

**PAPER 2:**

**TYPES OF INFORMATION REQUESTED BY REPORTING REQUIREMENTS IN EU ENVIRONMENTAL LEGISLATION**

Table 1: DIFFERENT TYPES OF INFORMATION REQUESTED BY REPORTING REQUIREMENTS IN EU ENVIRONMENTAL LEGISLATION

<b>Type of data/information collected/ requested</b>	<b>Main destination</b>	<b>Current use of information</b>
<b>A. Legal transposition:</b> <ul style="list-style-type: none"> <li>laws, regulations and administrative provisions</li> </ul>	DG Environment Legal Unit (B3)	To review legal compliance.
<b>B. Collection of baseline environmental data</b>	DG Environment technical units;	To assess the need for application
<b>C. Practical Application</b> <ul style="list-style-type: none"> <li>Setting of limits, standards, designation of zones, codes of good practice and other measures [more common]</li> <li>Plans, programmes, strategies and ex-ante assessments [less common, more recent]</li> </ul>	DG Environment technical units; Legal Unit?	To review practical compliance.
<b>D. Monitoring of Practical Compliance</b> <ul style="list-style-type: none"> <li>Environment data and monitoring + measurement methods used</li> <li>Number of derogations, authorisations, permits, charges, etc.</li> </ul>	DG Environment technical units; EEA (?) EEA Topic Centres (?)	To review practical compliance.
<b>E. Review and/or Evaluation</b> <ul style="list-style-type: none"> <li>reasons for non-compliance, description of improvement schemes, proposed plans, etc., projected emissions [more common]</li> <li>ex-post evaluation using principles of evaluation [less common]</li> </ul>	DG Environment technical units (?)	To revise and improve policy (?)

**1. Introduction**

Table 1 seeks to differentiate between the different types of information requested in the reporting requirements of EU environmental legislation. It also attempts to identify which Commission unit or other EU agency has the leading interest in receiving each category of information, and the purpose for which the information is collected.

The second report produced in the framework of the REM project - *Reporting by EU Member States on Environmental policies and their effects: Summary of EU Reporting Requirements and the Example of CO2 Reduction programmes* – shows that most current reporting requirements are focused on the provision by Member states of monitoring data in relation to the biophysical environment, and information on legal and practical compliance.

The requirement to provide information about Member States' policy measures to attain specific or general objectives/targets (categories E and part of C) is a comparatively recent development, reflecting the move towards framework directives and the establishment of quantitative targets and timetables for their achievement. The information requested in relation to policy measures may be purely descriptive (as in the questionnaire on the Packaging Directive 94/62), or require an evaluation of the projected or past effects of those measures. This applies in only a very few recent items of legislation.

## **2. 'Vertical' links between categories of information**

Few individual Directives require Member States to report information/data in respect of all of the categories A-E. Even where this is the case, the nature of the monitoring data collected is not normally sufficient and/or of the appropriate sort to enable evaluations of the effectiveness of the measure to be undertaken. For example, evaluations require baseline state of the environment data collected *before* the policy measure is put in place, with subsequent regular monitoring of the same parameters. This is a requirement in only a small proportion of EU environmental measures. Moreover, in addition to biophysical data, monitoring and reporting should be required in relation to the socio-economic *outcomes* of the measure (eg changes in industrial or consumer behaviour), in order to help to establish a causal link between a policy, changes in the behaviour of significant actors, and subsequent impacts on the environment. Where information on outcomes is currently requested (in category D), it appears to be mainly for the purpose of establishing practical compliance, rather than evaluating effects or effectiveness.

## **3. Different approaches to the collection/analysis of different types of information**

There are several important differences in the way that monitoring and compliance data are reported, compared with information in relation to policies and measures:

- In relation to monitoring and compliance data, the main institutional 'user' of the information, and the purpose for which it is collected, is relatively clear. But in relation to descriptions and evaluations of policy measures, it is less obvious under current institutional arrangements which Commission directorate, unit or other EU agency has primary interest in the information, and how they perceive its purpose.
- Related to this, little attention is paid to providing Member States with guidance, frameworks or methodologies for describing policy measures, and/or for evaluating their impact. This is in marked contrast to data collection. For example, standard electronic templates are being developed by the Commission to facilitate the handling of data, which in the case of the Drinking Water directive comprises some 700,000 individual pieces of information collected by the nine Member States which have complied with reporting requirements. By contrast, to take the example of the Shellfish Waters Directive 79/923, the Standardised Reporting Directive insists only that descriptions of improvement programmes should be 'very brief'. (The principal exception is the Greenhouse Gas Monitoring Mechanism (Decision 1999/389) which requires Member States to describe and estimate the effects of a wide range of measures. However, this reflects the detailed reporting requirements of the UN FCCC).

The lack of explicit guidance on the nature of the data and/or indicators needed to evaluate effectiveness reduces the comparability and usefulness of Member States' reports (where they are provided at all), and reinforces scepticism about why such questions are being asked.

These differences in approach, between reporting on data and reporting on policies, reflect a lack of expertise in the Commission's technical units in relation to policy analysis and evaluation. This raises the question of whether legal reporting requirements in individual items of legislation are the most appropriate vehicle for seeking to assess the effects/effectiveness of policies and measures. Originally, the principal purpose of reporting by Member States was to enable the DG Environment Legal Unit to establish legal compliance and to begin infringement proceedings where necessary. It may be that imposing more extensive requirements to describe and evaluate policies adds more weight to the legal reporting mechanism than it can bear.

Paper 3 reviews possible alternative mechanisms.

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## EU INITIATIVES IN RELATION TO ENVIRONMENTAL STATISTICS

### **Regulation 322/97 on Community Statistics (OJ L52 22.2.97)**

Establishes legal framework for an EU statistical programme, including defining responsibilities of Eurostat; legal instruments available; role of the Statistical Programme Committee of Member states representatives etc

### **Decision 94/808 establishing a four-year programme to develop the environmental component of Community statistics (OJ L328 20.12.94)**

This focused on statistics measuring the pressures on the environment resulting from human activities; and the economic and social responses to them. Most efforts seems to have been devoted to pressures. 'Response' statistics limited to conceptual work in relation to:

- Expenditure on environmental protection
- Turnover and employment of eco-industries
- Eco-taxes
- R+D on the environment

**Report to the Council and Parliament on the programme (COM(95) 430 3.9.97)** refers to reporting obligations in EU environmental directives: 'The reporting requirements attached to existing environmental legislation cannot, in the majority of cases, be used to generate regular flows of harmonised statistical data' – although situation has improved with IPPC, landfill and water framework directives.

### **Decision 1999/126 on the Community statistical programme 1998-2002 (OJ L42 16.2.1999).**

Sets out sectoral priorities. On environment, largely reiterates the priorities of 94/808, the extension of which 'consideration will be given' (several months after its termination). Limitations of resource availability are blamed for the substantial gaps that remain. Emphasises importance of partnership with the EEA. (Memorandum of Understanding signed in May 1995). Conflict over respective roles of Eurostat and EEA may explain delays in extending the four year programme of 94/808.

### **Commission Working Document SEC (1999)1942 24.11.99 Report on Environmental and Integration Indicators to Helsinki Summit.**

Emphasises that progress on developing indicators for integration into sectoral policies; and sustainable development indicators, will require

- commitment from Member states

- specific legislative or other proposals from the Commission (Eurostat)
- the availability of finance (for Member States) for data collection and analysis
- a division of responsibilities between Eurostat, EEA and Member states.