

FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	Fitness Check of monitoring and reporting obligations in environment policy		
LEAD DG RESPONSIBLE UNIT	ENV.D.4 AND ENV.F.1	DATE OF THIS ROADMAP	14 March 2016
TYPE OF EVALUATION	Fitness Check	START DATE	09/2015
	Interim	PLANNED COMPLETION DATE	03/2017
	Mixed	PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
This indicative roadmap is provided for information purposes only and is subject to change.			

A. Purpose
(A.1) Purpose
<p>The commitment is to address the need for robust and effective reporting whilst minimising the administrative burden associated with it. The broad purpose is to ensure that environmental reporting is fit-for-purpose and to allow for the identification of concrete actions towards a streamlined, low burden, high effects monitoring and reporting in the context of environmental legislation.</p> <p>The objective is to develop more modern, efficient and effective monitoring and reporting for EU environment policy building on past successes which would result in less pressure on the public and private sector contributing to reporting (i.e. administrative burden reduction). The initiative forms part of a broader initiative under REFIT to streamline reporting requirements across the EU acquis. This is fully in line with the objectives of the Digital Single Market Strategy, in particular in relation to the interoperability of e-government services across Member States as part of the 'European Interoperability Framework' and the need to expand it, or the 'Once Only' principle and the need to improve the sharing and re-use of data provided by Member States' public authorities.</p> <p>The Fitness Check will also support the following specific objectives:</p> <ul style="list-style-type: none"> • better results on the ground (i.e. higher implementation and compliance rates); • better information and empowerment of citizens (i.e. transparent and publicly available information through active dissemination); • facilitating Better Regulation in the EU environment policy cycle (i.e. having the evidence base for evaluations and Impact Assessments and improving the overall knowledge and evidence base for Union environment policy); and • lower costs and less burden for those providing the information. <p>Based on the five evaluation criteria on effectiveness, efficiency, coherence, EU-added value and relevance, the Fitness Check will identify simplification potentials taking into account the need for ensuring attainment of existing regulatory objectives and compliance control. It will consider the scope of the various reporting obligations, their details, frequency and timing. Coherence and greater synergies across reporting obligations with other policy areas will also be considered as well as a modernisation of the reporting tools and solutions. A key focus will be on administrative burdens associated with reporting. To this end, the Better Regulation Guidelines, in particular section V on</p>

monitoring, will be used as a reference point.

Indeed, simplification should lead to more useful information. This initiative is not only about identifying ways to streamline and reduce the burden of reporting obligations but also about identifying whether additional information and data are needed and, if so, how that information can be collected in the most efficient way with least burden. Moreover, the definition of "key performance indicators" based on the Better Regulation Guidelines will be used to identify the most relevant information that is needed for the above-mentioned purposes.

(A.2) Justification

The Communication on Better Regulation (COM(2015)215) of 19 May 2015 provided the commitment to this initiative under the section "Improving implementation" where it set out a number of actions, in particular to:

*"– Launch a **broad review of reporting requirements** to see how burdens can be alleviated. This review will have a particularly strong focus on areas where stakeholders have recently indicated their concerns, such as agriculture, energy, environment and financial services.*

– Cooperate with Member States in examining the best ways to ensure compliance with EU law at national level, including those that have initiated a review of how well EU and Member State regulation combines to help protect the environment (as in the 'Make It Work' initiative). The objective is to identify solutions to enhance the efficient application of EU law at national and local level by reducing its complexity while maintaining its level of protection.

– Continue to carefully monitor that EU Directives are transposed in a clear, correct and timely manner and that EU rules are properly implemented and enforced in all Member States, bringing legal certainty and allowing citizens and businesses to benefit from the opportunities of the single market. "

This new initiative on streamlining environmental reporting responds to the first action point but has linkages to elements raised in the others, e.g. by cooperating with Member States, e.g. through the "Make It Work" initiative which are also developing work on reporting at the moment.

The Fitness Check also follows up on the 7th Environment Action Programme (Decision No 1386/2013/EU) which had the following priority objectives:

- (4) to maximise the benefits of Union environment legislation by improving implementation;
- (5) to improve the knowledge and evidence base for Union environment policy;

And the following actions:

"65. In order to maximise the benefits of Union environment legislation by improving implementation, the 7th EAP shall ensure that by 2020:

- (a) the public has access to clear information showing how Union environment law is being implemented consistent with the Aarhus Convention;
- (b) compliance with specific environment legislation has increased;

[...]

This requires, in particular:

- (i) ensuring that systems at national level actively disseminate information about how Union environment legislation is being implemented, and complementing such information with a Union level overview of individual Member States' performance; [...]"

"73. In order to improve the knowledge and evidence base for Union environment policy, the 7th EAP shall ensure that by 2020:

- (a) policy-makers and stakeholders have a more informed basis for developing and implementing environment and climate policies, including understanding the environmental impacts of human

activities and measuring the costs and benefits of action and the costs of inaction; [...]
 (iii) simplifying, streamlining and modernising environmental and climate change data and information collection, management, sharing and re-use, including the development and implementation of a Shared Environmental Information System [...]"

B. Content and subject of the evaluation

(B.1) Subject area

Reporting is a transfer of information and data from one entity to another which may include a wide range of cases. In the context of this initiative, it is a requirement for an EU Member State to transmit information to the European Commission as a means to demonstrate successful implementation. The information is the result of monitoring this implementation, and it is the monitoring that provides the evidence base for implementation and policy making. Hence, the Fitness Check will cover both reporting and monitoring as a way to better support implementation.

(B.2) Original objectives of the intervention

Monitoring and reporting is an essential part of the legislative cycle as set out in the Better Regulation guidelines (SWD(2015)110, chapter 5). In the field of environment policy, the collection and use of information has several broad functional objectives:

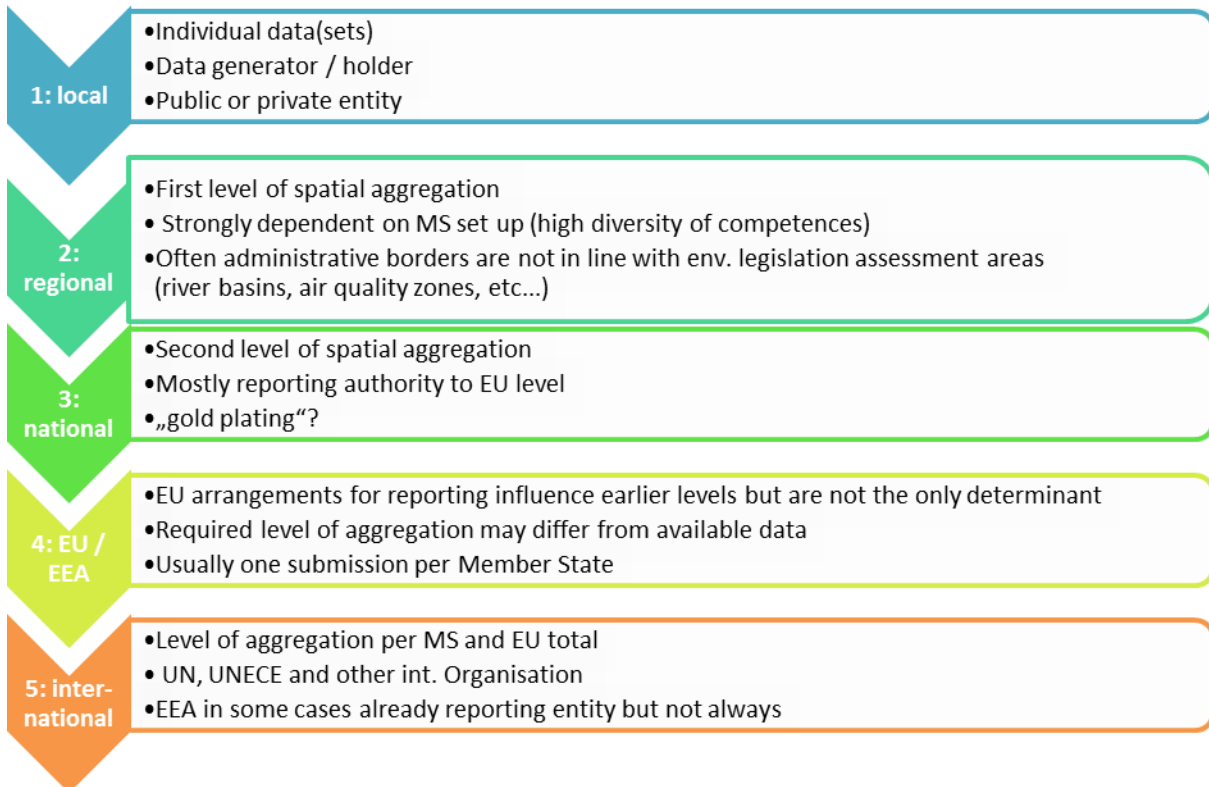
- A. To demonstrate compliance with a legal obligation.
- B. To determine if the objectives of legislation are being achieved effectively and efficiently, including, where appropriate, ensuring a level playing field of the internal market.
- C. To inform the other EU institutions as well as the public and stakeholders at EU level on the progress of implementation and the identification of gaps.
- D. To help inform the understanding of an environmental issue and so help to improve decision making, e.g. policy evaluations or impact assessments.
- E. To identify and spread good practices amongst Member States.

Reporting has developed organically within the growing body of the *acquis* with the requirements developed originally in isolation in different pieces of legislation. This has increasingly been recognised as a potential problem because it meant that whilst the objectives were followed under an individual piece of legislation, little attention was paid on the wider aspects for the entire *acquis*. Hence, additional objectives on coherence between reporting on environmental legislation, enhanced transparency and information for the public and increased use of modern technologies were introduced. These additional objectives have resulted in several initiatives. Already with the Standardised Reporting Directive (91/692/EEC) there has been the recognition that some kind of coordination and streamlining is necessary. Significant developments and advancements have also been made over the last 10 years through the gradual introduction of electronic reporting. The INSPIRE¹ Directive 2007/2/EC was also i.a. adopted to support making comparable environmental data publicly available (in line with Directive 2003/4/EC on public access to environmental information) and to support the regulatory reporting under the environmental *acquis* by removing procedural (data policies) and technical barriers to the sharing of data underpinning reporting obligations, between public authorities and with the EU institutions and bodies.

¹ Infrastructure for spatial information in Europe

(B.3) How the objectives were to be achieved

In general, environmental monitoring leads to data collection and reporting. Initially, monitoring may be undertaken by competent authorities, businesses, or other stakeholders. Data is often reported up a chain i.e. from stakeholder to competent authority to the European Environment Agency to the Commission, which may then in turn report to the European Parliament and the Council.



C. Scope of the evaluation/FC

(C.1) Topics covered

The following scope is envisaged:

- focus on reporting obligations related to the legislation under responsibility of DG Environment and collected largely in cooperation with the European Environment Agency;
- consider what is reported (“content”), when (“timing”) and how (“method and process”), so as to optimise the supporting infrastructure;
- step-by-step assessment of duplication with other areas (e.g. DG CLIMA, DG SANTE, DG AGRI, DG ENER or ESTAT) as well as agencies working with DG ENV (in particular EEA, ECHA, EMSA and EFSA) and also looking to see if we can better use their data;
- analyse the broader relevance of use of reported data to support the evidence base of environmental policy (also in the context of the Better Regulation Guidelines) and contribute to the state of the EU's environment (in particular through the EEA's State-of-the-Environment report).

The focus will initially be on reducing reporting requirements from national competent authorities to the EU on the understanding that this should also reduce the administrative burden on public and private entities that carry out the monitoring (which would therefore reduce burden on businesses).

Moreover, there should be particular emphasis on whether any changes could be especially beneficial to SMEs.

(C.2) Issues to be examined

Relevance

- Is the process of environmental monitoring and reporting still relevant (as opposed to harvesting of data)?
- Are all environmental monitoring and reporting requirements still relevant?
- Are environmental monitoring and reporting requirements relevant for assessing progress with Key Performance Indicators (building on the indicators system introduced by the Better Regulation Guidelines)?
- Has the process of reporting taken advantage of technology: including advances in IT, increasing provision of data through Copernicus etc?

Effectiveness

- Are environmental monitoring and reporting requirements met and with good quality, timely data?
- Does environmental monitoring and reporting provide sufficient information on the state and the effectiveness of implementation of the environmental acquis?
- Does environmental monitoring and reporting allow for the public to be properly informed about the state of the environment?
- Does environmental monitoring and reporting allow for evidence based decision making including evaluations of regulatory fitness and impact assessments?

Efficiency

- To what extent are the costs involved justified and proportionate?
- What factors influenced the efficiency with which environmental monitoring and reporting takes place?
- Are there examples of good practice in environmental monitoring and reporting at the national or regional level that imply it could be undertaken more efficiently, and if so how?
- Could improvements be made to the process for environmental monitoring and reporting to cut costs?
- Could the timing of reports be better synchronised or streamlined to cut costs?
- Could the promotion of active dissemination of data (in the context of Directives 2003/4/EC and 2007/2/EC) alleviate environmental monitoring and reporting burden whilst improving access for public authorities, businesses and citizens?

Coherence

- Is some data reported multiple times, when it could be reported once and then used for multiple purposes?
- Is data reported (including to other parts of the Commission) but then full use not made of it?
- Is there coherence between reporting to the EU level and to other international levels?

EU added value

- What is the additional value resulting from reporting to the EU intervention(s), compared to what could be achieved by Member States at national and/or regional levels?
- What would be the most likely consequences of stopping or repealing the existing EU reporting requirements and replacing them by increased transparency and active dissemination?

(C.3) Other tasks

In particular, the European Environment Agency (EEA) plays an important role in supporting policy implementation. The Fitness Check will look into the activities of the EEA linked with monitoring and reporting, as an element that also could be reflected in the upcoming evaluation of that Agency.

A dedicated study will be undertaken to support this Fitness Check in 2016. This will be preceded by a preliminary study to support evidence gathering in the initial stages and provide administrative and technical support for the process.

D. Evidence base

(D.1) Evidence from monitoring

There are reporting provisions in place across the EU environmental acquis and, in particular, requirements for the Member States to transmit to the Commission and/or to the European Environmental Agency information on: (a) the situation/progress in attaining the objectives and targets defined by legislation, (b) the profile and intensity of environmental pressures, and (c) the effectiveness of responses to environmental pressures. These provisions lay down specific requirements for the information to be reported: data features, templates to be used, periodicity of submissions, etc. The definition of some of them was left for expert committees or to legislative procedures within a particular environmental policy area.

As the body of EU environmental legislation has developed over time, progressively covering different aspects within a same area – waste, water, air, nature, governance aspects, etc. – the provisions establishing reporting obligations have evolved in a similar way. While the need for coherence and modernisation has been catered for to a large extent, striking a fair balance between the efforts deployed and the gains to be achieved is a dynamic process that requires a periodic comprehensive review.

The fitness check will build upon and use the past work undertaken in particular to develop a comprehensive solution for electronic reporting under the environmental acquis (Shared Environmental Information System)², the findings of a preliminary, internal study undertaken in 2014 in DG ENV on business processes, the database of reporting obligations and their fulfilment, managed by the European Environmental Agency³, and the achievements and work planned for the implementation of the INSPIRE Directive 2007/2/EC⁴.

These provide a first overview of the state of play and a fairly varied range of solutions for alleviating the management of the reporting obligations by the Member States. **The INSPIRE Directive** is subject of an ongoing REFIT evaluation for which results are expected in 2016. Through this and related initiatives, whether sectoral (such as the Water Information System for Europe – WISE) or cross-cutting (such as the Shared Environment Information System – SEIS), significant progress has been achieved over the past years and the experience and evidence gained in these areas will be valuable. Hence, all relevant outcomes from the above exercises, in particular from the INSPIRE REFIT evaluation, will constitute essential building blocks for the evidence base of this Fitness Check and be fully integrated into it.

² <http://ec.europa.eu/environment/archives/seis/index.htm>

³ <http://rod.eionet.europa.eu/>

⁴ <http://inspire.ec.europa.eu/>

However, there are no data or solutions for the quantitative adjustment of reporting obligations and their intensity. Moreover, the evidence base needs to be broadened and deepened which is why the stakeholder consultations as part of the Fitness Check will first focus on evidence gathering and a supporting study will assist in consolidating the evidence base.

(D.2) Previous evaluations and other reports

The administrative costs and the benefits of reporting have been assessed in relation to specific pieces of legislation, often as part of the accompanying Impact Assessments (e.g. review of the Waste Framework Directive, Industrial Emissions Directive etc). However, no attempt has been made to estimate them across the entire environmental policy area which includes some 60 major pieces of legislation.

The most comprehensive efforts so far are those undertaken for the Administrative Burden Reduction Programme in 2009. As part of the Programme, costs were measured for almost 50 of the main Information obligations in the environmental policy field: the IPPC Directive, shipments of waste Regulation, the WEEE Directive, End of Life Vehicles Directive, and the Seveso Directive. At a later stage other Directives, such as Biocides, were also measured.

The programme produced measurements and data for the different Information Obligations resulting in reporting from businesses to administrations as set out in the standard cost model. It was based on a sample of measurements in several Member States. It shows that EU environmental policy is responsible for administrative costs to businesses estimated at €1.18 billion per annum (reported most recently in the Final Report of the Stoiber Group⁵). Around 20% to 30% of the costs appeared to be because of differences in implementation. These figures do not necessarily reflect the full administrative costs in the monitoring and reporting context. An internal report by the EEA of 2008 estimated that the costs for monitoring and reporting per capita vary between € 0.1 and € 4.7 per year.

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)

In general, the implementation and application of reporting requirements is reasonable, but with some issues on timeliness, quality and comprehensiveness of data. This varies from one environmental area to another and, sometimes, from an instrument to another within the same area. There were virtually no complaints concerning this. Infringement procedures were launched in cases where data/reports due were delayed unreasonably or where the quality of the reports highlighted the existence of structural or recurring problems of reliability or pertinence compared to the legal obligations.

(D.4) Consultation

Stakeholder consultation will be used to identify the most relevant issues in relation to the evaluation questions (outlined in section C.2 above) and to collect data in response to those questions. The consultation will allow stakeholders to identify specific issues that they perceive as a problem and to explain why.

The stakeholder consultation will approach all relevant stakeholders. National public authorities (central, regional or local government) and private companies are usually providers of original data. Research organisations, universities and academic institutions also contribute to the process. Data is usually collated by national public authorities and passed on to the EU and international organisations.

⁵ High Level Group on Administrative Burdens, Cutting Red Tape in Europe, Legacy and Outlook, Brussels, 24 July 2014
Legacy and outlook http://ec.europa.eu/smart-regulation/refit/admin_burden/docs/08-10web_ce-brocuttingredtape_en.pdf

Citizens, NGOs and business associations all benefit from the ultimate provision of the information

Consultation will include:

- A public internet stakeholder consultation, that began in 2015 following the inclusion of the Fitness Check in the Commission Work Programme and closed in February 2016, with around 150 submissions. This asked both for opinions on principles of reporting and also sought evidence from stakeholders on where they perceive problems.
- A meeting was held in autumn 2015 with more than 100 stakeholders from Member States, business and environmental organisations including representatives of the administrations of the EP, the Council, the Committee of the Region and European Economic and Social Committee in association with the "Make It Work" initiative. Further meetings will be organised during the process.
- There is likely to be a need for consultation on specific issues (either different pieces of the acquis, or on aspects of the process) and in these cases stakeholders will be consulted as necessary.
- Discussions with Member States including through the "Make it Work" initiative, which is a grouping of environment ministries, which addresses ways in which EU environment legislation can deliver more tangible results whilst reducing unnecessary 'red tape'.

The table below demonstrates how each of these tools will be used to collect information from the different stakeholders.

	Individual citizens	NGOs	National public authorities	Private companies and business associations	International organisations	Professional organisations	Research organisations, universities and academic institutions
Public consultation	√	√	√	√	√	√	√
Collaboration with the "Make It Work" initiative		√	√	√			
Stakeholder workshops		√	√	√			
Stakeholder interviews		√	√	√		√	

The outcome of the different consultation activities will be reported at the following site:
http://ec.europa.eu/environment/legal/reporting/index_en.htm

(D.5) Further evidence to be gathered

The evidence will be gathered through the above-mentioned consultations but also through dedicated studies and interactions with all relevant stakeholders inside the institutions as well as Member States, businesses and NGOs. In particular, the collaboration with the "Make it Work" initiative could provide additional insights in the monitoring and reporting mechanisms as they take place in the Member

States.

E. Other relevant information/ remarks

The process will be organised in two stages. In Spring 2016, the Commission will prepare a Staff Working Document which sets out the strategy and the ambition level of the exercise as well as documenting some early actions in this field which can already be taken due to their advanced stage, in particular:

- a more detailed concept covering the process, its objective and the method, with particular focus on timing aspects and setting out the preliminary results of the evaluation for some areas;
- the results of the stakeholder consultation that was launched in 2015;
- the results of the evidence gathering and the presentation of some case studies which will allow the alignment of monitoring and reporting obligations in line with the objectives of this initiative (e.g. the Circular Economy package);
- the state of play on the Standardised Reporting Directive (91/692/EEC) and related questionnaires, including a possible proposal for its repeal;
- the evaluation report under REFIT on the INSPIRE Directive (2007/2/EC).

Moreover, the broad plans for the further work for the Fitness Check will be discussed.

In the second stage, the Fitness Check will be elaborated in line with the Better Regulation Guidelines and presented in Spring 2017. The Fitness Check will be accompanied by a Communication which sets out the next steps envisaged as a result of the Fitness Check. This work will be conducted in parallel with work on streamlining reporting in other areas of EU legislation under the REFIT programme. The progress of this work will be included in future Scoreboards on the progress of REFIT initiatives.

Reporting improvements identified during the Fitness Check process that can be delivered without legislative change will be implemented immediately.