COMMISSION IMPLEMENTING DECISION (EU) 2021/2252

of 16 December 2021

amending Decision 94/741/EC concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture ([1]), and in particular Article 17 thereof,

Whereas:

(1) Commission Decision 94/741/EC ([2]) lays down the questionnaire for the report of the Member States on the transposition and implementation of Directive 86/278/EEC.

(2) The format for that report of the Member States should be revised in order to reflect the new reporting requirements as regards reporting of spatial data included in the information registered in the records referred to in Article 10(1) of Directive 86/278/EEC as amended by Regulation (EU) 2019/1010 of the European Parliament and of the Council ([3]).

(3) The spatial data reported should be limited to data that is necessary to facilitate the implementation of Directive 86/278/EEC and therefore should only concern the geometry or location of the place where the sludge is to be used.

(4) In order to reduce the administrative burden linked to data collection and reporting, existing data gathered for other purposes, such as cadastral data or data collected in the context of the Integrated Administrative and Control System for the management of the Common Agricultural Policy and Regulation (EU) No 1306/2013 of the European Parliament and of the Council ([4]), may be re-used to report on spatial data identifying place where sewage sludge is to be used on agricultural land.

(5) Decision 94/741/EC should therefore be amended accordingly.

(6) The date of application of this Decision should be the same date as the date of application of the amendment of Article 10(1) and (2) of Directive 86/278/EEC as laid down in Article 11 of Regulation (EU) 2019/1010.

(7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council ([5]),

([1]) OJ L 181, 4.7.1986, p. 6.

([2]) Commission Decision of 24 October 1994 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector (implementation of Council Directive 91/692/EEC) (94/741/EC) (OJ L 296, 17.11.1994, p. 42).

([3]) Regulation (EU) 2019/1010 of the European Parliament and of the Council of 5 June 2019 on the alignment of reporting obligations in the field of legislation related to the environment, and amending Regulations (EC) No 166/2006 and (EU) No 995/2010 of the European Parliament and of the Council, Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU of the European Parliament and of the Council, Council Regulations (EC) No 338/97 and (EC) No 2173/2005, and Council Directive 86/278/EEC (OJ L 170, 25.6.2019, p. 115).

([4]) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

([5]) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 94/741/EC is amended as set out in the Annex to this Decision.

Article 2

This Decision shall apply from 1 January 2022.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex to Decision 94/741/EC is amended as follows:

(1) The title of the questionnaire for the report of the Member States on the transposition and implementation of Directive 86/278/EEC is replaced by the following:

'QUESTIONNAIRE

for the report of the Member States on the transposition and implementation of Council Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (*), as amended by Council Directive 91/692/EEC (**) and Regulation (EU) 2019/1010 of the European Parliament and of the Council (***)

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(*) (OJ L 181, 4.7.1986, p. 6).

(**) Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment, (OJ L 377, 31.12.1991, p. 48).

(***) Regulation (EU) 2019/1010 of the European Parliament and of the Council of 5 June 2019 on the alignment of reporting obligations in the field of legislation related to the environment, and amending Regulations (EC) No 166/2006 and (EU) No 995/2010 of the European Parliament and of the Council, Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU of the European Parliament and of the Council, Council Regulations (EC) No 338/97 and (EC) No 2173/2005, and Council Directive 86/278/EEC (OJ L 170, 25.6.2019, p. 115).';

(2) in point 7 of Part II, the following table is added:

'**Geographic location or geometry identifying the places where the sludge is to be used**	
Data type *(Only one of the data types is to be used for any given geographical location or geometry.)*	**Geographic coordinates of a location or geometry** *(Location is to be represented by a point. Geometry may be a polygon or a donut polygon (polygon with a hole).)*
Agricultural parcel (*) geometry	
Cadastral parcel geometry	
Other geometry identifying the agricultural land area where sewage sludge is to be used	
Geographical coordinates of a point on an agricultural land area where sewage sludge is to be used.	

(*) As defined in Article 67(4), point (a) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).';

(3) in Part II, the following point is added:

'9. National websites for dissemination of the consolidated records in accordance with Article 10(2)

Provide links to national websites where records referred to in Article 10(1) are made available and easily accessible to the public in a consolidated format.'.