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*Committee on Agriculture and Rural Development*

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council concerning European statistics on permanent crops (COM(2010)0249 – C7-0129/2010 – 2010/0133(COD))

Committee on Agriculture and Rural Development

Rapporteur: Mariya Nedelcheva

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in bold italics. Highlighting in normal italics is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in bold. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council concerning European statistics on permanent crops (COM(2010)0249 – C7-0129/2010 – 2010/0133(COD))

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Parliament and the Council (COM(2010)0249),
  - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0129/2010),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A7-0000/2011),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### Amendment 1

#### Proposal for a regulation

#### Recital 12

*Text proposed by the Commission*

(12) *The Commission should be empowered* to adopt *delegated* acts in accordance with Article 290 of the Treaty on the Functioning of the European Union *for the purposes* of modifying *the* Annexes.

*Amendment*

(12) *In order to take account of economic and technical developments*, the *power* to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union *should be delegated to the Commission in respect* of modifying Annexes *II and III*.

*It is of particular importance that the Commission carry out appropriate consultations, including at expert level, at*

*all stages of preparing and drawing up delegated acts.*

*The Commission, when preparing and drawing up delegated acts, should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.*

Or. fr

*Justification*

*The objectives, content, scope and duration of the delegation of power pursuant to Article 290 TFEU must be explicitly and meticulously defined in each basic act. The wording proposed by the rapporteur in respect of delegated acts is based on the Common Understanding approved by the Conference of Committee Chairs at its meeting of 15 February 2011. Of*

**Amendment 2**

**Proposal for a regulation**  
**Article 1**

*Text proposed by the Commission*

**I.** This Regulation establishes a common framework for systematic production of European statistics on the permanent crops listed *in Annex I*.

*Amendment*

This Regulation establishes a common framework for systematic production of European statistics on the permanent crops listed *below*:

- (a) dessert apple trees;*
- (b) apple trees for industrial processing (optional);*
- (c) dessert pear trees;*
- (d) pear trees for industrial processing (optional);*
- (e) apricot trees;*
- (f) peach trees;*
- (g) orange trees;*
- (h) small citrus fruit trees;*
- (i) lemon trees;*
- (j) olive trees;*

*(k) vines intended for the production of table grapes;*

*(l) vines for purposes other than for the production of table grapes.*

Or. fr

#### *Justification*

*The list of permanent crops to which this Regulation applies constitutes an essential element (scope), which should be defined in the articles of the legislative act and should not be subject to amendment by delegated acts.*

### **Amendment 3**

#### **Proposal for a regulation**

##### **Article 2 – point 6**

###### *Text proposed by the Commission*

6. '**normal** planting period' means the period of the year when permanent crops are **normally** planted starting in mid-autumn and finishing by mid-spring of the following year:

###### *Amendment*

6. '**usual** planting period' means the period of the year when permanent crops are **usually** planted starting in mid-autumn and finishing by mid-spring of the following year:

Or. fr

### **Amendment 4**

#### **Proposal for a regulation**

##### **Article 3 – paragraph 1 – subparagraph 2**

###### *Text proposed by the Commission*

Holdings can be excluded if they are of less than **0.1 hectare**, producing entirely or mainly for the market of each permanent crop referred to in each Member State if their cumulated area represents less than 5% of the total planted area of the individual crop.

###### *Amendment*

Holdings can be excluded if they are of less than **0.2 hectare**, producing entirely or mainly for the market of each permanent crop referred to in each Member State if their cumulated area represents less than 5% of the total planted area of the individual crop.

Or. fr

### *Justification*

*This amendment is intended to reduce the administrative burden placed on small holdings.*

## **Amendment 5**

### **Proposal for a regulation Article 4 – paragraph 4**

#### *Text proposed by the Commission*

4. The Commission shall adopt delegated acts in accordance with Article 10 **for the purpose of** modifying **the list in Annex I and the statistics set out in** Annexes II and III.

#### *Amendment*

4. The Commission shall **be empowered to** adopt delegated acts in accordance with Article 10 **in respect of** modifying Annexes II and III, **only to the extent that this does not entail a significant additional administrative burden for Member States and holdings producing the crops referred to in Article 1.**

Or. fr

### *Justification*

*The objectives, content, scope and duration of the delegation of power pursuant to Article 290 TFEU must be explicitly and meticulously defined in each basic act. The wording proposed by the rapporteur in respect of delegated acts is based on the Common Understanding approved by the Conference of Committee Chairs at its meeting of 15 February 2011.*

## **Amendment 6**

### **Proposal for a regulation Article 5 – paragraph 3**

#### *Text proposed by the Commission*

3. The statistics provided shall refer to the planted area after the **normal** planting period.

#### *Amendment*

3. The statistics provided shall refer to the planted area after the **usual** planting period.

Or. fr



## Amendment 7

### Proposal for a regulation Article 6 – paragraph 1

*Text proposed by the Commission*

1. Member States conducting sample surveys in order to obtain these statistics shall take all necessary steps to ensure that the data meet the following precision requirements: the coefficient of variation of the data shall not exceed, at national level, 3 % for the area under cultivation for each of the crops referred to in **points 1 to 11 and 1 % for the crops referred to in point 12 of Annex I**.

*Amendment*

1. Member States conducting sample surveys in order to obtain these statistics shall take all necessary steps to ensure that the data meet the following precision requirements: the coefficient of variation of the data shall not exceed, at national level, 3 % for the area under cultivation for each of the crops referred to in **Article 1**.

Or. fr

*Justification*

*The amendment is intended to reduce the administrative burden on national administrations.*

## Amendment 8

### Proposal for a regulation Article 8 – paragraph 2

*Text proposed by the Commission*

**2. The Commission shall adopt delegated acts in accordance with Article 10 for the purpose of adapting the transmission tables set out in Annexes II and III.**

*Amendment*

**deleted**

Or. fr

*Justification*

*The amendment tabled to Article 4(4) makes this paragraph unnecessary.*

## Amendment 9

### Proposal for a regulation Article 9 – paragraph 2

*Text proposed by the Commission*

2. By 31 July 2013, and every five years thereafter, Member States shall provide the Commission (Eurostat) with reports on the quality of the data transmitted and the methods used.

*Amendment*

2. By 31 July 2013, and every five years thereafter, Member States shall provide the Commission (Eurostat) with reports on the quality of the data transmitted and the methods used ***in respect of statistics on the crops referred to in Article 1, points (a) to (k).***

Or. fr

*(See amendment relating to Article 9(2a) (new).)*

## Amendment 10

### Proposal for a regulation Article 9 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. By 31 July 2016, and every five years thereafter, Member States shall provide the Commission (Eurostat) with reports on the quality of the data transmitted and the methods used in respect of statistics on the crops referred to in Article 1(l).***

Or. fr

*Justification*

*The deadlines for providing reports must be brought into line with the deadlines for producing data laid down in Article 4. Given that these deadlines are different for the different crops (2012 for crops referred to in points 1 to 11 of Annex I and 2015 for crops referred to in point 12 of Annex I), the deadlines for providing reports should also be different.*

## Amendment 11

### Proposal for a regulation Article 10

#### *Text proposed by the Commission*

1. The **powers** to adopt **the** delegated acts referred to in Articles 4(4) and 8(2) shall be conferred on the Commission for an indeterminate period of time.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

**3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 11 and 12.**

#### *Amendment*

1. The **power** to adopt delegated acts **is** conferred on the Commission **subject to the conditions laid down in this Article.**

**1a. The delegation of power referred to in Article 4(4) shall be conferred on the Commission for a period of five years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

**1b. The delegation of powers referred to in Article 4(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.**

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

**3. deleted**

***3a. A delegated act adopted pursuant to Article 4(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.***

Or. fr

*(See amendment to Articles 11 and 12.)*

*Justification*

*The objectives, content, scope and duration of the delegation of power pursuant to Article 290 TFEU must be explicitly and meticulously defined in each basic act. The wording proposed by the rapporteur in respect of delegated acts is based on the Common Understanding approved by the Conference of Committee Chairs at its meeting of 15 February 2011.*

**Amendment 12**

**Proposal for a regulation**  
**Article 11**

*Text proposed by the Commission*

*Amendment*

***Article 11***

***deleted***

***Revocation of delegation***

- 1. The delegation of power referred to in Articles 4(4) and 8(2) may be revoked by the European Parliament or by the Council.***
- 2. If an institution commences an internal procedure for deciding whether to revoke delegation of power, it shall inform the other legislator and the Commission at the latest one month before the final decision is taken, stating the delegated powers which could be subject to revocation and the reasons for revocation.***
- 3. The revocation decision shall put an***

*end to delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of delegated acts already in force. It shall be published in the Official Journal of the European Union.*

Or. fr

*(See amendment to Article 10.)*

### **Amendment 13**

#### **Proposal for a regulation**

#### **Article 12**

*Text proposed by the Commission*

*Amendment*

#### **Article 12**

**deleted**

#### **Objection to delegated acts**

- 1. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council, this period shall be extended by one month.**
- 2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, or if, before that deadline, the European Parliament and the Council have both informed the Commission that they have decided not to raise any objection, the delegated act shall enter into force on the date stated in its provisions.**
- 3. If the European Parliament or the Council objects to an adopted delegated act, it shall not enter into force. The institution concerned shall state the reasons for objecting to the delegated act.**

Or. fr

*(See amendment to Article 10.)*

## **Amendment 14**

### **Proposal for a regulation Annex I**

*Text proposed by the Commission*

*Amendment*

***Annex deleted***

Or. fr

*Justification*

*The list of permanent crops to which this Regulation applies constitutes an essential element (scope), which should be defined in the articles of the legislative act and should not be subject to amendment by delegated acts.*

## **Amendment 15**

### **Proposal for a regulation Annex III – table 1.1**

*Text proposed by the Commission*

*Amendment*

***Table deleted***

Or. fr

*Justification*

*This table lays down additional requirements which do not exist under the current legal framework, particularly with regard to the breakdown of data by NUTS 3 region. The production of such detailed data at regional level would place a heavy administrative burden on respondents, whilst it is uncertain to what use the data would be put.*

## EXPLANATORY MEMORANDUM

The rapporteur welcomes the Commission proposal, the aim of which is to update the legal framework for European statistics on permanent crops in line with current user and market requirements. The rapporteur stresses the objective of achieving simplification and recognises the efforts made by the Commission to reduce the administrative burden on respondents and ensure that statistical data on permanent crops provide a reliable basis for taking judicious decisions in relation to production and the European market.

The rapporteur considers, however, that a number of amendments are needed in order to achieve a better balance between user needs and the administrative burden associated with producing data.

In particular, the rapporteur believes that the administrative burden may be reduced by amending the precision requirements, excluding all small holdings of less than 0.2 hectares from the scope of the provisions and no longer requiring a breakdown by NUTS 3 region to be given for certain data on vines for purposes other than for the production of table grapes.

With regard to the delegation of power to the Commission to amend certain aspects of this Regulation through delegated acts, the rapporteur stresses that the principles laid down in the European Parliament resolution of 5 May 2010 on the power of legislative delegation (2010/2021(INI)) must be strictly applied. The rapporteur emphasises that, in accordance with this resolution, the objectives, content, scope and duration of the delegation of power pursuant to Article 290 TFEU must be explicitly and meticulously defined in each basic act. With this in mind, the rapporteur has proposed a series of amendments relating to delegated acts. The wording used is based on the Common Understanding agreed by the legal services of the European Parliament, the Council and the Commission and approved by the Conference of Committee Chairs at its meeting of 15 February 2011.