Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

GENERAL BACKGROUND

Many legal acts of the Union were adopted without an expiry date. These acts remain formally in force even if their legal effects have been exhausted. Eliminating acts that are no longer applicable or relevant permits a more user-friendly presentation and more efficient and time-saving scrutiny of tools that facilitate access to Union law: CELEX, EUR-Lex and the Directory of Legislation in force (e.g. search results would no longer show obsolete acts alongside those which are applicable). Improving the transparency of Union law is an essential element of the Better Regulation agenda that the Union Institutions are pursuing also under the new Interinstitutional Agreement on better law-making\(^1\). The 2014 REFIT Communication\(^2\) announced that the Commission will prepare repeals of legislation, inter alia, in relation to standardized reporting in the area of environment. Moreover, the 2015 Better Regulation Communication\(^3\) called for a broad review of reporting in several policy areas including the environment. Given these links, the repeal of Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment ("Directive 91/692/EEC") is now being addressed. This is also linked to a wider Fitness Check for environmental monitoring and reporting. That Fitness Check is now underway, as set out in the Commission's Work Programme 2016\(^4\), which mentioned the proposal for repeal of Directive 91/692/EEC and the related water questionnaire Decision 95/337/EEC under repeal initiatives in Annex V.

The repeal package consists of four proposed initiatives related to the repeal of Directive 91/692/EEC and Decision 95/337/EEC:

1. A Communication which declares the obsolescence of 11 implementing acts adopted by the Commission to establish questionnaires for environmental reporting including Decision 95/337/EEC.

2. Two proposals for Commission Decisions repealing 2 of the implementing decisions (via comitology procedures), namely Commission Decision 2011/92/EU of 10 February 2011\(^5\) and Commission Decision 2010/681/EU of 9 November 2010\(^6\) that have exhausted their legal effect, but for procedural reasons will be repealed via a later comitology procedure by the Commission.


To prepare these initiatives, the Commission has undertaken an analysis and looked into the consequences of keeping or repealing the various obligations. The result of this work is summarised below and is presented in more detail in a supporting study which is published separately.\(^7\) As the aim is to repeal obsolete provisions and legal acts, it is considered that there is no need for a formal impact assessment to be carried out. It is important to highlight

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2. COM(2014) 368 on Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook under section III. on "Future REFIT initiatives".
that there are no real economic benefits expected to be harvested as a result of the repeal exercise. Main benefits will be mainly linked to have a clearer set of rules on reporting resulting from this clean-up exercise.

**Shortcomings of Directive 91/692/EEC**

The Directive 91/692/EEC (SRD) aimed at streamlining the reporting obligations of all EU environmental legislation in effect at the time of its adoption. However in practice, not all environmental reporting requirements were harmonized by Directive 91/692/EEC. For instance Directives 91/271/EEC\(^8\) and 91/676/EEC\(^9\) were excluded from scope. It can be also observed that the implementation of the Directive was burdensome and ineffective from the outset. One main problem was that the directive was adopted prior to the widespread use of information technology (IT). Furthermore, many of the individual instruments for which Directive 91/692/EEC set out reporting requirements were subsequently replaced by instruments which disregarded its reporting provisions. For example, the Directive 2000/60/EC\(^10\) repealed seven pieces of water legislation and hence the related water questionnaire 95/337/EEC adopted under Directive 91/692/EEC became redundant. Instruments such as the Directive 2000/60/EC and the Directive 2010/75/EC\(^11\) (and its predecessor, Directive 96/61/EC)\(^12\) introduced independent reporting obligations.

With the successful development of the European Environmental Agency's (EEA) Reportnet and sectoral initiatives on streamlining of reporting (e.g. the Water Information System for Europe), the need and effectiveness of a horizontal instrument on reporting was increasingly put into question. Finally, the adoption of the INSPIRE Directive (2007/2/EC), and the related development of the Shared Environment Information System (SEIS),\(^13\) introduced a more modern and effective, horizontal approach to information management and reporting related to EU environmental policy.

The Commission concluded at the time that "[…] a key step in implementing SEIS, and especially to trigger the expected simplification benefits, will be to modernise the legal provisions relating to the way in which information required by environmental legislation is made available. It is expected that this will be done by revising the Standardised Reporting directive 91/692/EC, which needs to be updated and brought into line with the SEIS principles. To this end, the Commission intends to come forward with a relevant legislative proposal in 2008, including a repeal of outdated provisions in the current standardised reporting directive."\(^14\) In the end, the Commission decided not to come forward with a new legal instrument on reporting but to pursue this agenda through a non-legal approach (see EU Shared Environmental Information System-Implementation Outlook\(^15\)) combined with coordinated action in the different environmental policy areas (such as water, air, nature, etc.).

**Summary of current scope and relevance of Directive 91/692/EEC**

Directive 91/692/EEC refers to 28 environmental acts covered by its provisions. A number of further acts make use of Directive 91/692/EEC. Currently due to subsequent repeals of these acts (see overview in table 2), 1 regulation, 9 directives (see overview in table 1) (two

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8 Urban Waste Water Directive  
9 Nitrates Directive  
10 Water Framework Directive  
11 Industrial Emissions Directive  
12 IPPC Directive  
15 SWD(2013) 18 of 25 January 2013
directives remain subject to its provisions, namely Directive 86/278/EEC and Directive 87/217/EEC) and 23 decisions remain in force that still make reference to those provisions (see overview in table 3).

In conclusion, the majority of the original obligations set out in Directive 91/692/EEC have become obsolete and have no legal effect anymore. As a result, the proposal for a repeal has been made to ensure legal certainty, improve transparency, reduce administrative burden and ensure that EU legislation is "fit for purpose" in line with the Better Regulation agenda.

Proposed actions to repeal Directive 91/692/EEC and related acts

The first action is a proposal for a Decision of the European Parliament and of the Council removing requirements for standardized reporting. It is also proposed that references to the old comitology rules are replaced by Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers as required by Article 13 thereof on transitional measures.

The second action aims at adoption of a Communication on declaring obsolescence of the implementing Decisions under Directive 91/692/EEC still in force. The Communication identifies the Decisions that have become obsolete and whose legal basis was repealed.

The third action will aim to repeal two implementing decisions, that still have a valid legal basis but in the meantime have exhausted their legal effects.\(^{16}\)

As part of the preparatory analysis, several options were considered to ensure an effective repeal whilst maintaining the legal effects, where necessary. The findings of this analysis are presented in the supporting study\(^ {17}\) that recommends the complete repeal of Directive 91/692/EEC provisions and removal of obsolete provisions, while making reference to new rules on implementing acts. This option consisting of the above-mentioned three actions was identified as most effective in cutting red tape and enhancing legal clarity.

Pre-existing directives referred to by Directive 91/692/EEC

As noted above, only Directives 86/278/EEC and 87/217/EEC (see overview in table 1) remain from the 28 instruments (see overview in table 2) originally mentioned in Directive 91/692/EEC.

It is proposed to maintain the reporting provisions of Directives 86/278/EEC, while aligning it with the new rules for implementing acts established by the TFEU.

The reporting requirements of Directive 87/217/EEC are not being used, mainly due to discontinuation of the use of asbestos across the EU Member States as a consequence of the phasing out of the production and use of raw asbestos and of products containing asbestos in the EU, through REACH (1907/2006/EC).

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\(^{17}\) Available online: http://ec.europa.eu/environment/legal/reporting/index_en.htm
Table 1: Overview of directives and regulations covered by the proposed decision repealing Directive 91/692/EEC (all other acts of relevance for Directive 91/692/EEC are obsolete or irrelevant in the meantime).

<table>
<thead>
<tr>
<th>Legal acts referring to or referred to by Directive 91/692/EEC still in force</th>
<th>Repeal of Directive 91/692/EEC affecting provisions of the legal acts</th>
<th>Article of the proposed decision addressing the legal acts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture</td>
<td>Articles 13, 14, 15, 15a and 17</td>
<td>Article 3</td>
</tr>
<tr>
<td>5) Regulation 1257/2013/EU on ship recycling</td>
<td>Article 21</td>
<td>Article 5</td>
</tr>
<tr>
<td>6) Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations</td>
<td>Article 9</td>
<td>Article 6</td>
</tr>
</tbody>
</table>

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18 Article 37 (1)
19 Article 9
20 Article 15
Table 2: Overview of directives and regulations repealed and previously covered by Directive 91/692/EEC

<table>
<thead>
<tr>
<th>Legal acts repealed but previously covered by 91/692/EEC</th>
<th>Date of repeal</th>
</tr>
</thead>
</table>

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⁴³ OJ L 31, 5.2.1976, p. 1–7
⁴⁴ OJ L 64, 4.3.2006, p. 37–51
⁴⁵ OJ L 129, 18.5.1976, p. 23–29
⁴⁶ OJ L 64, 4.3.2006, p. 52–59
⁴⁸ OJ L 032 , 03/02/1983 P. 0028 - 0028
⁵¹ OJ L 264, 25.9.2006, p. 20–31
⁵³ OJ L 271, 29.10.1979, p. 44–53
⁵⁴ OJ L 319, 7.11.1981, p. 16–16
<table>
<thead>
<tr>
<th>Legal acts repealed but previously covered by 91/692/EEC</th>
<th>Date of repeal</th>
</tr>
</thead>
</table>

34 OJ L 281, 10.11.1979, p. 47–52  
37 OJ L 81, 27.3.1982, p. 29–34  
39 OJ L 291, 24/10/1983 P. 0001 - 0008  
40 OJ L 74, 17.3.1984, p. 49–54  
41 OJ L 274, 17.10.1984, p. 11–17  
42 OJ L 181, 4.7.1986, p. 16–27  
43 OJ L 219 , 14/08/1990 P. 0049 - 0057  
44 OJ L 194, 25.7.1975, p. 26–31
<table>
<thead>
<tr>
<th>Legal acts repealed but previously covered by 91/692/EEC</th>
<th>Date of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Directive 80/779/EEC of 15 July on air quality limit values and guide values for sulphur dioxide and suspended particulates, amended by Article 4 (1) and (3) of Directive 91/692/EEC was repealed by Directive 1999/30/EC, which in turn was repealed as of 11 June 2010 by Directive 2008/50/EC.</td>
<td>11th June 2010</td>
</tr>
</tbody>
</table>

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47 OJ L 087, 27/03/1985 P. 0001 - 0007
49 OJ L 307, 27.11.1975, p. 22–24
50 OJ L 74, 27.3.1993, p. 81–83
51 OJ L 188, 16.7.1984, p. 20–25
52 OJ L 24, 29.1.2008, p. 8–29 (|
54 OJ L 229, 30/08/1980 P. 0030 - 0048
56 OJ L 378, 31/12/1982 P. 0015 - 0018
57 OJ L 087 , 27/03/1985 P. 0001 - 0007
<table>
<thead>
<tr>
<th>Legal acts repealed but previously covered by 91/692/EEC</th>
<th>Date of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 4 (1) and (3) of Directive 91/692/EEC, was repealed by Directive 1999/30/EC, which in turn was repealed by Directive 2008/50/EC.</td>
<td></td>
</tr>
</tbody>
</table>

60 OJ L 312, 22.11.2008, p. 3–30  
62 OJ L 114, 27.4.2006, p. 9–21  
63 OJ L 108, 26/04/1976 P. 0041 - 0042  
65 OJ L 84, 31.3.1978, p. 43–48  
66 OJ L 377, 31/12/1991 P. 0020 - 0027  
70 OJ L 176 , 06/07/1985 P. 0018 - 0021  
### Table 3: Overview of implementing acts remaining in force, to be repealed or declared obsolete

<table>
<thead>
<tr>
<th>Legal acts adopted under Directive 91/692/EEC</th>
<th>Remaining in force</th>
<th>Proposed to be declared obsolete</th>
<th>Proposed to be repealed</th>
</tr>
</thead>
</table>

\(^{72}\) OJ L 89, 25.3.2014, p. 45–76
\(^{73}\) OJ L 126, 19.5.2005, p. 43
\(^{74}\) OJ L 329, 25.11.2006, p. 38–63
\(^{75}\) C(2012) 2384 final
\(^{76}\) OJ L 78, 16.3.2004, p. 56–59
<table>
<thead>
<tr>
<th>Legal acts adopted under Directive 91/692/EEC</th>
<th>Remaining in force</th>
<th>Proposed to be declared obsolete</th>
<th>Proposed to be repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>9) Commission Decision 97/622/EC of 27 May 1997 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector.⁸⁰</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10) Commission Decision 94/741/EC of 24 October 1994 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector.⁸¹</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

⁷⁷ OJ L 67, 7.3.2007, p. 7–9
⁸² OJ L 247, 24.9.2011, p. 54–58
⁸³ OJ L 37, 11.2.2011, p. 19–24
<table>
<thead>
<tr>
<th>Legal acts adopted under Directive 91/692/EEC</th>
<th>Remaining in force</th>
<th>Proposed to be declared obsolete</th>
<th>Proposed to be repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>organic compounds due to the use of organic solvents in certain activities and installations during the period 2011-2013. ⁸⁴</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20) Commission Decision 96/511/EC of 29 July 1996 concerning the questionnaires provided for in Council</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

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⁸⁴ OJ L 292, 10.11.2010, p. 65–67  
⁸⁵ OJ L 195, 27.7.2007, p. 47–49  
⁸⁶ OJ L 89, 5.4.2003, p. 17–23  
⁸⁹ OJ L 120, 8.5.1999, p. 43-45  
⁹⁰ OJ L 67, 7.3.1998, p. 48-50
<table>
<thead>
<tr>
<th>Legal acts adopted under Directive 91/692/EEC</th>
<th>Remaining in force</th>
<th>Proposed to be declared obsolete</th>
<th>Proposed to be repealed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directives 80/779/EEC, 82/884/EEC, 84/360/EEC and 85/203/EEC.(^{91})</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21) Commission Decision 96/302/EC of 17 April 1996 establishing a format in which information is to be provided pursuant to Article 8 (3) of Council Directive 91/689/EEC on hazardous waste.(^{92})</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

\(^{91}\) OJ L 213, 22.8.1996, p. 16–24  
\(^{92}\) OJ L 116, 11.5.1996, p. 26–27  
Assessment of impacts

An assessment of economic, environmental and social impacts and a wider consultation already took place in preparation of the Communication for a Shared Environment Information System (SEIS)\(^95\). Since then, the underlying analysis was updated and a detailed background paper was prepared.\(^96\) This provided sufficient evidence for the repeal proposal and made an additional impact assessment unnecessary.

The chosen instruments to achieve the objectives, the two Decisions and one Communication, would not alter reporting in practice. The reason for this is that the proposed repeal package will result in greater legal clarity by removing already obsolete provisions and will streamline a number of reporting obligations through 'Lisbonisation'\(^97\) of procedures. The efficiency gains are expected to be achieved through the simplification of the EU acquis, meaning that it would not generate economic benefits, but rather technical, legal ones. However, no quantitative figures for costs and/or benefits could be obtained that could be directly related to the repeal mostly because a large proportion of the original obligations under the Directive are, in practice, obsolete already.

3. LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed measures

The repeal proposal for in the field of environmental reporting have identified legal measures that are obsolete, or as appropriate have replaced existing provisions with appropriate references to Regulation (EU) No 182/2011.

Legal basis

The legal basis for adopting the repeal Decision is Article 192 of the Treaty on the Functioning of the European Union. (TFEU)

Principles of subsidiarity and proportionality

The measures concerned by this proposal are obsolete, either because their content has been taken up by subsequent acts or because they are no longer relevant due to their temporary nature. Therefore, it is in line with the principles of subsidiarity and of proportionality to repeal those measures. It is for the Union legislator to adopt the necessary measures to that effect.

Main legal provisions of the proposed Decision

Article 1


Article 2


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\(^95\) See SEIS impact assessment, SWD(2008) 111 of 1 February 2008

\(^96\) http://ec.europa.eu/environment/legal/reporting/index_en.htm

which provides for the use of the regulatory procedure with scrutiny, to Article 290 of the TFEU.

**Article 3**


**Article 4**


**Article 5**

Enacts an amendment to Article 21 (2) of Regulation 1257/2013/EU on ship recycling.

**Article 6**

Enacts an amendment to European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations by amending Articles 4 (4) and 6 (4) and deleting the first sentence of Article 9 on monitoring and reporting.

**Article 7 and Article 8**


**Choice of instrument**


**4. BUDGETARY IMPLICATION**

The proposal has no budgetary impact.

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98 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Closing the loop - An EU action plan for the Circular Economy COM(2015) 614 final

99 COM/2015/0337 final/2
Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL


THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee100,

Having regard to the opinion of the Committee of the Regions101,

Acting in accordance with the ordinary legislative procedure,

Whereas:


(2) European Parliament and Council Directive 94/63/EC105 is based on Article 100a of the Treaty establishing the European Community, now Article 114 TFEU. Amendments to that Directive are related to Union policy on environment and are a direct consequence of the repeal of Directive 91/692/EEC on the basis of Article

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100 OJ C […], […], p. […].
101 OJ C […], […], p. […].
192(1) TFEU. It is therefore appropriate to amend Directive 94/63/EC on the basis of Article 192(1) TFEU.

(3) Directive 91/692/EEC was adopted to rationalize and improve on a sectoral basis the provisions on the transmission of information and the publication of reports concerning certain Directives on the protection of the environment. To achieve that objective, Directive 91/692/EEC amended several Directives to introduce uniform reporting requirements.


(5) Directive 91/692/EEC also does not provide for use of electronic tools. With the successful development of the European Environmental Agency's Reportnet and sectoral initiatives on streamlining of reporting, for example, the Water Information System for Europe, the need and effectiveness of a horizontal instrument on reporting has increasingly been put into question. Finally, the adoption of Directive 2007/2/EC of the European Parliament and of the Council\(^\text{108}\) and the related development of the Shared Environment Information System\(^\text{109}\) introduced a more modern and effective, horizontal approach on information management and reporting related to Union environmental policy.

(6) Directive 91/692/EEC should therefore be repealed.


(8) Directive 86/278/EEC requires Member States to provide a report on the implementation of that Directive on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Directive 91/692/EEC. In order to avoid legal vacuum due to the repeal of Directive 91/692/EEC, it is necessary to replace reference to Directive 91/692/EEC by reference to the procedure referred to in Directive 86/278/EEC.


asbestos and of products containing asbestos in the Union. It is therefore appropriate to delete the reporting requirements set out in Directive 87/217/EEC.


(11) As part of an EU action plan for the Circular Economy, the Commission proposed to amend Directives 2008/98/EC, 94/62/EC, 1999/31/EC and 2000/53/EC in order to replace the reference to Directive 91/692/EEC. In order to ensure that there is no legal vacuum due to the repeal of Directive 91/692/EEC, this Decision should apply from the same date as the acts proposed in the framework of the Circular Economy package.

(12) Directives 2009/31/EC and 2003/87/EC require Member States to provide a report on the implementation of those Directives on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure referred to in Directive 91/692/EEC. In order to avoid legal vacuum due to the repeal of Directive 91/692/EEC, it is necessary to replace reference to Directive 91/692/EEC by reference to the procedure referred to in the relevant Directive.

(13) In order to ensure that certain provisions of Annexes to Directive 86/278/EEC are up to date, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adaptation of those provisions to technical and scientific progress. In order to ensure that the Annexes to Directive 2009/31/EC are up to date, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adaptation of those Annexes to technical and scientific progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in Directives 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EEC and 2000/21/EC (OJ L 396 30.12.2006, p. 1).

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down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(14) Regulation (EU) No 1257/2013 contains reference to Directive 91/692/EEC. The relevant provision relates to the first reporting exercise, which has already ended. The relevant provision should therefore be deleted.

(15) Reporting requirement set out in Directive 94/63/EC is no longer necessary for the purposes of monitoring implementation of Directive 94/63/EC. The relevant provision should therefore be deleted.


HAVE ADOPTED THIS DECISION:

**Article 1**

Amendment to Directive 2003/87/EC

In Article 21(1) of Directive 2003/87/EC the fourth sentence is replaced by the following:

"The report shall be drawn up on the basis of a questionnaire or outline adopted by the Commission in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2)."

**Article 2**

Amendments to Directive 2009/31/EC

Directive 2009/31/EC is amended as follows:

(1) in Article 27(1), the third sentence is replaced by the following:

"The report shall be drawn up on the basis of a questionnaire or outline adopted by the Commission in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(2).";

(2) Article 29 is replaced by the following:

"Article 29

Amendments to Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 29a concerning the adaptation of the Annexes to technical and scientific progress.";

(3) The following Article 29a is inserted:
"Article 29a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 29 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Decision].

3. The delegation of power referred to in Article 29 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 29 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

(4) Article 30 is replaced by the following:

"Article 30
Committee procedure


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


Article 3

Amendments to Directive 86/278/EEC

Directive 86/278/EEC is amended as follows:

(1) Article 13 is replaced by the following:

"Article 13

The Commission is empowered to adopt delegated acts in accordance with Article 15a to adapt to technical and scientific progress the Annexes.

The first paragraph shall not apply to the parameters and values listed in Annexes I A, I B and I C, any factors likely to affect the evaluation of those values, and the parameters for analysis referred to in Annexes II A and II B."

(2) Article 14 is deleted;

(3) Article 15 is replaced by the following:

"Article 15


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

_______________________________________________


(4) The following Article 15a is inserted:

"Article 15a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.

3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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(5) In the first paragraph of Article 17, the second sentence is replaced by the following:

"The sectoral reports shall be drawn up on the basis of a questionnaire or outline adopted by the Commission in the form of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2)."

Article 4
Amendment to Directive 87/217/EEC

Paragraph 1 of Article 13 of Directive 87/217/EEC is deleted.

Article 5
Amendment to Regulation (EU) No 1257/2013

In Article 21 of Regulation (EU) No 1257/2013, paragraph 2 is replaced by the following:

"2. Each report shall cover three years and shall be electronically transmitted to the Commission no later than nine months after the end of the three-year period covered by it.

The first electronic report shall cover the period from the date of publication of the European List to 31 December 2018."

Article 6
Amendments to Directive 94/63/EC

Directive 94/63/EC is amended as follows:

(1) In Article 4(4), the second subparagraph is replaced by the following:

"Member States shall inform the Commission of terminals concerned by such a derogation."

(2) In Article 6(4), the second subparagraph is replaced by the following:

"Member States shall inform the Commission of the details of the areas within which they intend to grant such derogation and subsequently of any changes to such areas."

(3) In Article 9, the first sentence is deleted.

Article 7
Repeal of Directive 91/692/EEC

Directive 91/692/EEC is repealed.
Article 8
Entry into force and application

This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from [OP: DATE of entry into force of amendment to Article 37(1)\textsuperscript{119}\ of Directive 2008/98/EC, the amendment to Article 9\textsuperscript{120}\ of Directive 2000/53/EC, the amendment to Article 15\textsuperscript{121}\ of Directive 1999/31/EC, the amendment to Article 17\textsuperscript{122}\ of Directive 94/62/EC.]

Article 1 shall apply as of [OP: the DATE of entry into force of the amendment of Article 22a of Directive 2003/87/EC\textsuperscript{123}].

Done at Brussels,

For the European Parliament
The President

For the Council
The President

\textsuperscript{119}\ COM(2015) 595 final
\textsuperscript{120}\ COM(2015) 593 final
\textsuperscript{121}\ COM(2015) 594 final
\textsuperscript{122}\ COM(2015) 596 final COM/2015/0337
\textsuperscript{123}\ COM/2015/0337