



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
Ares(2017)

Opinion

Title: Fitness Check / Monitoring and Reporting Obligations in EU Environment Policy

Overall opinion: POSITIVE

(A) Context

The Fitness Check of the monitoring and reporting obligations of the EU environment acquis looks at 181 reporting obligations stemming from 58 pieces of EU environmental legislation. Reporting obligations imply legal obligations to submit data, information or reports to European Commission or the European Environment Agency. The Fitness Check was part of the REFIT programme and related to a broader analysis of reporting requirements in areas where stakeholders have indicated their concerns such as agriculture, energy, environment and financial services.

A Communication setting out the next steps responding to the issues identified will accompany this Fitness Check. The Commission will immediately implement reporting improvements that do not require legislative changes.

(B) Main considerations

The Board considers that this fitness check provides a useful overview of the reporting obligations across EU environmental legislation. It welcomes the detailed analysis of the individual reporting obligations and the clear presentation of the report.

The Board gives a positive opinion, and recommends that the report be improved and/or complemented with respect to the following key aspects:

(1) The scope of the fitness check (i.e. legislation covered, reporting vs regulatory monitoring) could be better explained and justified.

(2) While it is understood that this Fitness Check is the beginning of a process to improve the Monitoring and Reporting Obligations in EU Environmental Policy, the conclusions should draw lessons from the concrete findings and clearly identify areas for further work. The conclusions on relevance and coherence should fully reflect some significant shortcomings in the findings.

(3) The report identifies potential overlaps and inconsistencies with reporting obligations from other policy areas, e.g. agriculture, climate, energy, and statistics but should also provide more specific and operational conclusions on this matter.

(C) Further considerations and recommendations for improvement

(1) Design and methodology (scope)

The report should clarify why the scope of the fitness check was limited to reporting requirements in legislation within DG Environment's responsibility (and excluding other fields like agriculture, climate, energy, statistics). It needs to explain to what extent "regulatory monitoring" is included in the scope and use consistent terminology throughout the report when referring to "reporting", "regulatory monitoring" and "environmental monitoring".

(2) Effectiveness and Efficiency

The report could usefully elaborate on why some stakeholders viewed some reporting obligations as not being efficient. The report should better explain the simplification and burden reduction potential, including from new technological approaches like citizen science, data mining and data harvesting. It should elaborate the analysis on the quality of reporting (which may be different from the timeliness of reporting) explaining which are the areas that suffer from low quality reporting and potential reasons for it.

(3) Coherence

The report should assess the streamlining potential from increased coherence in reporting obligations of the other related policy areas (agriculture, climate, energy, and statistics). It should also incorporate the related findings of the recent Internal Audit Service audit on the processes for managing and sharing data on agricultural-environmental-climate issues.

(4) Validity of conclusions and relevance for further action

Without pre-empting the options to be retained in the related Action Plan envisaged by the Commission, the conclusions of the report should better cover the breadth of its analysis. They should be more concrete and cover the different areas where problems have been identified and further work is required. It should present more nuanced conclusions on coherence, given the high number of identified coherence issues in reporting obligations (in 12 out of 58 pieces of legislation analysed) as well as issues identified concerning external coherence. The report should also elaborate the conclusions as regards relevance, given that a significant number of information sources and Commission reports are seen as being of low usefulness. These conclusions should further clarify what is considered useful, what is not and why.

Some more technical comments have been transmitted directly to the author DG.

(D) RSB scrutiny process

The lead DG is advised to ensure that these recommendations are duly taken into account in the report prior to launching the interservice consultation.

Full title	Draft Fitness Check on Monitoring and Reporting Obligations in EU Environment Policy
Reference number	2017/ENV/002
Date of RSB meeting	01/02/2017