



COMMISSION OF THE EUROPEAN COMMUNITIES

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Adaptation to the regulatory procedure with scrutiny

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Regulation (EC) No 2150/2002 on waste statistics, as regards the
implementing powers conferred on the Commission**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1 Reform of comitology procedures

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹ was amended by Council Decision 2006/512/EC of 17 July 2006².

Article 5a of Decision 1999/468/EC as amended introduces a new regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

1.2. Priority alignment and general alignment

In a joint Statement³, the European Parliament, the Council and the Commission set out a list of basic instruments that should be adjusted as a matter of urgency to the amended Decision so as to introduce the new regulatory procedure with scrutiny (priority alignment). For the regulatory procedure with scrutiny to be applicable to instruments adopted by codecision already in force when Decision 2006/512/EC took effect, the Statement also calls for those instruments to be adjusted in accordance with the applicable procedures (general alignment).

The Commission has undertaken to examine all these instruments with a view to submitting, by the end of 2007, the legislative proposals for adapting them, if necessary, to the new regulatory procedure with scrutiny⁴.

1.3. Method

As mentioned in the Commission's Communication to the European Parliament and the Council of (...), the Commission has carefully examined all the instruments adopted by codecision in order to identify those which permit the Commission to adopt measures of general scope designed to amend non-essential elements of the basic instrument in question. The Commission has identified more than 200 instruments that should be adjusted.

Some of these instruments come under the Commission's codification programme. One of these is Regulation (EC) No 2150/2002 on waste statistics⁵. Adjustment to the new procedure should take place, depending on how far the codification process has progressed, either by recasting the codified proposal or, as in the present case, by legislative amendment.

¹ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

² OJ L 200, 22.07.2006, p. 11.

³ OJ C 255, 21.10.2006, p. 1.

⁴ PE 376.314v01-00 – A6-0236/2006 (Commission declaration annexed to Parliamentary report)

⁵ OJ L 332, 09.12.2002, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006 (OJ L 393, 30.12.2006, p. 1).

2. LEGAL ELEMENTS OF THE PROPOSAL

The purpose of the adjustment is to introduce the new regulatory procedure with scrutiny, as provided for in Article 5a of Decision 1999/468/EC as amended. In this particular case, Regulation (EC) No 2150/2002 stipulates that the Commission may define the proper quality evaluation criteria and the contents of the quality reports, implement the results of the pilot studies and adapt the contents of the annexes. Since these measures are of general scope and seek to amend non-essential elements of Regulation (EC) No 2150/2002, including by supplementing it by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Since the basic instrument is a Regulation, it must be adjusted by means of an equivalent instrument.

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**amending Regulation (EC) No 2150/2002 on waste statistics, as regards the
implementing powers conferred on the Commission**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 (1) thereof,

Having regard to the proposal from the Commission⁶,

Having regard to the opinion of the European Economic and Social Committee⁷,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁸,

Whereas:

- (1) Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics⁹ provides that certain measures shall be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁰.
- (2) Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for measures of general scope intended to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing them by the addition of new non-essential elements.

⁶ OJ C [...], [...], p. [...].

⁷ OJ C [...], [...], p. [...].

⁸ OJ C [...], [...], p. [...].

⁹ OJ L 332, 09.12.2002, p. 1. Regulation as last amended by Regulation (EC) No 1893/2006 (OJ L 393, 30.12.2006, p. 1).

¹⁰ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

- (3) In accordance with the joint declaration of the European Parliament, the Council and the Commission on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the procedure laid down in Article 251 of the Treaty which are already in force, those instruments must be adjusted in accordance with the applicable procedures.
- (4) With regard to Regulation (EC) No 2150/2002, power should be conferred on the Commission to define the proper quality evaluation criteria and the contents of the quality reports, implement the results of the pilot studies and adapt the contents of the annexes. Since these measures are of general scope and seek to amend non-essential elements of Regulation (EC) No 2150/2002, including by supplementing it by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (5) Regulation (EC) No 2150/2002 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2150/2002 is amended as follows:

- (1) Article 1(5) is replaced by the following:

"5. The Commission shall establish a table of equivalence between the statistical nomenclature of Annex III and the list of waste established by Commission Decision 2000/532/EC. These measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3)."

- (2) Article 3(1) is replaced by the following:

"1. Member States shall, whilst complying with conditions as to quality and accuracy to be defined in accordance with paragraph 2, acquire the data necessary for the specification of the characteristics listed in Annexes I and II by means either of:

- surveys,
- administrative or other sources, such as the reporting obligations under Community legislation on waste management,
- statistical estimation procedures on the basis of samples or waste-related estimators, or
- a combination of these means.

The quality and accuracy conditions shall be defined by the Commission. These measures, designed to amend non-essential elements of this Regulation, by

supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3).

In order to reduce response burdens, the national authorities and the Commission shall, subject to the limits and the conditions fixed by each Member State and by the Commission in their respective fields of competence, have access to administrative data sources."

(3) Article 5(4) is replaced by the following:

"4. On the basis of the conclusions of the pilot studies, the Commission shall inform the European Parliament and the Council of the possibilities of compiling statistics for the activities and characteristics covered by the pilot studies for import and export of waste. The Commission shall adopt the necessary implementation measures. These measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3)."

(4) Article 6 is replaced by the following:

"Article 6

Implementation measures

1. The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 7(2).

These shall include measures:

(a) for the production of results in accordance with Article 3(2), (3) and (4), taking into account the economic structures and technical conditions in a Member State; such measures may allow an individual Member State not to report certain items in the breakdown, provided the impact on the quality of the statistics is proven to be limited. In all cases where exemptions are given, the total amount of waste for each item listed in sections 2(1) and 8(1) of Annex I shall be compiled;

(b) for setting out the appropriate format for the transmission of results by Member States within two years from the date of entry into force of this Regulation;

2. Measures with a view to amending or supplementing non-essential elements of this Regulation, which are designed in particular for the following purposes, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3):

(a) for adjustment to economic and technical developments in the collection and statistical processing of data, as well as the processing and the transmission of results;

(b) for adaptation of the specifications listed in Annexes I, II and III;

(c) for the definition of the proper quality evaluation criteria and the contents of the quality reports as referred to in Section 7 of Annexes I and II;

(d) for implementation of the results of the pilot studies, as specified in Article 4(3) and Article 5(1)."

(5) Article 7 is replaced by the following:

"Article 7

Committee procedure

1. The Commission shall be assisted by the Statistical Programme Committee established by Article 1 of Decision 89/382/EEC, Euratom.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

4. The Commission shall transmit to the Committee set up by Directive 2006/12/EC the draft measures that it intends to submit to the Statistical Programme Committee."

(6) In Article 8, the words "Article 7(2)" are replaced by the words "Article 7(3)".

(7) Annex I is amended as follows:

(a) The last sentence of Section 2(2) is replaced by the following:

"On the basis of the conclusions of these pilot studies, the Commission will adopt the necessary implementation measures. These measures, designed to amend non-essential elements of this Regulation, by supplementing it, will be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3)."

(b) Section 7(1) is replaced by the following:

"1. For each item listed in Section 8 (activities and households), Member States will indicate the percentage to which the compiled statistics represent the universe of waste of the respective item. The minimum requirement for the coverage will be defined by the Commission. These measures, designed to amend non-essential elements of this Regulation, by supplementing it, will be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3)."

(8) Annex II is amended as follows:

(a) Section 7(1) is replaced by the following:

"1. For the characteristics listed in Section 3, and for each item amongst the types of operations listed in Section 8(2), Member States will indicate the percentage to which the compiled statistics represent the universe of waste of the respective item. The minimum requirement for the coverage will be defined by the Commission. These measures, designed to amend non-essential elements of this Regulation, by supplementing it, will be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3)."

(b) The last sentence of Section 8(3) is replaced by the following:

"On the basis of the conclusions of these pilot studies, the Commission will adopt the necessary implementation measures. These measures, designed to amend non-essential elements of this Regulation, by supplementing it, will be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3)."

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President