



**Drafting principles for smarter environmental reporting**

**Adopted by the MiW project team  
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## **Acknowledgements**

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- <http://www.ieep.eu/work-areas/environmental-governance/better-regulation/make-it-work/events/2016/11/workshop-on-reporting-brussels-nov-2015>
- <http://www.ieep.eu/work-areas/environmental-governance/better-regulation/make-it-work/events/2016/09/second-workshop-on-reporting-barcelona-28-september-2016>

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## Executive Summary

### Introduction

Current environmental reporting by MS to the EU level often requires considerable effort and does not always provide the right information. This document sets out drafting principles for smarter environmental reporting. These principles are written for all those engaged in developing, reviewing or revising environmental reporting at EU level. They can also serve directly as input to the Fitness Check on environmental reporting which the Commission is carrying out presently.

The drafting principles suggest a stepwise approach, asking the right questions in the right order. The principles take as point of departure the information needs at EU level, not reporting. Reporting is simply one tool to get that information.

#### **1. For what purposes is information needed?**

It is important to be clear about why information is required at EU level in order to ensure the correct and sufficient information is reported and unnecessary reporting is avoided. There are five reasons why information is required at EU level:

- Checking compliance by MS with their obligations in directives and regulations
- Reviewing/evaluation of the effectiveness of a directive or regulation
- To inform development of new policy at EU level
- Informing the public at EU level
- To inform state of the environment assessments at EU level

#### **2. What type/kind of information is needed for the identified purpose?**

There are different types of information, but these can be largely classified as numerical, textual and spatial. It is important that the right type of information is provided for the different purposes determined earlier.

#### **3. What criteria do the information have to meet to be effective and efficient in practice?**

Those considering reporting should further determine the information needs for any of the above identified purposes against a number of principles ensuring effectiveness and efficiency of information provision. Key principles include: sufficiency and proportionality; quality; comparability; timeliness and continuity; practicability and consistency across sector/acquis. Connected to these principles are practical issues to consider like the need to identify and focus on key data and processes; the screening of costs/efforts and benefits of information provision; applying clear, simple, practical and uniform definitions, indicators, methods of determination, formats, timetables, frequencies, definitions, etc etc., and communicate these in a timely manner and avoid frequent changes.

#### **4. Is information already available? Are there better ways to obtain the information?**

Once information needs have been fully determined, reporting might not be the best mechanism to obtain that information. It is important to examine if the information is already available at EU level (e.g. reported under other law)? If so, MS should not be asked to report again. This is the principle of report once, use many times.

Much information is available now online at MS level (e.g. to inform the public). EU institutions should examine if data harvesting is a practical alternative, noting that for some data issues of quality and comparability between MS may arise. Alternative approaches to gathering information may be more appropriate, such as using remote sensing information, studies, audits, information exchange between MS and supporting platforms for stakeholders and general public to submit information. Once these alternatives have been considered, it will be clear what information is best obtained by reporting by MS.

#### **5. How can reporting be made smart?**

Where reporting is needed, it is important that this is done as efficiently as possible. Those developing reporting should consider a number of issues including the following:

- Can existing reporting be adapted/complemented to meet the information needs?
- Systems need time to evolve and be introduced and instructions, guidance etc for data monitoring and reporting may need translation for the regional or local level. Data and information formats need to be clear and communicated in a timely manner.
- Consider piloting new reporting systems to deliver familiarity and remove system bugs.
- Organise a dialogue between sender and receiver so senders understand what their data are used for and can point out problems of the current process.

#### **6. Determining the appropriate legal/non-legal setting for reporting provisions**

Reporting is often a rapidly developing issue. At the same time it is important to set a stable framework which guides and limits reporting to what is needed, sufficient and proportionate.

Reporting requirements therefore should be established in a smart way, addressing these different needs. This would entail choosing the right legal and non legal settings:

- It is appropriate to include a basic requirement to report in a directive or regulation setting out purpose(s) of reporting, the scope and the types of the required information and the intended use of the reported information, possibly linked to selected key obligations regarding targets, processes etc.
- Details for what to report should not be in a directive or regulation as the practicalities of these change and provisions would soon become obsolete. Such details can either be adopted through Comitology or through informal guidance.
- Details for how to report should be in a non-legal context, e.g. choices for electronic reporting systems, quality assurance processes, etc. These change rapidly and should take account of opportunities for improved efficiency.

# 1 Introduction

## 1.1 The topic of environmental reporting

Information is essential to developing, implementing and evaluating environmental law. 'Reporting' can be defined as the predetermined transfer of such information on a regular basis (see section 1.2 for more explanation). Member States are subject to a wide range of obligations and commitments to report to EU level bodies such as the European Commission and the European Environment Agency (EEA). Current environmental monitoring and reporting by Member States often requires considerable effort and does not always provide the information needed to meet its purpose.

## 1.2 Environmental reporting, general profile

Environmental directives or regulations can oblige Member States to meet certain targets regarding a desired state of the environment or a desired limitation of pressures on the environment (e.g. good ecological status of water bodies, national emissions ceilings, air quality limit values). They can also oblige Member States to adopt specified actions as responses to pressures<sup>1</sup> (e.g. producing a plan, establishing a permitting system, the designation of a protected area). In order to enable the Commission to assess compliance of Member States, the legislation normally requires MS to report about these parts of the DPSIR cycle: required responses to pressures, pressures themselves and the state of the environment resulting from these pressures. When assessing the effectiveness of environmental protection measures, information provided for compliance checking may be used (e.g. on water body status, bird population levels, quality of ambient air), but often additional information on a wider range of issues may be needed, such as contextual data on drivers or geospatial information.

Environmental reporting is very diverse in its legal character. Many directives and regulations contain a limited number of broadly worded reporting obligations which are supplemented by further legislation setting out details adopted in comitology (e.g. Industrial Emissions Directive, Habitats Directive, Air Quality Directive), or in non-legislative agreements (e.g. Water Framework Directive, MSFD, etc.). Reporting is also undertaken to different parts of the Commission services. Environmental data may be reported to DG ENV, other DGs and EUROSTAT.

The EEA has an obligation under EU law to produce regular reports on the state of the European environment. As a result it draws on information reported by Member States to assess compliance with EU law as well as agreements with Member States to report additional information. As a result, the EEA is increasingly the primary portal for reported information on the environment for different purposes.

There is a range of perceived or experienced problems related to existing environmental monitoring and reporting:

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<sup>1</sup> These different elements can be considered within the DPSIR framework of indicators. These help to understand interactions between society and the environment based on the concepts of Drivers (e.g. economic growth), Pressures (e.g. pollution), State (e.g. species abundance), Impacts (e.g. human welfare) and Responses (e.g. environmental legislation).

- Reporting obligations are introduced, but it remains unclear for what purposes the information is used;
- Reported information is not used because it is outdated, too general or too detailed, of insufficient quality, not comparable, etc.;
- Reporting systems are often not able to communicate easily between themselves (are not interoperable);
- Monitoring and reporting specifications are not communicated in a timely enough way or are frequently changed, so no efficient monitoring process can take place;
- Monitoring and reporting sometimes absorb a lot of resources, especially if free textual information is required instead of IT reporting tools with multiple choice lists and numerical information, and this is regarded as unnecessary and burdensome where there is no justified purpose;
- There is no feedback and no possibility to require additional explanations for monitoring and reporting specifications, so that senders of information cannot easily obtain necessary clarifications and the reporting system cannot “learn”;
- The same information needs to be reported several times to different users/audiences; the same information needs to be reported in different formats;
- In some policy areas there are many complementary directives with reporting obligations; there are no or very limited possibilities to report once for all these different directives (‘one-stop shop’), partly due to the fact that the various reporting requirements lack consistency.

### 1.3 Working definitions and scope

**‘Reporting’** in this document is understood as the **predetermined** and **regular** transfer of information by Member States to EU level bodies (Commission, EEA, etc.). ‘Reporting’ includes the activities (e.g. data handling) necessary to support information transfer.

**‘Monitoring’** refers to the collection of information (data) for the purposes of meeting EU reporting requirements.

**‘Information’** includes text, numerical data and spatial data. Text may have its own information purpose (stand alone) or support data interpretation<sup>2</sup>. An example of data reporting is data on industrial emissions reporting under the E-PRTR Regulation. An example of textual reporting are implementation reports reported under the POP Regulation.

**‘Regular’** does not necessarily mean frequent. For example, bathing water quality is reported annually, River Basin Management Plans are reported every six years. ‘Regular’ does exclude one-off information movements. For example, a directive might require a Member State to report the name of a competent authority once. This is one-off. But if MS have to provide this information repeatedly, it is a regular transfer of information and thus reporting.

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<sup>2</sup> Stand-alone text may have different forms: a list or free text. A list will display the possible answers to a question. The user must then choose 0, 1 or more texts from the list (depending on the question). A free text field can be filled out by typing, sometimes up to a certain maximum of words.

Reporting in this document, therefore, does not cover MS occasionally providing ad hoc information to enable EU level bodies, e.g. the Commission to investigate complaints, carry out assessments and surveys or organise an information exchange between MS. These information transfers are important and may be more effective than reporting as is raised later in this document.

This document does not cover direct Member State reporting to international conventions, though these could also be improved following the principles set out in this document. In particular integration of such activities with reporting to EU level would aid efficiency and effectiveness of information provision.

Some EU law requires reporting within Member States (e.g. an industrial operator to a competent authority). This type of reporting is important, but is not the subject of this document.

#### **1.4 Content and purpose of this paper**

This document, produced under the Make it Work project, sets out principles and practical advice on establishing smarter environmental reporting at EU level, whether in a legal or non-legal context – hereafter called drafting principles. The drafting principles have been developed to function as an important reference for those involved in establishing, reviewing or revising environmental reporting at EU level (Commission, Council and Parliament as well as Committees, Working/Expert Groups, etc). In particular they can serve as useful input to the Commission Fitness check on environmental reporting (see below).

##### **Make it Work – outline of the initiative**

The Make it Work (MiW) Project is an initiative by the Netherlands (Ministry of Infrastructure and the Environment), the UK (Department for Environment, Food & Rural Affairs) and Germany (Federal Ministry of Environment, Nature Conservation, Building and Nuclear Safety) to establish a forum for discussing broader, strategic approaches to smarter EU environmental law. Recently Sweden (Ministry of Environment and Energy) and Czech Republic (Ministry of the Environment) have joined the project management group. MiW seeks to identify opportunities to systematically improve the quality of EU environmental law, thus helping to improve its implementation and to achieve the benefits associated with the law while delivering a more level playing field across the EU. In particular, it aims at establishing a more coherent and consistent framework for the EU environmental acquis through developing guidance on the use of cross-cutting tools and procedures in EU environmental directives and regulations. MiW proposals will maintain existing substantive and procedural protection standards and do not seek to lower them; recommended standard text for new regulative proposals will be drawn up to ensure sustainable protection of the environment.

The drafting principles are consistent with the objectives and sense of the Commission Better Regulation Guidelines<sup>3</sup>, but provide more detail and practical advice for those drafting reporting provisions at EU level.

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<sup>3</sup> Available at: [http://ec.europa.eu/smart-regulation/guidelines/toc\\_guide\\_en.htm](http://ec.europa.eu/smart-regulation/guidelines/toc_guide_en.htm)

### **The Commission Better Regulation Guidelines**

Amongst other issues addressed, the Commission Better Regulation Guidelines clarify the core questions that should guide Impact Assessment of new EU proposals. These begin by asking what the problem is and why the EU should act, focusing attention on what specifically needs to be achieved and examining different options and choosing the most cost effective. The approach to environmental reporting set out in these drafting principles follows a similar logic. The Better Regulation Guidelines also include a chapter on monitoring which covers the issue of reporting. This stresses the importance of including analysis of reporting obligations within Impact Assessment and includes some principles to consider (the principles included in section 4.3 of these drafting principles are more extensive).

## **1.5 Audiences and use of this paper**

### ***General use***

The drafting principles in this paper are written to be used by those developing, reviewing or revising environmental reporting at EU level. We in particular recommend that the drafting principles are used by:

- Commission<sup>4</sup> officials when drafting provisions on environmental reporting in EU legislation (directives, regulations, decisions);
- members of Council working groups and MEPs when examining, amending or adopting proposals from the Commission concerning environmental reporting;
- members of Committees, expert groups and working groups when discussing and deciding on implementation rules, guidelines, agreements etc concerning environmental reporting;
- the EEA when developing provisions for Member States' reporting.

### ***Use for Commission Fitness Check and future REFIT evaluations***

The Commission is currently undertaking a Fitness Check on environmental reporting<sup>5</sup>. This Fitness Check covers 57 pieces of EU environmental legislation, covering air, governance, industrial emissions, nature, noise, products, soil, waste and water. It has identified 178 relevant reporting obligations from these. The Fitness Check uses the standard EU evaluation criteria: efficiency, effectiveness, coherence, relevance and EU added value. It is recommended that the drafting principles in this paper are taken into account by the Commission as it further undertakes its Fitness Check. The drafting principles can serve as a more concrete framework and guide to assess current environmental reporting in the different environmental policy areas covered by the Fitness Check and on the basis of that assessment formulate and identify subsequent concrete recommendations and actions.

While it is hoped that the Fitness Check of environmental monitoring and reporting develops recommendations to improve the efficiency and effectiveness of environmental reporting, many of the issues arising from environmental reporting under EU law are due to details under each item of legislation. Therefore, it is important that these MiW drafting principles are used as each piece of legislation is reviewed and evaluated, such as during REFIT exercises.

The scope of these drafting principles is EU environmental law, but for Member States 'environmental' is not limited to the legislation under the responsibility of DG ENV. It is

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<sup>4</sup> This includes all Commission services, including Eurostat.

<sup>5</sup> See: [http://ec.europa.eu/environment/legal/reporting/index\\_en.htm](http://ec.europa.eu/environment/legal/reporting/index_en.htm)

recommended, therefore, that these drafting principles are also applied to other environmental legislation under the responsibility of other DGs.

### **Living document**

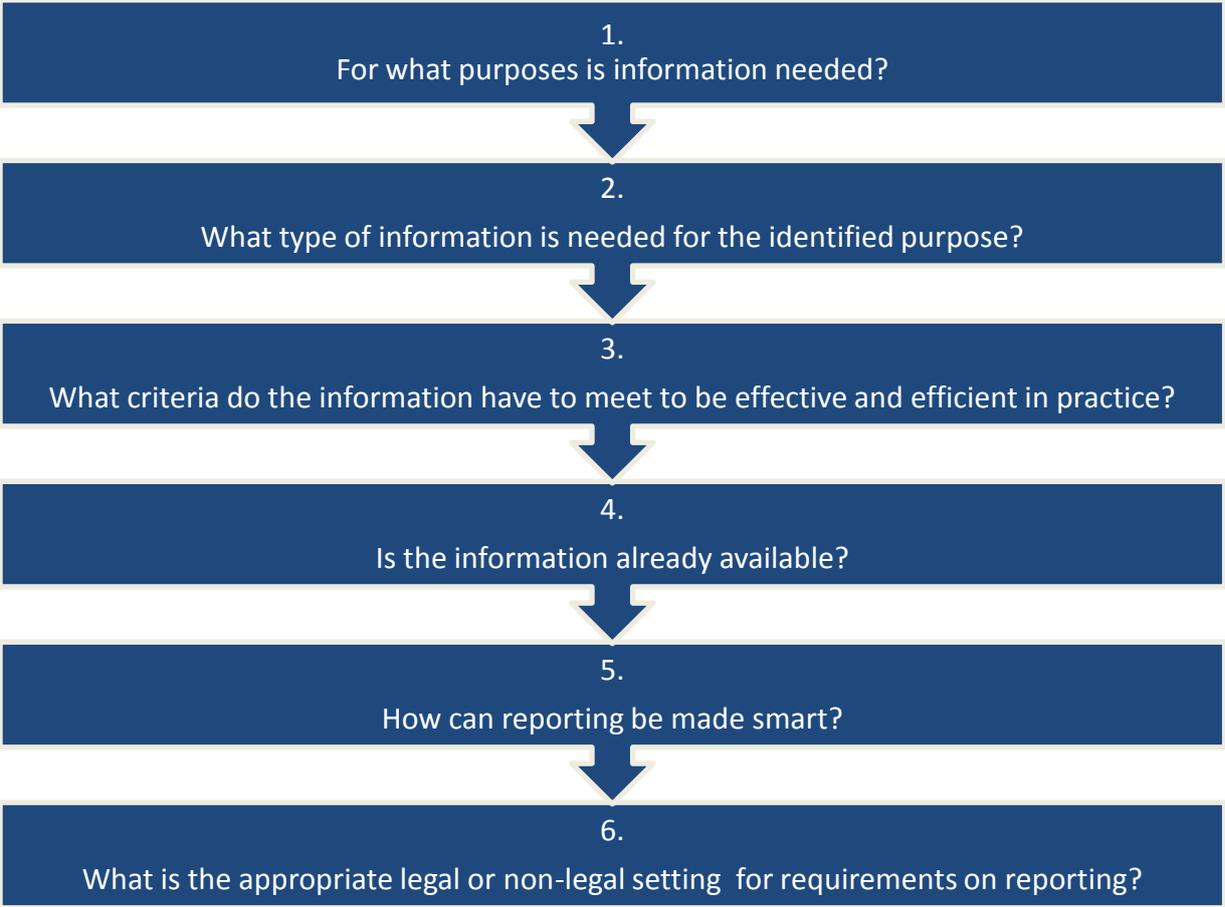
The drafting principles in this paper form a living document. As they are applied it is expected that lessons will be learned. Further, several aspects of reporting are fast-moving and circumstances can rapidly change. These lessons and developments will help to improve what is written here.

## **1.6 Structure of the drafting principles**

The next chapter sets out the drafting principles. These take the form of six questions which those developing reporting requirements are invited to work through in order to ensure reporting provisions are focused, effective and efficient. These questions are summarised in the table below. You can click on the arrows to move to the relevant section. It is important to stress that the starting point is information needs, not reporting. Reporting is not a purpose, but a mechanism and it is not the only mechanism (or even the best mechanism) to deliver the required information.

Question		Considerations	Click for more
1	For what purposes is information needed?	Being clear about why information is required ensures that the right information is reported and unnecessary reporting is avoided.	
2	What type of information is needed for the identified purpose?	Information is of different types (numerical, textual, spatial). Different purposes require different types of information.	
3	What criteria do the information have to meet to be effective and efficient in practice?	There are various principles and practical issues which need to be considered to ensure that information is provided in an effective and efficient way.	
4	Is the information already available?	Once information needs have been fully determined, all possible ways of information collection need to be considered.	
5	How can reporting be made smart?	Where reporting is deemed necessary, it is important to ensure that the reporting is done as efficiently as possible.	
6	What is the appropriate legal or non-legal setting for requirements on reporting?	To limit and guide the reporting upfront the general framework for reporting needs to be fixed in a directive or regulation. To allow for flexibility more detailed requirements on what and how to report would need to be agreed at a lower level.	

The order of these questions is summarised in the figure below.



## 2 Drafting principles for environmental reporting: key questions to consider

### 2.1 For what purposes is information needed?

There are roughly five reasons (purposes) why the EU level bodies request environmental information from the Member States<sup>6</sup>. These are listed in the box below, left column. In the right column is indicated what currently the legal basis is for MS to report information for these various purposes.

There is no any ranking or hierarchy of importance between these needs (and indeed information may meet more than one purpose). Rather it is important to be clear as to the precise need to define the information necessary to meet that need.

For what purposes do EU level bodies want information?	(Legal) basis on which MS currently report this information
<ul style="list-style-type: none"> <li>Commission checking compliance by MS with their obligations in directives and regulations. These obligations are about:               <ul style="list-style-type: none"> <li>targets to be met</li> <li>processes to be established</li> <li>infrastructures to be set up</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Generally stated provisions in directives and regulations to report on their implementation</li> </ul>
<ul style="list-style-type: none"> <li>Review/evaluation of the effectiveness of a directive/regulation, e.g. by the Commission</li> </ul>	<ul style="list-style-type: none"> <li>Provisions in directives and regulations to report specified information</li> </ul>
<ul style="list-style-type: none"> <li>State of the environment assessment at EU level, e.g. by the EEA</li> </ul>	<ul style="list-style-type: none"> <li>EEA Regulation, or in some cases, specific provisions in certain directives</li> </ul>
<ul style="list-style-type: none"> <li>Development of new policy at EU level, e.g. by the Commission</li> </ul>	<ul style="list-style-type: none"> <li>Provisions in directives and regulations to report specified information</li> </ul>
<ul style="list-style-type: none"> <li>Informing the public at EU level</li> </ul>	<ul style="list-style-type: none"> <li>Provisions in directives and regulations to report specified information</li> </ul>

#### ***Checking compliance and reviewing/evaluating the effectiveness of a directive or regulation***

The Commission needs information to check the compliance by Member States with their obligations in directives and regulations and to review the effectiveness of the directive or regulation in terms of achieving the desired goals. Often Member States are required to provide this information on the basis of very general provisions to report on the implementation of the piece of legislation concerned.

In order to understand environmental reporting better and to ask the right questions when introducing or reviewing environmental reporting in a certain subject area, it is useful to determine what kind of obligations Member States have to comply with in a directive or regulation. There are roughly three types of obligations on Member States which are relevant here:

- targets to be met for environmental quality or for environmental performance, for instance for air and water, including monitoring/assessing state of environment or pressures to determine whether targets are actually met;

<sup>6</sup> EU level bodies include the Commission and the EEA. Their responsibilities are different and complementary. The Commission's primary role is to develop policy proposals, ensure they are implemented and evaluate those policies. The EEA's role is to understand and report on the state of the European environment and its context, which may also include understanding how policies are effective in changing that environment.

- processes that should be undertaken like making plans/programmes, permitting, inspecting, carrying out EIAs, including monitoring/assessing state or pressures to inform these processes;
- Infrastructures to be set up and maintained like waste water treatment plants.

*Examples of these different types of MS obligations (targets, processes and infrastructure obligations) in directives and regulations are provided in the table below.*

Type of obligations	Example
<b>Target set out in EU law</b>	Air Quality Framework Directive (air limit values) Bathing Water Directive (microbial standards) Environmental Quality Standards Directive (water standards) Groundwater Directive (water standards) Habitats Directive (objectives for Natura 2000 sites) Marine Strategy Framework Directive (targets and descriptors of Good Environmental Status) National Emission Ceilings Directive (targets for individual pollutants) Waste Framework Directive (recycling, etc., objectives) Water Framework Directive (objectives for Good Status of water bodies)
<b>EU law requires that a specific process is undertaken</b>	Produce plans/programmes: <ul style="list-style-type: none"> <li>• Air Quality Framework Directive (plans for agglomerations)</li> <li>• Environmental Noise Directive (plans for agglomerations)</li> <li>• Floods Directive (Flood Risk Management Plans)</li> <li>• Habitats Directive (management plans for Natura 2000 sites)</li> <li>• Marine Strategy Framework Directive (Marine Strategies)</li> <li>• National Emission Ceilings Directive (programme to meet the specific ceilings)</li> <li>• Waste Framework Directive (waste management plans and waste prevention programmes)</li> <li>• Water Framework Directive (River Basin Management Plans)</li> </ul>
	Issue permits (or similar): <ul style="list-style-type: none"> <li>• Industrial Emissions Directive</li> <li>• Seveso III Directive</li> <li>• Waste Framework Directive</li> <li>• Waste Shipment Regulation</li> <li>• Water Framework Directive</li> </ul>
	Conduct inspections: <ul style="list-style-type: none"> <li>• Industrial Emissions Directive</li> <li>• Seveso III Directive</li> <li>• Waste Shipment Regulation</li> <li>• REACH Regulation</li> </ul>
	Monitor environment to inform measures/ plans: <ul style="list-style-type: none"> <li>• Air Quality Framework Directive</li> <li>• Habitats/Birds Directive</li> <li>• Marine Strategy Framework Directive</li> <li>• Water Framework Directive</li> </ul>
<b>Infrastructure requirements</b>	<ul style="list-style-type: none"> <li>• Urban Waste Water Treatment Directive</li> </ul>

While obligations in EU law to meet certain targets or to implement particular processes often necessitate the gathering and use of information, this does not mean that all such information should be reported to the EU level. For example, implementation of the Water Framework Directive requires extensive collection of pressure, state and response

information within river basin planning, but much of this is to inform decision making at Member State, regional or river basin level (in which case it may not need to be reported to EU level bodies unless there was a separate justified purpose for this).

### **Changing information needs**

The purpose for which information is needed, is likely to vary depending on the maturity of the legislation. After a directive enters into force, the primary need for information might relate to compliance checking. Once a directive has been implemented satisfactory for some years, it becomes more obvious to start collecting information about its effectiveness. Thus in the early stages of implementation, the focus of information needs may be on outputs (processes established), while as the policy matures, the emphasis may be more on outcomes (changes in pressures on the environment etc). When information needs change as legislation matures, it is useful to consider appropriate indicators as early as possible to help develop the systems necessary for collecting that information.

### **Other purposes**

EU level bodies may want to have additional information for other purposes than compliance checking and review/evaluation of the effectiveness of the legislation, namely for producing (sectoral or cross-sectoral) state of the environment assessments at EU level by the EEA and Eurostat<sup>7</sup>, for specific policy development at EU level by the Commission and for providing the general public at EU level with specific environmental information<sup>8</sup>. The obligation or commitment to report information in these cases is either laid down in specific reporting provisions in directives, regulations and delegated acts or recommendations or guidelines, or in case of information provided for state of the environment assessments based on the Regulations governing the EEA or EU-Statistics.

*Examples of where EU environment law has led to provisions for reporting to deliver each of the five purposes are provided in the table here below.*

Purpose	Examples
<b>To check compliance</b>	<ul style="list-style-type: none"> <li>• Air Quality Framework Directive: information on air quality to show how it compares with limit values.</li> <li>• Bathing Water Directive: requirement to report on the quality of individual bathing waters and how these compare to standards in the directive.</li> <li>• Waste Framework Directive: requirement to report on progress towards waste recycling, recovery, etc., targets.</li> <li>• Water Framework Directive: requirement to assess progress towards Good Status of water bodies.</li> <li>• Habitats Directive: requirement to report on the status of Natura 2000 sites and their condition compared to objectives.</li> <li>• REACH: the regulation requires extensive reporting on compliance and enforcement measures.</li> <li>• POP Regulation: also has reporting on compliance and enforcement measures.</li> </ul>
<b>To review/evaluate</b>	<ul style="list-style-type: none"> <li>• Air Quality Framework Directive: information on air quality management plans</li> </ul>

<sup>7</sup> <http://ec.europa.eu/eurostat/web/environment/overview>

<sup>8</sup> Note that this is different from obligations to inform the public at national level (for which reporting to the EU level is not needed) or making information available at EU level (where the information reported is provided for another purpose).

Purpose	Examples
<b>the effectiveness of a directive or regulation</b>	<p>and the measures included to show how limit values will be met.</p> <ul style="list-style-type: none"> <li>• Floods Directive: Flood Risk Management Plans must be evaluated and reviewed.</li> <li>• Nitrates Directive: requires an assessment of the effectiveness of the directive in achieving objectives for nitrates in surface and groundwaters.</li> <li>• REACH Regulation: requirement to report to help understand its implementation.</li> <li>• Water Framework Directive: requirement to report on measures adopted in River Basin Management Plans to evaluate how well these address pressures causing failure to meet Good Status.</li> <li>• Marine Strategy Framework Directive: requirement to report on measures adopted in Marine Strategies to meet Good Environmental Status.</li> <li>• Waste prevention: report on policy and targets etc, aimed at developing methodologies, indicators etc</li> </ul>
<b>Development of new EU policy</b>	<ul style="list-style-type: none"> <li>• Environmental Quality Standards Directive for water: requirement to report data on a Watch List of substances in order to increase understanding for future policy development.</li> </ul>
<b>To provide specific information to the public at EU level</b>	<ul style="list-style-type: none"> <li>• E-PRTR Regulation: reporting to provide an EU-level inventory of emissions for the public.</li> <li>• Bathing Waters Directive: information on individual bathing waters available at EU level.</li> </ul>
<b>To provide information for state of environment reporting</b>	<ul style="list-style-type: none"> <li>• State of environment information for air, water, marine, waste, etc., provided by Member States to the EEA.</li> </ul>

### ***The user perspective***

The different purposes of information at EU level relate to the needs of different users. In all cases it is important to ensure that these users are consulted to determine what their particular needs are, i.e. what they want. For example, if the user is the EEA seeking to produce a map of pressures across Europe, what information does it need and how does it want it presented? Making sure user needs are understood ensures that precise information needs can be determined<sup>9</sup>.

### ***Making the purpose(s) clear***

Once the information need has been identified it is important to make this purpose clear. This applies not only to the overall framework of the information needed, but also to individual aspects of it. Doing this will ensure that this purpose continues to guide the development of the processes of information gathering and informs those involved in information provision (sometimes in years to come). For example, if reporting is determined as the best method to obtain information, it would be appropriate to state the purpose or purposes of this reporting in a basic reporting requirement in the directive, keeping in mind that they may change over time (see also section 2.6). The purpose of each individual piece of information that Member States would be required to report could be stated in the reporting guidance developed to support that directive, together with the planned output (e.g. compliance report, State of the

<sup>9</sup> For example, the Structured Information Implementation Framework (SIIF) has helped to develop tools and presentation of information on implementation, e.g. on waste water treatment, which helps clarify the information needed to support this.

Environment statistic). This would also support communication of the reasons for requirements to those who provide the requested data at the regional or local level.. Good practice in this regard is the revised reporting guidance for the Water Framework Directive where a statement of purpose is provided against each item of information requested in the reporting guidance.

## 2.2 What type of information is needed for the identified purpose?

### *Information of different types*

Information can be of different types. An important distinction is between numerical and textual information. Some numerical information may be accompanied by short textual explanations to provide context to the figures. Actually, this is almost always the case, because a number in itself does not say anything without that context. It is usually easy to determine when reported numerical information fulfils a reporting obligation (i.e. what numbers need to be provided). In contrast it can be difficult to know how much textual information is needed to fulfil an information need. Indeed some existing textual reporting requirements on countries are particularly vague and open-ended.

Types of information	Examples
<ul style="list-style-type: none"> <li>Numerical</li> </ul>	<ul style="list-style-type: none"> <li>Concentrations of pollutants compared to targets in a directive</li> <li>Emissions compared to targets in a directive or other legal obligations</li> </ul>
<ul style="list-style-type: none"> <li>Spatial</li> </ul>	<ul style="list-style-type: none"> <li>Geospatial location of objects (see INSPIRE discussion in section 2.5)</li> </ul>
<ul style="list-style-type: none"> <li>Textual</li> </ul>	<ul style="list-style-type: none"> <li>Management plans and programmes</li> <li>Permits and licences</li> </ul>

### *Information meets different purposes*

For many directives and regulations information will be needed for more than one purpose and there is risk that reporting requirements to address these, overlap. It is important in these cases to take advantage of possible synergies between information needs and transfers. The box here below summarises the information purposes and needs.

For what purpose do EU level bodies want information?	What information is necessary for that purpose?
<ul style="list-style-type: none"> <li>Checking compliance of MS with obligations</li> </ul>	<ul style="list-style-type: none"> <li>Numerical data to assess if targets are met</li> <li>Textual information to check if processes are established or infrastructures set up</li> </ul>
<ul style="list-style-type: none"> <li>Review/evaluate the effectiveness of a directive/regulation</li> </ul>	<ul style="list-style-type: none"> <li>Use of compliance info and additional numerical, spatial and textual information</li> </ul>
<ul style="list-style-type: none"> <li>State of the environment assessments at EU level</li> </ul>	<ul style="list-style-type: none"> <li>Use of compliance info and additional numerical, spatial and textual information (DPSIR), including on trends</li> </ul>
<ul style="list-style-type: none"> <li>Policy development at EU level</li> </ul>	<ul style="list-style-type: none"> <li>Use of specific numerical, spatial and textual information,</li> </ul>
<ul style="list-style-type: none"> <li>Informing the public at EU level</li> </ul>	<ul style="list-style-type: none"> <li>Use of compliance info, if relevant, - interpreted and/or specific information for public needs</li> </ul>

So the key questions which need to be asked are:

- What type of information is needed (numerical, textual, spatial or all) for compliance checking?
- What additional information is needed to answer information needs for other purposes, if information for compliance checking is not sufficient?

### ***Review/evaluation of the effectiveness of a directive or regulation***

Policy review of the legislation is highlighted in the Commission's Better Regulation Guidelines as an important process to improve the EU acquis. To support evaluation of directives and regulations, a key source of information is that derived from compliance checking. Additional information on the state of the environment and external factors may be needed to understand the relationship between drivers, pressures, state and impacts. Examples of data collected for compliance purposes useful for evaluation include air and water quality data (compared to EU standards) and the pressures affecting that quality. On wider driver and pressure relationships, an example of information for policy evaluation is that on understanding waste stream trends to inform waste policy.

### ***Informing the public at EU level***

For information which is intended for public communication at EU level<sup>10</sup>, it is likely that such information will need to be processed into a form that is useable by the public. This is likely to be particularly the case with technical information primarily reported for other purposes. There are few examples of clear reporting requirements on Member States to the EU level for the specific objective of public information (as opposed to reported information being made public) as the public is most likely to refer to national level information sources in the first instance. The inventory of pollutant emissions from major industrial activities (E-PRTR) is one example, as is the database on bathing water quality. In both cases the data presented are synthesised to annual summaries.

### ***State of the environment assessments at EU level***

Information provided to support state of environment assessments by the EEA and EUROSTAT may include both numerical information on environmental quality and pressures on it as well as broader textual information to interpret that information, including on drivers, impacts and responses.

### ***Conclusion: clarity of purpose***

In conclusion, it is important to be clear about the question, or questions, being asked. What type of information is needed, when and for what purpose or purposes? Being clear ensures that useful information can be collected and unnecessary information collection avoided. It also avoids collecting information that is unable to answer the questions that need to be answered.

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<sup>10</sup> Note that these drafting principles are limited in scope to covering reporting from Member States to EU level. There are good examples and reasons for gathering information by Member States and making it available to the public at that level. This is not included here.

### 2.3 What criteria do the information have to meet to be effective and efficient in practice?

Those considering reporting should further determine the information needs for any of the above identified purposes against a number of principles and practical issues ensuring effectiveness and efficiency. In this section we focus on requesting information with the purpose of compliance checking, but the principles and practical issues described here below are equally relevant for information requests for the other purposes.

Information	What principles need to be considered?	What practical issues need to be considered?
<ul style="list-style-type: none"> <li>Numerical data to assess if targets are met</li> <li>Spatial data</li> <li>Textual information to check if processes and infrastructures are established, applied and maintained</li> </ul>	<ul style="list-style-type: none"> <li>Sufficiency and proportionality</li> <li>Quality</li> <li>Comparability</li> <li>Timeliness and continuity</li> <li>Practicability</li> <li>Consistency across sector/acquis</li> </ul>	<ul style="list-style-type: none"> <li>Identify and focus on key data or key processes</li> <li>Level of reporting detail in accordance with prescribed process</li> <li>No reporting if targets are met</li> <li>No reporting if no changes occur</li> <li>Assess costs/screen efforts and benefits of information collection and transfer</li> <li>Agree on clear, simple, practical and uniform definitions, indicators, method of determination, format, timetable, frequency</li> <li>Strive for data information systems to be interoperable</li> <li>Referring to horizontal legislation like INSPIRE</li> </ul>

Working through these principles can result in different types of decisions, such as:

- To identify ways to improve the value of information to be provided (e.g. its quality or its timeliness for decision making).
- To decide that some information cannot meet a principle and so should not be requested (e.g. to gather such information would be disproportionate to its use or that comparability across Member States is essential but cannot be delivered).

#### ***Principles to consider***

In all cases it is important that the information to be collected for a specific purpose meets a range of principles for it to have maximum value (and, therefore, is effective in delivering the purposes for which that information is provided). These principles include:

- Sufficiency:** is the information provided enough (level of detail, geographic coverage, etc.) to answer the questions being asked? If indicators are developed, do these encompass the key issues? If not, the information that is provided may have little or no value.
- Proportional:** is the amount of information requested AND the effort required to collect, analyse and provide that information proportional to the importance of the questions being asked? This is the 'other side of the coin' to the principle of sufficiency.

- Quality: it is important to ensure the information is of good quality, etc. (so provisions to ensure this might be established at EU level, both in relation to monitoring and the processing and delivery of information)<sup>11</sup>.
- Comparability: there may be a need to ensure that information from different MS is comparable, so provisions to ensure common methods might be established at EU level. The benefits arising from efforts to change systems to deliver comparability would need to be compared to the costs and drawbacks of changing existing Member State systems and outputs that depend on these.
- Timeliness: it is important to know if targets are being met (or progress towards them is being made) in a timely way so that failure can be acted upon.
- Practicability: whatever reporting provisions are adopted, it is important to ensure that these are practicable - in relation to collecting information (monitoring), processing and reporting, including the time to put systems in place.
- Continuity: this might be needed in order to be able to assess trends and progress.

### ***Practical issues to consider***

With regard to the practical issues to address, for numerical and spatial data these are in particular:

- Identify and focus on key data: this will ensure the amount of information required is proportional to the objectives and that sufficient information is provided. Where there are numerical targets (e.g. environmental quality), ensure that data reported are focused precisely to understand progress towards these targets. No reporting for compliance checking should take place if targets are met. Member States would still need to collect data to assess targets are still met, but reporting should not be needed.
- Assess costs/efforts and compare to benefits: costs of information provision should be assessed, e.g. to inform frequency, consequences for monitoring, etc. This is important to ensure proportionality. It also helps to provide confidence in data quality. Gathering of information on costs may sometimes be difficult, so the approach taken needs to be proportional. Often a simple screening of relative effort required for the reporting activity may be sufficient. Costs will likely also vary between Member States depending on pre-existing monitoring and data systems. Costs should be compared to expected benefits, which will depend on the purposes identified earlier. Only in comparing costs and benefits will it be possible to assess if the provisions are proportionate.
- Agree on clear, simple, practical and uniform definitions, indicators, method of determination, format, timetable, frequency. This helps to deliver principles such as timeliness, comparability, continuity and provides the basis for interoperability of systems.
- Interoperability: information provided as numerical or spatial data have to refer to common data models for these data (e.g. as set out in the implementing rules for the INSPIRE Directive), to make sure these data can be combined across administrative and sectoral borders.

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<sup>11</sup> Note that it is important to ensure quality checking is undertaken as early as possible in the information process. For example, quality checking late in a reporting process can lead to a need to repeat earlier steps in reporting with unnecessary costs.

- Ensure that any reporting obligations or commitments are introduced with sufficient time for entities responsible for collecting the information to efficiently deliver that information in the desired format. This might mean having a transitional period, a pilot stage, time for translations of guidance and questionnaires or another mechanism to ensure that information can be gathered in the most efficient way and that reported information has value at EU level.
- Referring to horizontal legislation like INSPIRE: INSPIRE provides the opportunity to aid information organisation and reporting (see section 2.5). This potentially will contribute to delivering principles such as comparability, quality, continuity and interoperability.

For textual information, the practical issues to address are in particular:

- Identify and focus on key processes: processes such as planning often contain many different elements. If Member States are to report on specific elements of plans and their implementation, it is important to focus on what is most important or critical to determine their effectiveness, etc. This is essential to ensure information requests are proportional and that sufficient information is provided.
- Level of reporting detail in accordance with prescribed process: if a process in EU law is prescribed in general terms, the reporting should also not be detailed.
- No reporting if no changes occur: where processes are ongoing, there should be no need to provide information if there has been no change (e.g. if plans are only revised after several years). Member States would still need to collect data to ensure no change is occurring, but reporting should not be needed.
- Ensure that entities responsible for collecting the information are given sufficient time to accommodate any reporting obligations or commitments.
- Consider well what kind of text is required. Closed questions and multiple choice lists ensure comparability (and easy assessment); free text ensures flexibility for the MS to give tailor-made information but creates far more burden. When asking closed questions: agree on clear, simple, practical and uniform definitions. When open questions are necessary: formulate clear and unambiguous questions.

When the information needs have been analysed and key needs determined, before converting these into reporting obligations it is necessary to ask if this information is already available or can be obtained in a better way and whether particular approaches can be adopted to make the reporting smarter. These issues are addressed in the following two sections of these drafting principles.

## 2.4 Is the information already available? Are there better ways to obtain the information?

Where a need to obtain information from Member States (for each identified purpose) is identified, it is important to determine what the best way is of obtaining that information. In the box below the relevant key questions are summarised.

Is information needed already available at EU level?

Can it be harvested from MS websites?

Are there better ways to obtain the information than by monitoring and reporting?

- Consider studies, audits, programmes, information exchange between MS
- Consider inviting stakeholders and general public to submit information

### ***Information already available at EU level***

First, it is important to determine if that information is already reported for another purpose. Information might be reported as a legal obligation under other EU law, provided through notifications, etc. This might not be environmental law (e.g. reporting on cross-compliance, greening, etc., under agricultural policy or reporting under energy policy). Relevant information might also be reported by Member States when they report on transposition (legal conformity). If so, it should not be required to be reported again, but it should be obtained from the recipient of that information. This is the principle of **report once, use many times**.

### ***Harvesting information from Member State sources***

The issue of ‘harvesting’ as a potential alternative to reporting applies across all reporting activities. ‘Harvesting’ here is simply the process whereby EU institutions seek out and obtain information from public information sources at MS level (e.g. a MS website of environmental statistics or spatial data). For example, where directives require plans simply to be reported and also to be made public, then ‘harvesting’ is an obvious approach (MS could, for example, provide links to relevant sites). It is important to stress that using ‘harvesting’ instead of reporting would not reduce the amount of information available at EU level. Indeed, with increasing amounts of information being made available online, more information may become available than is currently the case.

For many environmental targets, there is considerable focus on comparability of information. In such cases harvesting public information would only be meaningful if that public information was clearly comparable. This is unlikely when MS tailor public information to the needs of their own public, rather than ensuring comparability of that information with other MS. A challenge for ‘harvesting’ is clarity and comparability on specific elements in the information, such as the need for common and consistent coding for objects (e.g. facilities). A further issue is that of information quality, particularly if information is collected from unofficial sources or any source where quality control procedures are not clear. Thus there is a question of whether harvested information is usable at EU level (i.e. does it allow policy-relevant questions to be answered with sufficient robustness?).

These potential problems with ‘harvesting’ could be overcome (at least in some instances) if websites presenting information at MS level also allowed access to the datasets containing

the original data from which the public information is synthesised. Such datasets are more likely to contain the information needed at EU level. It would also help ‘harvesting’ if data sets which relate to individual items of EU law are clearly labelled as such (e.g. by reference to a specific directive). Further, the issue of ‘harvesting’ interacts with the wider discussion of open data. Data sources might not just include public authorities, but also civil society and business sources. Where there are agreements between businesses and authorities on data use, it needs to be clear whether this can or cannot be used by other users (e.g. EU institutions).

‘Harvesting’ is not a panacea for all information needs, but it is a potential solution for some information requirements and, potentially, a better option than reporting in some instances. Further, proactive publication of data and information by Member States may increase opportunities for harvesting and, therefore, reduce the need for reporting.

### ***New sources of information***

Other information sources are also becoming available and may have significant advantages over current information gathering. For example, the EU’s remote sensing programme, Copernicus, has the potential to provide significant environmental information on a range of issues in a comparable way across the EU. This could be provided directly to EU institutions, Member States and other users.

### ***Studies and audits***

Where it is not possible to obtain the required information through these means, it will be necessary to seek new information. This might require additional reporting from MS, but for some questions (e.g. to assess the effectiveness of legislation), it might be more efficient for the Commission to undertake studies or audits. Studies may be considerably more effective to obtain answers to more complex questions or more recent/contextual information (e.g. to support evaluation of legislation).

### ***Exchange of best practice and experience***

The Commission can also support or, if necessary, provide platforms for Member States and/or stakeholders to exchange best practices or submit evidence and views on particular issues<sup>12</sup>. This can provide the opportunity for new types of information or new sources of information to be highlighted. For example, businesses may provide economic information that might otherwise be difficult to obtain. But, because information is likely to be submitted in a variety of formats, etc., issues of comparability may rise. And, if a basic level of information is needed at EU level (principle of sufficiency), it would not be possible to rely on voluntary submission from stakeholders to provide this.

### ***Conclusion: choose the smart way to obtain the needed information***

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<sup>12</sup> Existing review processes, such as Fitness Checks, include opportunities for the public to submit views and information. However, new systems and opportunities could be developed to allow for more routine submission of information to support understanding of policy implementation and development. A similar idea is currently being explored in the context of the implementation of the Single Market, see Single Market Information Tool (SMIT: [http://ec.europa.eu/smart-regulation/roadmaps/docs/2017\\_grow\\_014\\_single\\_market\\_information\\_tool.pdf](http://ec.europa.eu/smart-regulation/roadmaps/docs/2017_grow_014_single_market_information_tool.pdf))

In conclusion, there are different options to obtain relevant information from Member States. It is important, therefore, to determine which approach is best able to provide the necessary information in the most efficient way. In some cases this might involve more than one type of approach. Reporting is, therefore, an important tool, but it might not always be the best choice for information gathering.

## 2.5 How can reporting be made smart?

To deliver the most effective and efficient monitoring and reporting the issues summarised in the box below need to be considered.

### If reporting is needed, how can it be made effective and efficient?

- Can existing reporting be adapted/complemented?
- Choose proper timing (when to start monitoring?, establish base line etc)
- Allow time for preparation (e.g. ensuring entities responsible for gathering information have sufficient time to prepare, installing systems for collecting/moving/handling information)
- Consider piloting
- Provide for learning by doing (feedback loop)
- Offer clear, user-friendly, easy to fill in electronic forms, mainly with closed questions, which ideally can be translated
- Organise dialogue between sender and receiver, including being transparent in how the information is used
- Use of INSPIRE to aid data comparability and data movement between institutions
- Use of INSPIRE to switch from data reporting by deadlines to data accessibility 24/7 where this is possible

### ***Trust***

In developing reporting provisions which are smart, it is important to recognise that a fundamental foundation to all of these is trust. There must be trust between the EU institutions and Member States concerning information provision, otherwise the system cannot work.

### ***Adapting existing reporting***

It may be possible to adapt existing reporting requirements. The reporting obligations in the acquis may already partially encompass the issues being considered for reporting. These existing obligations could be adapted or complemented to address the new information needs. Doing this would help ensure coherence within the acquis and avoid duplication.

### ***Coherence of reporting across the acquis***

As reporting provisions are developed, it is important to ensure that these are as coherent as possible across EU law. This includes using the same terms in law and guidance. Every attempt should also be made to harmonised timetables. It is recognised that some reporting timetables are linked to timetables of practical implementation. For example, reporting under the Water Framework Directive follows the individual timetabled stages of river basin management, so that significantly changing the timing of reporting would effectively require changing the implementing timetables. Therefore, some aspects of improved coherence of reporting provisions are linked to the wider challenge of coherence of obligations in EU law. Further, it is important to identify opportunities to integrate reporting for EU environmental law with that for other policy areas, such as energy, climate, marine, agriculture, etc. This would aid greater coherence across the acquis as a whole.

### ***Ensuring the correct timing of reporting provisions***

The timing for the introduction of reporting (and also monitoring if that is to be triggered by reporting requirements) must be carefully considered. Often the burden of reporting can be due to too rapid a timetable for its introduction. Systems need time and investment to evolve and be introduced. Data and information formats, etc., need to be clearly specified and communicated in a timely manner. Further, time is needed to translate these into Member State languages for those entities responsible for information collection.

### ***Focusing textual reporting on what is necessary***

Particular attention should be given to the extent and nature of reporting of textual information. Extensive reporting of textual information raises issues of comparability, ability of Commission officials to work in all official languages, difficulty in identifying important issues, etc. Where text is needed, it would be smart to ensure that it is kept to a minimum, e.g. to focus on necessary interpretation of data. Where possible it might be smart to report via tick boxes of options or for those reporting to choose between predetermined texts. The use of optional reporting, where Member States can choose to supply text if they want to, should generally be avoided as this produces uneven and less valuable results. Reporting of textual information concerning text which is already available should be avoided. For example, where a plan needs to be produced, reporting of a link to its publication should be sufficient, rather than any additional reported description.

### ***Piloting new reporting systems***

Where new reporting systems are being introduced, it is useful to undertake pilots first. MS can be asked to volunteer for pilot trials. Both sides benefit from such arrangements (with the EU bodies improving systems and understanding limitations and MS gaining familiarity with systems before reporting starts) and experience has shown (e.g. with the Water Framework Directive) that many bugs can be removed from reporting processes, leading to a much more efficient introduction of new systems.

### ***Using technology advances***

It is also important to note that the opportunities for more efficient and effective reporting are evolving as information technology systems evolve. It is, therefore, important to ensure that reporting provisions are as flexible as possible with regard to their ability to take advantage of these developments.

### ***Ensuring feedback between provider and user for mutual learning***

The provision of data and information should not be a one-way process. Whilst all reporting development takes place in consultation with MS, collaboration is sometimes not as intensive after monitoring and reporting requirements have come into force. Hence, an ongoing dialogue between all concerned parties, i.e. legislators, receivers and senders, should be continued to check whether use value, (cost) effectiveness and proportionality of monitoring and reporting can be further improved. Feedback allows for users to raise quality questions, address formatting issues, etc. Dialogue also allows providers to ask about the use of the information and, therefore, whether their efforts are of value. This is already standard practice in some policy areas (e.g. WISE). Furthermore, it allows users and providers to examine whether the information provided allows reasonable conclusions to be

drawn and so assess the degree to which monitoring and reporting requirements meet the purpose for which they were adopted. Those responsible for using reported information at EU level should, therefore, establish mechanisms for feedback and dialogue with data providers and help share best across Member States.

### ***INSPIRE as a tool for smart reporting***

The INSPIRE Directive is intended as a vehicle to streamline existing reporting processes and make them more effective and efficient. INSPIRE aims to create a spatial data infrastructure to enable the sharing of environmental spatial information among public sector organisations and facilitate public access to spatial information across Europe. Furthermore, INSPIRE aims to assist policy-making across boundaries. Therefore, the spatial information considered under the directive is extensive and includes a great variety of themes. On the one hand this consists of infrastructural location information (addresses, transport networks, statistical units, environmental monitoring facilities, industrial facilities etc.) and on the other hand of features, zones, conditions attributed to certain geospatial entities. This enables attaching information on emissions, environmental quality etc to locations.

Where monitoring and reporting provisions (new or amended) are identified as the most appropriate approach to gathering the required information, it is important that these provisions are as effective as possible and as efficient as possible. The INSPIRE Directive provides a framework to share many types of data for EU environmental policies and policies or activities which may have an impact on the environment. Its five objectives are:

- To document spatial data and services;
- To establish more internet based services (web services);
- To facilitate access to spatial data by improving interoperability and establishing and operating an INSPIRE geoportal at Community level;
- To arrange for public authorities to have better access to spatial data and services; and
- To improve the structures and mechanisms for the coordination of spatial information.



## Legend for INSPIRE infographic

### Basic/reference themes

1. Administrative Units
2. Addresses
3. Protected Sites
4. Land Cover
5. Geographical Grid
6. Geographical Names
7. Geology
8. Elevation
9. Hydrography
10. Cadastral Parcels
11. Orthoimagery
12. Coordinate Reference Systems
13. Transport Networks

### Thematic themes

- A. Bio-geographica
- B. Soil
- C. Energy resources
- D. Atmospheric Conditions and
- E. Agricultural and Aquaculture Facilities
- F. Production and Industrial Facilities
- G. Natural Risk Zones
- H. Area  
Management/Restriction/Regulation  
Zones and Reporting Units
- I. Buildings
- J. Habitats and Biotopes
- K. Land Use
- L. Human Health and Safety
- M. Meteorological Geographical Features
- N. Environmental Monitoring Facilities
- O. Mineral resources
- P. Utilities and Public Services
- Q. Oceanographic  
Geographical Features
- R. Population Distribution
- S. Statistical Units
- T. Species Distribution
- U. Sea Regions

Potentially, INSPIRE can facilitate reporting, because:

- It allows data to be harvested by authorities both at EU, national, regional and local levels;
- Data can be used more easily for EU level purposes and can be compared between Member States;
- It also allows for greater coordination between relevant institutions, such as the EEA, with non-EU bodies, such as the UN and OECD;
- Overlaps between reporting areas can be reduced;
- Data are made available "as is", metadata are provided and services are put in place which allows greater transparency and easier use of existing data even before they are made interoperable;
- It contributes to facilitating open data – making data accessible to the public<sup>13</sup>. This, therefore, can facilitate approaches such as harvesting data, as highlighted in the previous section.

The alignment between INSPIRE and reporting obligations is promising but requires further elaboration: close collaboration between the INSPIRE community and the experts working on environmental reporting in the various policy areas is required to ensure that the developed infrastructures can be used for the purposes needed.

It is important to note that while INSPIRE is working towards the greater comparability and interoperability of data between Member States, these are not necessary conditions for its use and benefits. For example, it is possible to add links to other data, permits, plans, etc., within the INSPIRE framework. This makes them easy to access and easy to identify.

#### Example: pilot e-reporting on Air Quality

Since last year the hourly Air Quality reports from NL, DE and some other Member States are offered to the EEA in the INSPIRE way. One of the difficulties was to match the data needed for reporting with the INSPIRE format. Eventually, the Dutch National Institute for Public Health and the Environment (RIVM) was satisfied with the results: it shows the benefits and reduces all (e-reporting) data-exchange to one INSPIRE standard, open for e-reporting and other users.

INSPIRE is not the philosopher's stone of reporting. It does improve interoperability and comparability of certain data. The example of industrial emissions proves this. But it cannot provide a solution in the areas where national contexts of data vary (e.g. noise contour maps for the Environmental Noise Directive, river basin management plans for the Water Framework Directive). For certain policy fields, like environmental noise, national data and data infrastructures remain necessary for developing policy measures. So harvesting data from INSPIRE will not provide the complete necessary information, although the report on the mid-term evaluation of INSPIRE<sup>14</sup> as well as the recent implementation report and REFIT evaluation<sup>15</sup>, in particular, highlighted the contribution it is making in facilitating open data – making data accessible to the public.

<sup>13</sup> As highlighted in EEA 2014. Mid-term evaluation report on INSPIRE implementation:

<http://www.eea.europa.eu/publications/midterm-evaluation-report-on-inspire-implementation>

<sup>14</sup> EEA 2014. Mid-term evaluation report on INSPIRE implementation:

<http://www.eea.europa.eu/publications/midterm-evaluation-report-on-inspire-implementation>

<sup>15</sup> See COM(2016)478 and related SWDs (<http://inspire.ec.europa.eu/index.cfm/newsid/11955>)

Furthermore, INSPIRE data cannot accommodate data that have no precise location (e.g. recycling percentages for the Waste Framework Directive, End-of-life Vehicles, Batteries, Packaging Waste and Electronic Waste Directives; diffuse emission sources like traffic or agriculture). Finally, textual reporting (mainly) on responses, which is a large burden, cannot be replaced by INSPIRE.

Therefore, the specific characteristics of each policy field need to be taken into account in further aligning INSPIRE and environmental reporting.

## **2.6 What is the appropriate legal or non-legal setting for requirements on reporting?**

It is important to note that EU monitoring and reporting requirements are currently established in several ways, summarised in the box below.

### Legal or non-legal settings for environmental reporting

- Requirements set out in the text of a directive or regulation adopted through the ordinary legislative procedure.
- Requirements set out in legislation adopted by the Commission through delegated acts or implementing acts (i.e. the Comitology procedure) (Arts. 290 and 291 TFEU).
- Requirements agreed through an EU level process involving MS experts in a non-legal context (e.g. through a working/expert groups).

Most EU environmental directives and regulations include some requirements for reporting. At a minimum, there is a requirement for a periodic implementation report. It is less common for a directive or regulation to contain more detailed reporting requirements. In most cases, detailed reporting requirements are either set out through Comitology or in non-legal contexts. This may involve MS representatives as with Comitology, but also include other stakeholders in expert or working groups.

Provisions set out in directives and regulations are hard to amend (there needs to be an opportunity and even then it takes time). Changing decisions under Comitology is easier. A non-legal agreement, such as guidance, is easier and quicker to amend, but is not binding.

As a result, it is recommended that the legal setting for reporting obligations is carefully considered:

1. If it has been determined that reporting is needed, it is necessary to include a basic reporting requirement in a directive or regulation. This requirement guides and limits the reporting by setting a general and stable framework for it. The requirement should as a minimum define the purpose(s) of reporting, the scope and the types of the required information and the intended use of the reported information, possibly linked to selected key obligations regarding targets, processes etc.
2. Details for what to report should not be in a directive or regulation as the practicalities of these change and provisions in a directive or regulation would soon become obsolete. Such details can either be adopted through Comitology or through informal guidance. E.g. possibilities for harvesting, retrieving information through

national websites, streamlining across directives, etc. It is also recommended that consideration be given to whether timetables for reporting are best agreed in Comitology, thereby allowing them to be more easily amended to align with other timetables in other EU law as needed as future legislation is adopted.

3. Details for how to report should be agreed in a non-legal context. This is now likely to be based around choices for electronic reporting systems, quality assurance processes, etc. These issues change rapidly and should take account of opportunities for improved efficiency. Also processes need to evolve as reporting is undertaken and lessons are learned.