COUNCIL DIRECTIVE
of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (91/692/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,
Having regard to the proposal from the Commission (1),
Having regard to the opinion of the European Parliament (2),
Having regard to the opinion of the Economic and Social Committee (3),
Whereas some Community Directives relating to the environment require the Member States to establish a report on the measures taken to implement them; whereas the Commission drafts a consolidated report; whereas other Community Directives relating to the environment call for no such reports;
Whereas the existing provisions on the establishment of reports stipulate different intervals between reports and set different requirements for their content;
Whereas such an obligation should be introduced to enable the Member States and the Commission alike to assess the progress made in implementing these Directives throughout the Community's territory and, at the same time, to provide the general public with a source of information on this subject;
Whereas the existing provisions should therefore be harmonized to make them more consistent and more complete on a sectoral basis;
Whereas the interval at which the Member States submit these reports to the Commission should be fixed at three years, with a one-year interval between sectors; whereas the reports are to be drawn up on the basis of a questionnaire produced by the Commission with the assistance of a committee and sent to Member States six months before the start of the period referred to by the report; whereas the Commission is to publish a consolidated report on the sector concerned within nine months of Member States' submission of their respective reports;
Whereas, in particular, the report on the implementation of Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water (4), as last amended by the 1985 Act of Accession, should appear annually and in sufficient time to inform the public of the quality of bathing water for the most recent period.
Whereas the measures which need to be taken by Member States do not entail the adoption of legislation or regulations since the drawing-up of reports on the implementation of Community Directives does not at present require the adoption of such provisions by Member States,
HAS ADOPTED THIS DIRECTIVE:

Article 1
The purpose of this Directive is to rationalize and improve on a sectoral basis the provisions on the transmission of information and the publication of reports concerning certain Community Directives relating to the protection of the environment, without prejudice to the provisions of the first indent of Article 155 of the Treaty.

Article 2
1. The provisions listed in Annex I shall be replaced by the following:

'At intervals of three years the Member States shall send information to the Commission on the implementation of this Directive, in the form of a sectoral report which shall also cover other pertinent Community Directives. This report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC (*). The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be sent to the Commission within nine months of the end of the three-year period covered by it.

The first report shall cover the period from 1993 to 1995 inclusive.

The Commission shall publish a Community report on the implementation of the Directive within nine months of receiving the reports from the Member States.


Article 3

Article 13 of Directive 76/160/EEC shall be replaced by the following:

'Article 13 Every year, and for the first time by 31 December 1993, the Member States shall send to the Commission a report on the implementation of this Directive in the current year. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC (*). The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be made to the Commission before the end of the year in question.

The Commission shall publish a Community report on the implementation of the Directive within four months of receiving the reports from the Member States.


Article 4

1. The provisions listed in Annex III shall be replaced by the following:

'At intervals of three years the Member States shall send information to the Commission on the implementation of this Directive, in the form of a sectoral report which shall also cover other pertinent Community Directives. This report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC (*). The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be sent to the Commission within nine months of the end of the three-year period covered by it.

The first report shall cover the period from 1994 to 1996 inclusive.

The Commission shall publish a Community report on the implementation of the Directive within nine months of receiving the reports from the Member States.


3. The following text shall be inserted into the Directives listed in Annex V as there indicated:

'The Commission shall each year communicate to the Member States the information it has received pursuant to this Article.'
Article 5

The provisions listed in Annex VI shall be replaced by the following:

'At intervals of three years Member States shall send information to the Commission on the implementation of this Directive, in the form of a sectoral report which shall also cover other pertinent Community Directives. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC (*). The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be made to the Commission within nine months of the end of the three-year period covered by it.

The first report shall cover the period 1995 to 1997 inclusive.

The Commission shall publish a Community report on the implementation of the Directive within nine months of receiving the reports from the Member States.


Article 6

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representatives of the Commission.

The representative of the Commission shall submit to the committee a draft of measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission may defer applications of the measures which it has decided for a period of not more than one month from the date of such communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

Article 7

1. The Member States shall take such measures as are needed to comply with the provisions of:

- Articles 2 and 3 by 1 January 1993 at the latest,
- Article 4 by 1 January 1994 at the latest,
- Article 5 by 1 January 1995 at the latest.

They shall immediately notify the Commission of the measures taken.

2. The existing provisions of the various Directives which have been amended by new provisions shall remain in force until the dates mentioned in the first subparagraph 1.

3. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 8
This Directive is addressed to the Member States.
For the Council
The President
V. VAN ROOY
(3)OJ N° C 60, 8. 3. 1991, p. 15.

ANNEX I
Directives amended in accordance with Article 2 (1) of this Directive

(1)OJ N° L 129, 18. 5. 1976, p. 23.
(3)OJ N° L 32, 3. 2. 1983, p. 28.
(5)OJ N° L 271, 29. 10. 1979, p. 44.
ANNEX II

Directives supplemented in accordance with Article 2 (2) of this Directive


The text of Article 2 (1) of this Directive is incorporated as Article 9a.


The text of Article 2 (1) of this Directive is incorporated as Article 17a.

ANNEX III

Directives amended in accordance with Article 4 (1) of this Directive


(2) OJ N° L 201, 14. 7. 1989, p. 53.
ANNEX IV
Directives amended in accordance with Article 4 (2) of this Directive
laws of the Member States relating to the sulphur content of certain liquid fuels (1), as
last amended by Directive 87/219/EEC (2).
The text of Article 4 (2) of this Directive is incorporated in Article 7a.
from industrial plants (3).
The text of Article 4 (2) of this Directive is incorporated as Article 15a.
ANNEX V
Directives amended in accordance with Article 4 (3) of this Directive
values for sulphur dioxide and suspended particulates, as amended by Directive
89/427/EEC.
The text of Article 4 (3) of this Directive is incorporated as Article 7 (4).
air.
The text of Article 4 (3) of this Directive is incorporated as Article 5 (4).
dioxide, as amended by Directive 85/580/EEC.
The text of Article 4 (3) of this Directive is incorporated as Article 7 (4).
ANNEX VI
Directives amended in accordance with Article 5 of this Directive
oils (1), as amended by Directive 87/101/EEC (2).
polychlorinated biphenyls and polychlorinated terphenyls (5).
dangerous waste (6), as last amended by the 1985 Act of Accession.
supervision and control within the European Community of the trans-frontier shipment of
for human consumption (9).
environment, and in particular of the soil, when sewage sludge is used in agriculture (10).
(2) OJ N° L 42, 12. 2. 1987, p. 43.
(4) OJ N° L 78, 26. 3. 1991, p. 32.
(6) OJ N° L 84, 31. 3. 1978, p. 43.
(9) OJ N° L 176, 6. 7. 1985, p. 18.