COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Establishing formal recognition that a certain number of acts of Union law in the field of environment that were adopted under Council Directive 91/692/EEC have become obsolete
COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Establishing formal recognition that a certain number of acts of Union law in the field of environment that were adopted under Council Directive 91/692/EEC have become obsolete
1. INTRODUCTION


The repeal of Directive 91/692/EEC is one of the first actions announced in the context of the Fitness Check of environmental monitoring and reporting.

The results of the legal analysis on reporting under Directive 91/692/EEC are summarised in the explanatory memorandum to the related proposal for a Decision of European Parliament and of the Council removing requirements for standardized reporting and consequently amending several pieces of EU legislation. Moreover, a more detailed analysis is presented in a supporting study which was published separately as a background document.

2. PROPOSED ACTIONS TO REPEAL DIRECTIVE 91/692/EEC

The present Communication formally recognises the obsolescence of 11 implementing Decisions under Directive 91/692/EEC that are still in force. It complements the proposed Decision mentioned in section 1 above, as well as two proposals for Commission Decisions repealing two implementing acts that have exhausted their legal effect, but which, for procedural reasons, will be repealed via a later comitology procedure by the Commission.

Annex I lists the relevant Commission implementing Decisions and sets out the justification of the obsolescence of each act. They have all exhausted their effects and have become obsolete due to the time period they covered having expired or their legal basis no longer being in force. They were identified according to objective criteria guaranteeing that they have exhausted their effects and that all their obligations have been fulfilled.

---

3 Accessible under: http://ec.europa.eu/environment/legal/reporting/other_actions_en.htm
3. DECISIONS REMAINING IN FORCE

Despite the proposal for a repeal of Directive 91/692/EEC, several implementing Decisions that were adopted in the context of this Directive will remain in force.

The Decisions setting out questionnaires related to Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC will remain valid and relevant. The annual reports by the Member States required under Article 21(1) of Directive 2003/87/EC are based on these questionnaires and provide essential information on the application of this Directive and serve as a basis for the preparation of an EU-wide report. The Decisions concerned are as follows:


Moreover, the following Decisions in the waste legislation domain will also remain in force as these are the only instruments to monitor implementation of the respective Directives:


\(^5\) OJ L 89, 25.3.2014, p. 45–76
\(^6\) OJ L 126, 19.5.2005, p. 43
\(^7\) OJ L 329, 25.11.2006, p. 38–63
\(^8\) C(2012) 2384 final
\(^9\) OJ L 78, 16.3.2004, p. 56–59
Council on waste and on the implementation of Council Directive 91/689/EEC on hazardous waste,

- Commission Decision 2000/738/EC\textsuperscript{11} of 17 November 2000 concerning a questionnaire for Member States reports on the implementation of Directive 1999/31/EC on the landfill of waste,


- Commission Decision 97/622/EC of 27 May 1997 concerning implementation of certain Directives in the waste sector\textsuperscript{13} and

- Commission Decision 94/741/EC of 24 October 1994 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector\textsuperscript{14}.

4. **CONCLUSION**

In the framework of the simplification action related to Commission acts, the Commission decided that:

- the acts listed in Annex II shall be removed from the active EU legislation (*acquis*);

- the Publications Office of the European Union is invited to withdraw these acts from the Directory of Union legislation in force;

- Annex II is to be published in the C series of the Official Journal of the European Union.

\textsuperscript{11} OJ L 298, 25.11.2000, p. 24–26

\textsuperscript{12} OJ L 282, 26.10.2001, p. 77–80

\textsuperscript{13} OJ L 256, 19.9.1997, p. 13–19

\textsuperscript{14} OJ L 296, 17.11.1994, p. 42–55
ANNEX I

Specific justification for the Decisions based on Directive 91/692/EEC to be declared obsolete


\(^{15}\) OJ L 247, 24.9.2011, p. 54–58.
\(^{17}\) OJ L 89, 5.4.2003, p. 17–23.
Directive 2008/1/EC that in turn was repealed by Directive 2010/75/EU, and the questionnaire is no longer in use and is obsolete.


Council Directives 91/689/EEC and 96/61/EC26 and the questionnaire is no longer in use and is obsolete.

- Commission Decision 92/446/EEC27 of 27 July 1992 concerning questionnaires relating to Directives in the water sector, was amended by Commission Decision 95/337/EC of 25 July 1995 concerning questionnaires relating to directives in the water sector. The questionnaires established by these Decisions included references to several pieces of water legislation which are either repealed by European Parliament and Council Directive 2000/60/EC establishing a framework in the field of water policy or were amended without making use of Council Directive 91/692/EEC for the purpose of reporting. Consequently, these questionnaires are no longer in use and are obsolete.


26 OJ L 33, 4.2.2006, p. 1–17
ANNEX II

List of acts to be removed from the acquis