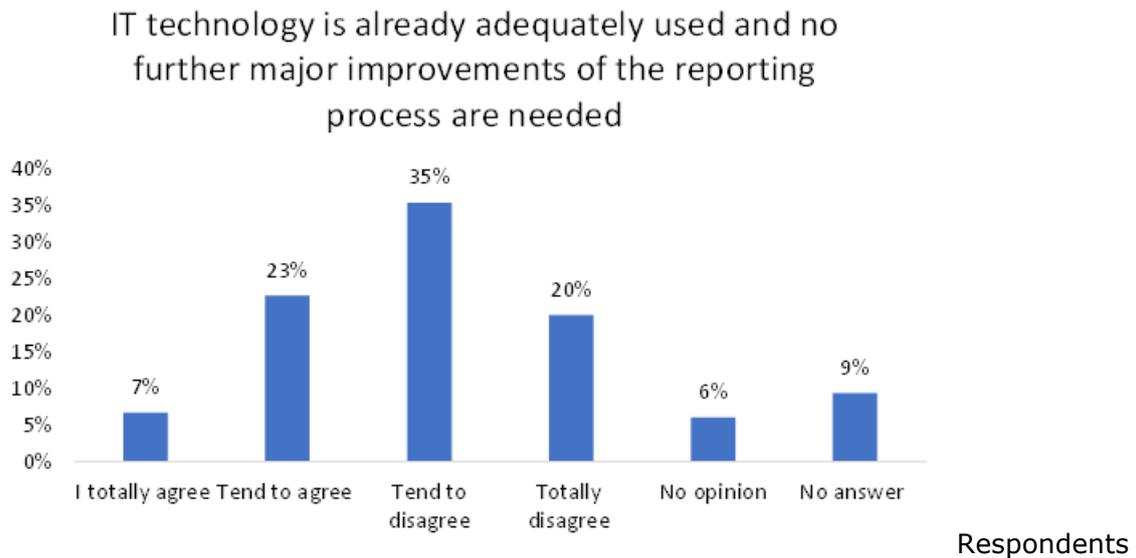
Two thirds of respondents totally agreed or tended to agree that more help is needed for Member States in preparing reports and for the development of common tools (Figure 21).

Figure 21. Q5.1: As well as the content of what is reported, the process for reporting is important for ensuring that the right information is collected, processed and disseminated at the lowest possible cost. IT technologies could be one of the answers. In this context, do you agree or disagree with the following statements?



Many respondents also felt that IT systems are not being used to their full potential, with 55% either totally disagreeing or tending to disagree that IT is already adequately used and that no improvements are needed (Figure 22).

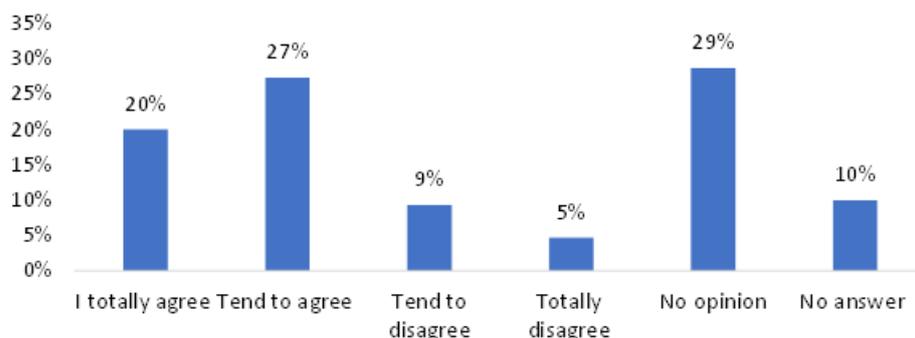
Figure 22. Q5.1: As well as the content of what is reported, the process for reporting is important for ensuring that the right information is collected, processed and disseminated at the lowest possible cost technologies could be one of the answers. In this context, do you agree or disagree with the following statements?



tended to agree with the statement that business processes and quality assurance procedures are still causing significant administrative burden and need to be improved (Figure 23). However, 39% either did not respond or expressed no opinion on this topic.

Figure 23. Q5.1: As well as the content of what is reported, the process for reporting is important for ensuring that the right information is collected, processed and disseminated at the lowest possible cost. IT technologies could be one of the answers. In this context, do you agree or disagree with the following statements?

The business process and QA procedures (outside the rules laid down by the INSPIRE Directive) in place for reporting are still causing significant administrative burden and need to be improved.

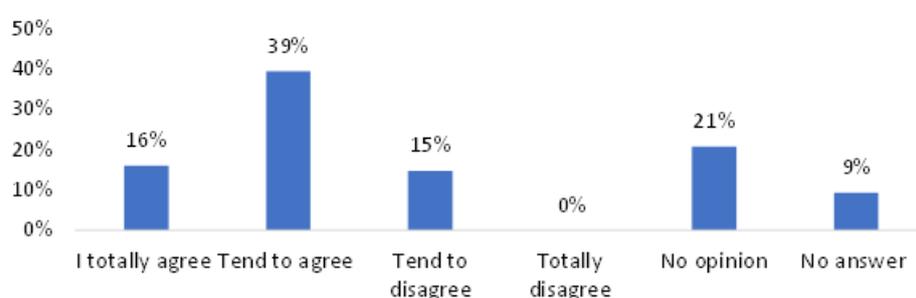


Strong support was expressed for the potential for the INSPIRE Directive to provide a common approach for reporting, reducing administrative burden and facilitating reuse

of the reporting process and information across different levels of government. 55% of respondents totally agreed or tended to agree with this statement, although 30% expressed no opinion or did not answer (see Figure 24).

Figure 24. Q5.1: As well as the content of what is reported, the process for reporting is important for ensuring that the right information is collected, processed and disseminated at the lowest possible cost technologies could be one of the answers. In this context, do you agree or disagree with the following statements?

The INSPIRE Directive can provide a common approach and process for reporting, reducing administrative burden and facilitating reuse of the reporting process and information across different levels of government.



When the answers are broken down by respondent group, we can see that public authorities, civil society and private enterprise disagreed strongly with the statement that IT technology is already adequately used, potentially pointing to additional potential for IT within reporting as well as information requirements (see Table 4).

Table 4. Q5.1: 'IT technology is already adequately used' – breakdown of responses by respondent category

| | I totally agree | Tend to agree | Tend to disagree | Totally disagree | No opinion |
|--|-----------------|---------------|------------------|------------------|------------|
| Academic/research institution (N=2) | 50% | 50% | 0% | 0% | 0% |
| As an individual / private person (N=26) | 4% | 31% | 19% | 27% | 8% |
| Civil society organisation (N=14) | 0% | 7% | 50% | 29% | 0% |
| International organisation (N=3) | 33% | 33% | 33% | 0% | 0% |

| | | | | | |
|--|-----|-----|-----|-----|-----|
| Other (N=4) | 0% | 25% | 75% | 0% | 0% |
| Private enterprise (N=4) | 0% | 0% | 50% | 25% | 0% |
| Professional organisation (N=14) | 14% | 7% | 14% | 14% | 29% |
| Public authority (N=83) | 6% | 25% | 40% | 19% | 4% |

Public authorities and civil society were also supportive of the role of the INSPIRE Directive in promoting a harmonised approach to reporting, whilst enterprises and professional associations appeared to be more equivocal (see Table 5).

Table 5. Q5.1: 'The INSPIRE Directive can provide a common approach and process for reporting'

| | I totally agree | Tend to agree | Tend to disagree | Totally disagree | No opinion |
|--|-----------------|---------------|------------------|------------------|------------|
| Academic/re search institution (N=2) | 50% | 0% | 50% | 0% | 0% |
| As an individual / private person (N=26) | 15% | 38% | 15% | 4% | 12% |
| Civil society organisation (N=14) | 43% | 2% | 1% | 1% | 1% |
| International organisation (N=3) | 67% | 33% | 0% | 0% | 0% |
| Other (N=4) | 0% | 50% | 25% | 0% | 25% |
| Private enterprise (N=4) | 25% | 25% | 0% | 0% | 25% |
| Professional organisation (N=14) | 29% | 21% | 0% | 0% | 29% |
| Public | 30% | 45% | 11% | 4% | 5% |

authority
(N=83)

International organisations, private enterprise and public authorities all tended to agree with the assertion that business processes and QA are contributing to administrative burdens and need to be improved (although sample sizes were small and a significant proportion expressed no opinion, see Table 6) .

Table 6. Q5.1: 'Business processes and QA procedures are causing significant administrative burden' – breakdown of responses by respondent category

| | I totally agree | Tend to agree | Tend to disagree | Totally disagree | No opinion |
|--|-----------------|---------------|------------------|------------------|------------|
| Academic/research institution (N=2) | 0% | 0% | 0% | 0% | 100% |
| As an individual / private person (N=26) | 8% | 23% | 12% | 19% | 38% |
| Civil society organisation (N=14) | 0% | 7% | 7% | 50% | 36% |
| International organisation (N=3) | 33% | 67% | 0% | 0% | 0% |
| Other (N=4) | 0% | 0% | 25% | 0% | 75% |
| Private enterprise (N=4) | 0% | 50% | 0% | 25% | 25% |
| Professional organisation (N=14) | 21% | 14% | 0% | 21% | 43% |
| Public authority (N=83) | 29% | 34% | 11% | 7% | 19% |

The small numbers of respondents representing international associations and civil society agreed with the statement that more help is needed for Member States in preparing reports, while the greatest proportion of public authorities 'tended' to agree with this statement (see Table 7).

Table 7. Q5.1: 'More help is needed for Member States' – breakdown of responses by project category

| | I totally agree | Tend to agree | Tend to disagree | Totally disagree | No opinion |
|--|-----------------|---------------|------------------|------------------|------------|
| Academic/research institution (N=2) | 50% | 0% | 50% | 0% | 0% |
| As an individual / private person (N=26) | 15% | 38% | 15% | 4% | 12% |
| Civil society organisation (N=14) | 43% | 2% | 1% | 1% | 1% |
| International organisation (N=3) | 67% | 33% | 0% | 0% | 0% |
| Other (N=4) | 0% | 50% | 25% | 0% | 25% |
| Private enterprise (N=4) | 25% | 25% | 0% | 0% | 25% |
| Professional organisation (N=14) | 29% | 21% | 0% | 0% | 29% |
| Public authority (N=83) | 30% | 45% | 11% | 4% | 5% |

Respondents were also asked to provide specific comments or suggestions relating to the process of reporting.

Several respondents provided suggestions about enhancements of data-sharing arrangements, including on technologies and evaluation procedures:

- One respondent from a public authority suggested that while INSPIRE will contribute to the harmonisation of spatial data, there are risks inherent in converting too much data to INSPIRE compliance as technical specifications and formats quickly become outdated, resulting in cumbersome systems that erode the overall competitiveness of the EU. While harmonisation of reporting is supported, it poses challenges from an IT perspective.
- One respondent proposed to the Commission that the INSPIRE Schema should be revised to become a 'super schema' which would set the pattern for the schemas in other reporting Directives. This approach, it is argued, would meet the use

case, satisfy user needs and avoid duplication as in effect it would harmonise these to the INSPIRE Schema. It was argued that this proposal has obtained wide support from other MS.

- Two respondents felt that Member States should ideally distribute open data in order to increase efficiency – suggesting that the Commission could support this process through distributed services or ‘meta data’ on the analytical quality of reporting
- One respondent argued that as many of the problems legislation seeks to address are transboundary, there are clear benefits to data reported being cross-comparable. This could entail ‘European added value’ and the Commission could, it is argued, produce performance scoreboards to publicise compliance or lack of compliance. For example, DG Environment posts a Natura 2000 barometer on its website illustrating MS progress in implementing the Birds and Habitats Directives. Similar databases could be developed covering the whole spectrum of EU environmental law including information on the relevant implementing actors such as local authorities, individual companies, facilities or other undertakings.
- Another respondent argued that the owner of the policies, i.e. the Commission, should take a leading role in convincing the (environmental) reporting community to participate more actively in INSPIRE implementation through regulatory alignment of the existing reporting obligations to INSPIRE.
- One respondent felt that the focus of existing monitoring requirements fell too much on costs, and not enough on the wider benefits of this monitoring. They were thus broadly supportive of monitoring that could also evidence the wider societal and economic benefits of the Directive or Regulation concerned.
- One respondent commented that monitoring is mainly based on local needs (based on the existing legislation), whereas reporting is the process of compiling and aggregation the information available to a level, which allows for the evaluation according to the objectives of the different levels involved in the implementation process.

Respondents also provided specific suggestions in relation to their own policy domains:

- There was strong support for the integration of the E-PRTR into waste monitoring for management of hazardous waste.
- E-reporting was seen by one respondent as a good use of technology for air quality reporting but barriers to its wider use remain, including the lack of compliance modelling data in EEA aggregate statistics and the lack of data discovery services.
- One respondent pointed to the potential for reporting of data on timescales for product types to biodegrade, and equivalent resources saved through recycling.
- One respondent proposed extending REACH authorisation and risk assessment to legacy spare parts.

4 Additional evidence provided

In addition to survey responses, 16 of the 150 respondents provided 18 additional evidence documents to support the views expressed in the survey. These 18 documents included:

- Eight detailed position statements relating to the Fitness Check and content of the consultation;
- Four documents containing additional comments, providing clarification of responses within the consultation;

-
- Four slide decks providing outputs from national or international workshops on topics relating to environmental monitoring and reporting;
 - One national environmental monitoring strategy; and
 - One copy of questionnaire outputs from an EU-wide evaluation of the E-PRTR Regulation.

4.1 Public authorities

Seven public authorities provided a range of additional evidence, including one workshop output, three position statements, one additional set of comments relating to the survey, and a copy of questionnaire outputs from an evaluation of the E-PRTR Regulation. Key points raised were as follows:

Harmonisation of data and reporting

- According to one position statement, the Fitness Check could be particularly beneficial in terms of standardising reporting – E-PRTR was highlighted as one area in particular where common validation tools were seen as potentially useful. In addition, high level indicators were proposed to track key issues and trends relating to each Directive, whilst it was suggested that more timely indicators and map-based systems could be developed to support more specific, regional and local information. Similarly, in the biodiversity and nature policy domain, one authority highlighted the potential for greater synchronisation of requests for information and survey processes across the Commission as a means to reduce reporting burdens on MS.
- One respondent pointed to the particular opportunities around Open Data, including making data available free of charge, developing appropriate skills and people to make better use of data and building the right tools and policies to maximise the value of existing data.
- One position statement highlighted the need to engage Member States closely in the course of this Fitness Check so as to anticipate future changes in data needs and to build flexibility into national reporting processes.
- Another Member State position statement pointed to the need for gradual integration of common datasets across Directives, the promotion of a Common (INSPIRE-compliant) Data Model as well as bottom-up MS initiatives to promote greater policy coherence.
- One respondent provided workshop outputs from the Make It Work initiative, including recommendations to focus on the needs of data users in the medium term through establishment of a less common reference data set, consideration between MS and the Commission of which products (maps, statistics, etc.) are needed to support policy objectives, coordination of long-term indicators and implementation of a Common Data Model. In the longer term, distributed information systems were seen to have particular promise for the Floods Directive, WFD and other areas. Gradual expansion of the EU information service, together with an Open Data Strategy, was also seen as a long-term priority. One MS authority highlighted the potential to make wider use of Open Data within ROs as a means to lessen the overall reporting burden.
- One national data steering group provided general comments that the most important principles for monitoring in the EU are contained within the Shared Environmental Information System communication³. This outlines that information should be:
 - Managed as close as possible to the source;

³ <http://ec.europa.eu/environment/archives/seis/>

-
- Collected once and shared between many users; and
 - Readily available to fulfill reporting obligations.
 - Whilst in general, there is a need to balance frequency of data collection against the overall reporting burden, this relationship may not always be clear. One MS authority indicated that water data collected through Eurostat may actually be more valuable if collected annually rather than biannually, as authorities could improve and streamline the reporting process whilst learning from their mistakes.

Balancing EU and Member State actions

- In the view of one authority, the biggest potential to improve existing monitoring and reporting requirements is at the national and regional level. Even though agreed standards exist in many areas, the prevalence of different practices is seen to make results incomparable and evaluation of implementation biased.
- In the view of one MS authority, the Commission's preference for reporting via webforms (without context or information on how the data is to be utilised) necessitates the authority to develop its own tools. It is suggested that the Commission could take steps to encourage the wider use of such reported data in certain domains, particularly the Water Framework Directive. Wider sharing of guidance and best practice is seen as particularly important in the case of air quality – again, existing reporting formats lessen the opportunity for wider learning.
- The Water Information System for Europe and Ozone web (EEA portal for sharing ozone information) were identified within two position statements as strong examples of the operation of data integration at the EU level. It was also suggested that traditional compliance reporting might be replaced or supplemented by alternatives including making information available through Copernicus (remote sensing), making more use of science and research in order to collect information directly or indirectly, and focusing more on capacity-building as an alternative to infringement measures. One MS authority underlined the importance of maintaining proportionality in water-related ROs – suggesting that whilst certain data requirements are useful at the national level this may not be the case at the EU level. Equally, some data may be expensive or time consuming to collect but highly valuable at the right scale.
- Concerning the implementation of the INSPIRE Directive, one national data steering group argued that in the context of environmental reporting obligations, the thematic units of DG Environment should take the lead and initiative to adapt environmental reporting specifications accordingly. This should also determine the timing of the Inspire implementation in practice in order to avoid additional costs and burden for the member states.
- With regard to REACH substitution, one authority took the view that data available through REACH is not used in a comprehensive and effective manner to promote substitution of Substances of Very High Concern through the whole sector e.g. in setting Green Chemistry / substitution requirements within the BREF standards, despite these "state of the art" benchmarks being explicitly aimed to promote the substitution of hazardous pollutants. Available information should, it is argued be used to improve production processes throughout the production life cycle.
- In the view of one authority, extending the reporting requirements in the E-PRTR to a priority list of product groups pollutants to be addressed in outputs (including wastes) would be beneficial to chemicals policy and resource efficiency objectives.
- Significant shortcomings in relation to the reporting obligation which stem from the UNECE Protocol on PRTRs were highlighted by one authority. This respondent argued that the E-PRTR related reporting needs to be improved significantly to

promote objectives such as benchmarking, compliance assessment and strengthened pollution prevention at source areas.

4.2 Professional associations

One EU-level workshop output and one detailed position statement were received from two professional organisations operating in the energy generation and distribution and waste management sectors. Key points raised were as follows:

Harmonisation of data and reporting

- One respondent highlighted findings from a survey of waste producers and managers by MS and Eurostat, showing significant differences between MS due to different identification criteria, waste management practices but also different statistical criteria and sources; this results in recording errors (e.g. kg instead of tonnes) which are not always verified before being published on the Eurostat website. Accordingly, this respondent recommended that waste statistics should be based on PRTR declarations rather than other regulations – better guidance from authorities could be beneficial in this case, together with data verification in cooperation with waste operator associations to avoid errors.

Linking monitoring data to measuring compliance

- Another respondent, representing the energy sector, stressed that the link between environmental monitoring and reporting on the one hand, and performance or compliance checking on the other, is not very clear. Monitoring and reporting information should, it is argued, be read against the background of national, regional or local environmental conditions. Some policy areas are very sensitive to the local environmental setting of a plant/site (e.g. water or soil) and this will lead to a different appreciation of the output. In the case of emissions or other impacts from power plants, the local conditions must be considered carefully (other emitters, historical pollution, impact of climate change, etc.).
- This association reiterated the view that is important for the public to have access to clear and comprehensive environmental information in order to be better informed about its local environment (e.g. what are the main sources of pollution in the area), pointing out that emissions from electricity generation have steadily declined in recent years. It was therefore seen as important that 'public oriented' websites do not only focus on large stationary sources of pollution (such as the power sector which is already reporting extensively, for instance in E-PRTR), but also include analogous information from diffuse sources of emissions such as transport, domestic heating or agriculture, preferably also providing seasonal analysis concerning such emissions.

Scaling information requirements to impacts

- With respect to the Industrial Emissions Directive, one respondent (representing an energy industry association) indicated that in some areas there is an undue administrative burden and lack of evaluation of the costs and benefits associated with relevant monitoring and reporting requirements, arguing that these should be better adapted to the size and operating mode of a site to avoid costs and administrative burden that are likely to outweigh any environmental benefit. This burden was seen to fall particularly on smaller installations or installations running at very low operating hours (e.g. plants running less than 500 hours per year), whose overall environmental impact is limited. The respondent pointed to average capital costs of around €200,000 a year for continuous monitoring of a large combustion plant in line with the relevant BREF – a substantial share of overall operating costs.

4.3 Civil society organisations

Six civil society organisations (including four national organisations and two EU-level organisations) submitted four detailed position statements and, two sets of additional consultation comments and two workshop outputs on themes related to the Fitness Check. Key points raised were as follows:

Harmonisation of data and reporting

- The delayed implementation of the INSPIRE Directive was seen by one organisation as a barrier to effective and efficient monitoring and reporting. Integrated information under different media belonging to the same industrial activities should, it is argued, be used to improve standards-setting (eg. Best Available Techniques conclusions) and fulfilling other aims such as compliance and benchmarking purpose. The ability for such integrated information to support the strengthening of industry-specific BREF documents could be explored in more detail.
- One organisation's position statement highlighted the constantly-expanding body of reporting requirements and indicators (for example, the 17 Sustainable Development Goals) indicating that this points to the growing need for integration of monitoring and reporting across policy domains, with a particular focus on providing comprehensive information in a more user-friendly manner for all stakeholders including citizens, whose awareness of environmental issues and their relations to other policy areas. Accordingly, it is argued that the Fitness Check should focus 'on integration, effectiveness and dissemination of existing data streams rather than reduction'.
- In the context of the E-PRTR, one respondent highlighted the US EPA Air Markets Programme Data portal as a strong example of an easily accessible and comprehensive portal allowing for both multi-query search and streamlining of reporting⁴.
- One respondent provided outcomes from a workshop on enhancing the EU Added Value of the E-PRTR. Among the proposals included were ensuring data of adequate quality and quantity in a format that allows interpretation by non-experts, including providing links to EU Environmental Quality Standards, assessment of compliance of industrial facilities with permit requirements (eg. permitting and inspection information), providing an assessment of the true environmental performance of industry and techniques used (eg. BREF-related information), and providing a link to parameters relevant to the environmental performance assessment/benchmarking (in line with US EPA best practice).

Linking monitoring data to measuring compliance

- One respondent stressed the need for the Commission to invest in a structured monitoring of implementation of key provisions of EU legislation, giving the example of a structured sampling of Natura 2000 sites to assess the effectiveness of management plans. Targeted research, particularly using randomized sampling methods, was seen to greatly increase the ability of decision-makers to make objective decisions and could help support capacity-building measures in place of infringement.
- According to submissions from one organisation, the High Level Group on Administrative Burdens (HLG) found that that approximately one-third of the administrative burden associated with EU environmental policies is a result of inefficient implementation at Member State level⁵. According to this respondent, a range of measures could be taken at individual Member State level to improve

⁴ <http://ampd.epa.gov/ampd/>

⁵ http://ec.europa.eu/smart-regulation/refit/admin_burden/high_level_group_en.htm

and streamline implementation of the monitoring and reporting obligations associated with EU environmental policies. Examples of measures that could be taken to improve cost-effective implementation and minimise any unnecessary costs to business at Member State level include the appropriate resourcing of competent authorities, greater cross-departmental coordination, the development of streamlined data collection systems, and the production of clearer, more consistent, and more easily accessible guidance, as identified by many stakeholder responses to the 'Fitness Check' of the Nature Directives.

- One respondent highlighted a number of gaps in terms of the current implementation of the monitoring and reporting obligations associated the Nature Directives. Although monitoring and reporting under these Directives has significantly improved our knowledge and understanding of the status and distribution of species and habitats across the EU, evidence gathered through the 'Fitness Check' of the Nature Directives suggests that these obligations are not being properly complied with by many Member States. As a result, there are some serious gaps in terms of the data currently available, as reflected in the significant percentage of "unknown" assessments reported by Member States. This is not only a problem from a conservation perspective; it also results in costs and delays to businesses/developers due to the insufficient data available upon which to assess impacts and avoid/mitigate potential damage.

The burden of environmental monitoring and reporting relative to other policy areas

- In its final report, the High Level Group on Administrative Burdens recommended that in future the European Commission concentrate on reducing unnecessary administrative burdens in those policy areas with the highest estimated costs. In the view of this respondent, it is clear from the findings above that environmental legislation is not a priority policy area, and no evidence of unnecessary burdens has been presented.

5 Conclusions

5.1 General conclusions from the consultation

Based on the consultation findings, the following general conclusions can be drawn:

- **A majority of respondents are fairly satisfied with existing monitoring and reporting arrangements**, although they see some specific areas for improvement in certain policy domains. Some 65% of consultation respondents indicated that they were satisfied or fairly satisfied with existing arrangements, although nearly a third were dissatisfied. Public authorities appeared to report the highest satisfaction with current arrangements, whilst professional organisations, private enterprise and academic/research institutions appeared amongst the most dissatisfied.
- **Respondents generally regard existing information requirements as appropriate, with some exceptions.** A strong majority of respondents felt that existing amounts of information collected in the air quality and pollution, chemicals, noise and waste were 'about right' to meet policy objectives. Respondents generally felt that more information was required in relation to biodiversity and nature protection, natural resources and soil, whilst respondents with knowledge of water policy were divided on whether existing information requirements were appropriate or too demanding – with some suggesting that this represents the heterogeneity of water resources across the EU.
- **Most monitoring and reporting requirements were viewed as neither efficient nor inefficient, with specific areas of improvement possible.** Noise was the policy domain where the current process was thought by the

largest share of respondents to be efficient, with waste and natural resources having the greatest share of respondents viewing them as inefficient.

- **In terms of the principles and objectives of monitoring, respondents felt that the most important principle is that monitoring and reporting should collect information once, and share it where possible for many purposes.** There is strong support for the INSPIRE Directive as a means to realise this principle and minimise overlap and improvement. The most important objective, meanwhile, is to allow for an assessment of whether EU legal obligations are being met, and to allow stakeholders to understand the environment and the actions taken to maintain and improve it. For both of these objectives, it was felt that there are possible areas for improvement in most policy domains.
- **The EU is seen as the most appropriate area of focus for harmonisation of monitoring and reporting processes.** Whilst respondents acknowledged the growing range of national and international monitoring and reporting obligations, they generally viewed the European Commission as the most appropriate area of focus for harmonisation between policy areas. Similarly, there was much stronger support for reporting obligations to be formalised within legislation and harmonisation achieved through collaborative action rather than ad-hoc arrangements between Member States.
- **Respondents generally felt that IT systems have significant potential to support streamlining of reporting processes and reduced administrative burden.** Almost all categories of respondents expressed the view that IT technology is not being used to its full potential and could support harmonisation of monitoring and reporting between policy areas, with a majority agreeing that the INSPIRE Directive can help support a common approach and reduction in administrative burden. Nonetheless, a substantial proportion of respondents (67%) felt that more support is needed for Member States in preparing reports, including the development of common tools.

5.2 Wider implications in the context of the Fitness Check

In addition to these conclusions, qualitative responses highlighted a number of wider findings with relevance to the Fitness Check:

There may be need for more structured comparison of costs versus benefits for reporting obligations and information requirements.

Some public and private sector respondents questioned the value of some reporting requirements for certain Directives, indicating that recent changes to the scope of reporting place substantial additional costs on authorities for reporting obligations and on businesses in terms of information requirements, whereas the marginal benefit of such changes is sometimes perceived to be limited.

Equally, some civil society groups and public authorities responding to the survey argue that more evidence is needed of the benefits of monitoring and reporting in terms of policy implementation to balance analysis of the costs.

It could be useful in the context of this Fitness Check to consider the extent to which outcome monitoring and providing evidence of monitoring benefits drives costs, as well as some of the potential benefits of this monitoring.

In particular, it could be important to understand where the burden of these costs fall – whether in additional reporting obligations or information requirements, as these appear to vary significantly between policy areas and some responses to the consultation appear to confuse these terms.

There is a perceived need for greater transparency in monitoring and reporting that could be supported by the EC and MS

A number of respondents to the consultation highlighted a perceived lack of transparency, both in the sourcing and recording of data by MS authorities, and in the processing of data submissions to the Commission. This sometimes appears to arise from differences in the implementation of EU law in the Member States.

Some respondents suggested that this could be addressed through 'soft' approaches such as the promotion of standardized reporting templates and the use of common databases such as the Water Information System for Europe. Others suggested a more hands-on approach from the Commission, such as DG Environment's publishing of indicators of Natura 2000 implementation by Member State on its website to spur compliance.

Other respondents have pointed to the value of indicative (or risk-based) sampling or monitoring of MS implementation at the EU level. The Fitness Check provides an opportunity to assess the viability of such an approach for different policy areas.

There appears to be some degree of consensus about the need to focus on building MS capacities

Despite clear progress in the harmonisation of monitoring and reporting for many policy areas, the challenge of differing interpretations of these obligations within different legal and regulatory systems remains.

Many respondents indicated that the focus of the Commission should be on providing supporting infrastructure for monitoring and reporting (such as common databases and Open Data) and providing broad principles for effective monitoring, whilst MS authorities should focus on building their own reporting capacities. Nonetheless, the prevalence of many transboundary environmental problems seems to support greater collaboration between MS authorities in many policy areas, such as water.

In other areas, such as linking waste to the E-PRTR, or soil quality management, there appears to be a stronger case for European Commission intervention to drive up compliance. In the context of the Fitness Check, it will be important to explore the subsidiarity principle across different policy areas and establish where action from the Commission is most likely to establish EU Added Value.

The Water Framework Directive is one example where repeated cases of non-compliance with 'good chemical and ecological water status' in water bodies across the EU28 may partly reflect significant uncertainties inherent in baseline monitoring data. A number of respondents point to the need to strengthen authorities' monitoring capacities in relation to the Directive as a prerequisite for improving compliance over the longer term.

These examples highlight the importance of capacity-building as well as enforcement activities.

HOW TO OBTAIN EU PUBLICATIONS

Free publications:

- one copy:

via EU Bookshop (<http://bookshop.europa.eu>);

- more than one copy or posters/maps:
 - from the European Union's representations (http://ec.europa.eu/represent_en.htm);
 - from the delegations in non-EU countries (http://eeas.europa.eu/delegations/index_en.htm);
 - by contacting the Europe Direct service (http://europa.eu/europedirect/index_en.htm) or calling 00 800 6 7 8 9 10 11 (freephone number from anywhere in the EU) (*).

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

Priced publications:

- via EU Bookshop (<http://bookshop.europa.eu>).

Priced subscriptions:

- via one of the sales agents of the Publications Office of the European Union (http://publications.europa.eu/others/agents/index_en.htm).

