

EUROPEAN PARLIAMENT

2004



2009

Session document

A6-0256/2009

7.4.2009

*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a regulation of the European Parliament and of the Council concerning statistics on plant protection products (11120/2/2008 – C6-0004/2009 – 2006/0258(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Bart Staes

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

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

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a regulation of the European Parliament and of the Council concerning statistics on plant protection products (11120/2/2008 – C6-0004/2009 – 2006/0258(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (11120/2/2008 – C6-0004/2009),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2006)0778),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 62 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A6-0256/2009),
1. Approves the common position as amended;
 2. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Council common position

Title

Council common position

REGULATION (EC) No .../2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of
concerning statistics on *plant protection products*

Amendment

REGULATION (EC) No .../2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of
concerning statistics on *pesticides*

¹ Texts adopted, P6_TA(2008)0091.

Amendment 2

Council common position

Recital 1

Council common position

(1) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme recognised that the impact of pesticides on human health and the environment, in particular from **plant protection products** used in agriculture, must be reduced further. It underlined the need to achieve more sustainable use of pesticides and called for a significant overall reduction of risks and the use of pesticides consistent with the necessary crop protection.

Amendment

(1) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme recognised that the impact of pesticides on human health and the environment, in particular from **pesticides** used in agriculture, must be reduced further. It underlined the need to achieve more sustainable use of pesticides and called for a significant overall reduction of risks and the use of pesticides consistent with the necessary crop protection.

Amendment 3

Council common position – amending act

Recital 4

Council common position

(4) Since the effects of the Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market will not become apparent until well after 2006, when the first evaluation of active substances for use in biocidal products will be finalised, neither the Commission nor most Member States currently have sufficient knowledge or experience to propose further measures regarding biocides. The scope of this Regulation should thus be limited to **plant protection products** covered by Regulation (EC) No.../... of the European Parliament and of the Council of ... concerning the placing of plant protection products on the

Amendment

(4) Since the effects of the Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market will not become apparent until well after 2006, when the first evaluation of active substances for use in biocidal products will be finalised, neither the Commission nor most Member States currently have sufficient knowledge or experience to propose further measures regarding biocides. The scope of this Regulation should thus be limited to **pesticides** which are plant protection products covered by Regulation (EC) No.../... of the European Parliament and of the Council of ... concerning the placing

market, for which a large experience already exists on data collection.

of plant protection products on the market, for which a large experience already exists on data collection.

Amendment 4

Council common position – amending act Recital 4 a (new)

Council common position

Amendment

(4a) However, it is anticipated that, taking into account the results of the evaluation of Directive 98/8/EC and on the basis of an impact assessment, the scope of this Regulation will be extended to cover biocidal products.

Amendment 5

Council common position Recital 5

Council common position

Amendment

(5) The experience of the Commission in collecting data on sales and use of ***plant protection products*** over many years has demonstrated the need to have a harmonised methodology for collecting statistics at Community level both from the stage of placing on the market and from users. Moreover, in view of the aim of calculating accurate risk indicators according to the objectives of the Thematic Strategy on the Sustainable Use of Pesticides, statistics need to be detailed up to the level of the active substances.

(5) The experience of the Commission in collecting data on sales and use of ***pesticides*** over many years has demonstrated the need to have a harmonised methodology for collecting statistics at Community level both from the stage of placing on the market and from users. Moreover, in view of the aim of calculating accurate risk indicators according to the objectives of the Thematic Strategy on the Sustainable Use of Pesticides, statistics need to be detailed up to the level of the active substances.

Amendment 6

Council common position

Recital 6

Council common position

(6) Among the different data collection options evaluated in the impact assessment of the Thematic Strategy on the Sustainable Use of Pesticides, mandatory data collection was recommended as the best option because it would allow the development of accurate and reliable data on the placing on the market and use of **plant protection products** quickly and cost-efficiently.

Amendment

(6) Among the different data collection options evaluated in the impact assessment of the Thematic Strategy on the Sustainable Use of Pesticides, mandatory data collection was recommended as the best option because it would allow the development of accurate and reliable data on the placing on the market and use of **pesticides** quickly and cost-efficiently.

Amendment 7

Council common position – amending act

Recital 7

Council common position

(7) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics *constitutes* the reference framework for the provisions of this Regulation. **In** particular, **it requires** conformity to standards of **impartiality, reliability, relevance, cost-effectiveness, statistical confidentiality and transparency.**

Amendment

(7) **Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities**, Council Regulation (EC) No 322/97 on Community Statistics¹, **and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities** *constitute* the reference framework for the provisions of this Regulation, **requiring, in** particular, conformity to standards of **professional independence, impartiality, objectivity, reliability, cost-effectiveness and statistical confidentiality.**

¹ OJ L 87, 31.3.2009, p. 164.

Amendment 8

Council common position – amending act Recital 8 a (new)

Council common position

Amendment

(8a) The publication and dissemination of data collected under this Regulation is governed by the rules set out in Regulation (EC) No 223/2009. Measures, which are taken in accordance with Regulation (EC) No .../2009, ensure the physical and logical protection of confidential data and ensure that no unlawful disclosure and non-statistical use occur when Community statistics are produced and disseminated.

Amendment 9

Council common position – amending act Recital 8 b (new)

Council common position

Amendment

(8b) Data regarding the placing on the market and use of pesticides to be submitted pursuant to Directive .../.../EC and Regulation (EC) No.../... should be assessed in accordance with the relevant provisions thereof.

Amendment 10

Council common position – amending act Recital 9

Council common position

Amendment

(9) The necessary protection of confidentiality on data of commercial value should be assured, among other means, by an appropriate aggregation when publishing statistics.

(9) This Regulation should apply without prejudice to Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and to

Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies.

Amendment 11

Council common position

Recital 10

Council common position

(10) To guarantee comparable results, statistics on ***plant protection products*** should be produced in accordance with a specified breakdown, in an appropriate form and within a fixed period of time from the end of a reference year as defined in the Annexes of this Regulation.

Amendment

(10) To guarantee comparable results, statistics on ***pesticides*** should be produced in accordance with a specified breakdown, in an appropriate form and within a fixed period of time from the end of a reference year as defined in the Annexes of this Regulation.

Amendment 12

Council common position

Recital 13

Council common position

(13) Since the objective of this Regulation, namely the establishment of a common framework for the systematic production of Community statistics on the placing on the market and use of ***plant protection products***, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is

Amendment

(13) Since the objective of this Regulation, namely the establishment of a common framework for the systematic production of Community statistics on the placing on the market and use of ***pesticides***, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to

necessary in order to achieve that objective.

achieve that objective.

Amendment 13

Council common position – amending act Article 1 – paragraph 1

Council common position

1. This Regulation establishes a common framework for the systematic production of Community statistics on the placing on the market and use of ***plant protection products***.

Amendment

1. This Regulation establishes a common framework for the systematic production of Community statistics on the placing on the market and use of ***pesticides which are plant protection products, as defined in Article 2(a)(i)***.

Amendment 14

Council common position – amending act Article 1 – paragraph 2

Council common position

2. The statistics shall apply to:
– the annual amounts of ***plant protection products*** placed on the market in accordance with Annex I;

Amendment

2. The statistics shall apply to:
– the annual amounts of ***pesticides*** placed on the market in accordance with Annex I;

Amendment 15

Council common position Article 1 – paragraph 2 – indent 2

Council common position

- the annual ***agricultural use*** amounts of ***plant protection products*** in accordance with Annex II.

Amendment

- the annual amounts of ***pesticides used*** in accordance with Annex II.

Amendment 16

**Council common position – amending act
Article 1 – paragraph 3**

Council common position

3. The statistics shall, in particular, together with other relevant data serve the purposes of **Article 14** of Directive .../.../EC of the European Parliament and of the Council of ... establishing a framework for Community action to achieve a sustainable use of pesticides.

Amendment

3. The statistics shall, in particular, together with other relevant data serve the purposes of **Articles 4 and 15** of Directive .../.../EC of the European Parliament and of the Council of ... establishing a framework for Community action to achieve a sustainable use of pesticides.

Amendment 17

**Council common position – amending act
Article 2 – point a**

Council common position

(a) “**plant protection products**” means **plant protection products as referred to in Article 2(1) of Regulation (EC) No .../...**;

Amendment

(a) ‘**pesticides**’ means:

Amendment 18

**Council common position – amending act
Article 2 – point i (new)**

Council common position

(i) a plant protection product as defined in Article 2(1) of Regulation (EC) No...[concerning the placing of plant protection products on the market];

Amendment

Amendment 19

**Council common position – amending act
Article 2 – point ii (new)**

Council common position

(ii) a biocidal product as defined in Article

Amendment

Amendment 20

Council common position – amending act Article 2 – point j

Council common position

(j) "agricultural holding" means agricultural holding as defined in Regulation (EC) No .../... of the European Parliament and of the Council *of*... on farm structure surveys and the survey on agricultural production methods.

Amendment

(j) "agricultural holding" means agricultural holding as defined in Regulation (EC) No **1166/2008** of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods **I**.

¹ OJL 321, 1.12.2008, p. 14.

Amendment 21

Council common position – amending act Article 3 – paragraph 1

Council common position

1. Member States shall collect the data necessary for the specification of the characteristics listed in Annexes I and II by means of:

Amendment

1. Member States shall collect the data necessary for the specification of the characteristics listed in Annex I **on an annual basis** and **for the specification of the characteristics listed in Annex II in five-year periods** by means of:

Amendment 22

Council common position – amending act Article 3 – paragraph 1 – indent 2

Council common position

– **obligations** concerning the placing of the **plant protection products** on the market; in particular, obligations pursuant to Article 67 of Regulation (EC) No .../...,

Amendment

– **information** concerning the placing on the market **and use of pesticides taking into account**, in particular, **the** obligations pursuant to Article 67 of Regulation (EC) No .../...,

Amendment 23

Council common position – amending act Article 3 – paragraph 1 – indent 5

Council common position

– a combination of these means, including statistical estimation procedures on the basis of expert judgements or models.

Amendment

deleted

Amendment 24

Council common position – amending act Article 3 – paragraph 4

Council common position

4. For reasons of confidentiality, the Commission (Eurostat) shall aggregate the data before publication according to the chemical classes or categories of products indicated in Annex III, taking due account of the protection of confidential data at the level of individual Member State. ***In accordance with Article 15 of Regulation (EC) No 322/97***, confidential data shall be used by national authorities and by the Commission (Eurostat) exclusively for statistical purposes.

Amendment

4. For reasons of confidentiality, the Commission (Eurostat) shall aggregate the data before publication according to the chemical classes or categories of products indicated in Annex III, taking due account of the protection of confidential data at the level of individual Member State. ***The*** confidential data shall be used by national authorities and by the Commission (Eurostat) exclusively for statistical purposes, ***in accordance with Article 20 of Regulation (EC) No 223/2009***.

Amendment 25

Council common position – amending act Article 4 – paragraph 1

Council common position

1. For the purpose of this Regulation, the following quality ***assessment dimensions shall apply to the data to be transmitted:***

Amendment

1. For the purpose of this Regulation, the quality ***criteria as laid down in Article 12(1) of Regulation (EC) No 223/2009 shall apply.***

Amendment 26

**Council common position – amending act
Article 5 – paragraph 1**

Council common position

1. **The Commission shall adopt** the appropriate technical format for the transmission of data in accordance with the regulatory procedure referred to in Article 6(2).

Amendment

1. The appropriate technical format for the transmission of data **shall be adopted** in accordance with the regulatory procedure referred to in Article 6(2).

The Commission may, if necessary, modify requirements relating to the provision of quality reports described in Section 6 of Annexes I and II. Those 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 6(3).

Amendment 27

**Council common position – amending act
Article 5 – paragraph 3**

Council common position

3. The Commission **may amend the harmonised classification** of substances **as defined in Annex III for the purpose of adapting it to changes in the list of active substances adopted in accordance with Article 78(3) of Regulation (EC)**

No .../... Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(3).

Amendment

3. The Commission **shall adapt the list** of substances **to be covered and their classification in categories of products and chemical classes as set out in Annex III on a regular basis and at least every five years.** Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(3).

Amendment 28

**Council common position – amending act
Article 6 – paragraph 1**

Council common position

1. The Commission shall be assisted by the

Amendment

1. The Commission shall be assisted by the

Statistical Programme Committee.

European Statistical System Committee
*referred to in Article 7 of Regulation (EC)
No 223/2009.*

Amendment 29

Council common position – amending act Article 7

Council common position

The Commission shall submit a report on the implementation of the Regulation to the European Parliament and the Council every five years. This report shall evaluate in particular the quality of data transmitted, as referred to in Article 4, the burden on businesses, agricultural holdings and national administrations and the usefulness of these statistics in the context of the Thematic Strategy on the Sustainable Use of Pesticides in particular with regard to the objectives set out in Article 1. It shall, if appropriate, contain proposals designed to further improve data quality and reduce the burden on businesses, agricultural holdings and national administrations.

The first report shall be submitted by **1 January**

Amendment 30

Council common position Annex I – title

Council common position

Statistics on placing ***of plant protection products*** on the market

Amendment

The Commission shall submit a report on the implementation of the Regulation to the European Parliament and the Council every five years. This report shall evaluate in particular the quality of data transmitted, as referred to in Article 4, ***the data collection methods***, the burden on businesses, agricultural holdings and national administrations and the usefulness of these statistics in the context of the Thematic Strategy on the Sustainable Use of Pesticides in particular with regard to the objectives set out in Article 1. It shall, if appropriate, contain proposals designed to further improve data quality, ***the data collection methods with a view to improve the coverage and comparability of data*** and reduce the burden on businesses, agricultural holdings and national administrations.

The first report shall be submitted by **31 December** of

Amendment

Statistics on ***the*** placing on the market ***of pesticides***

Amendment 31

Council common position – amending act Annex I – section 1

Council common position

The statistics shall cover substances listed in Annex III contained in ***plant protection products*** placed on the market in each Member State. Special attention shall be paid to avoiding double counting in the event of product reconditioning or transfer of authorisation between authorisation holders.

Amendment

The statistics shall cover substances listed in Annex III contained in ***pesticides*** placed on the market in each Member State. Special attention shall be paid to avoiding double counting in the event of product reconditioning or transfer of authorisation between authorisation holders.

Amendment 32

Council common position Annex I – section 2

Council common position

The quantity of each substance listed in Annex III contained in ***plant protection products*** placed on the market shall be compiled.

Amendment

The quantity of each substance listed in Annex III contained in ***pesticides*** placed on the market shall be compiled ***in each Member State***.

Amendment 33

Council common position – amending act Annex I – section 5 – paragraph 2

Council common position

2. Member States shall supply data for every calendar year subsequent to the first reference period.

Amendment

2. Member States shall supply data for every calendar year subsequent to the first reference period. ***They shall publish them, in particular on the Internet in accordance with the requirements regarding protection of statistical confidentiality as laid down in Regulation (EC) No 223 /2009, with a view to ensuring information of the public.***

Amendment 34

Council common position – amending act Annex II – title

Council common position

Statistics on agricultural use of **plant protection products**

Amendment

Statistics on agricultural use of **pesticides**.

Amendment 35

Council common position Annex II – section 1 – paragraph 1

Council common position

1. Statistics shall cover substances listed in Annex III contained in **plant protection products used in agriculture** on each selected crop in each Member State.

Amendment

1. Statistics shall cover substances listed in Annex III contained in **pesticides** on each selected crop in each Member State.

Amendment 36

Council common position Annex II – section 2 – point a

Council common position

(a) the quantity of each substance listed in Annex III contained in **plant protection products** used on this crop, and

Amendment

(a) the quantity of each substance listed in Annex III contained in **pesticides** used on this crop, and

Amendment 37

Council common position Annex II – section 4 – paragraph 1

Council common position

1. The reference period shall, in principle, be a period of maximum 12 months covering all plant protection treatments associated with the crop.

Amendment

1. The reference period shall, in principle, be a period of maximum 12 months covering all plant protection treatments associated **directly or indirectly** with the crop.

Amendment 38

Council common position Annex II – section 5 – paragraph 1

Council common position

1. For each five-year period, Member States shall compile statistics on the use of **plant protection products** for each selected crop within a reference period as defined in Section 4.

Amendment

1. For each five-year period, Member States shall compile statistics on the use of **pesticides** for each selected crop within a reference period as defined in Section 4.

Amendment 39

Council common position – amending act Annex II – section 5 – paragraph 5

Council common position

5. Data shall be transmitted to the Commission (Eurostat) within 12 months of the end of each five-year period.

Amendment

5. Data shall be transmitted to the Commission (Eurostat) within 12 months of the end of each five-year period **and published, in particular on the Internet, in accordance with the requirements regarding the protection of statistical confidentiality as laid down in Regulation (EC) No 223/2009, with a view to ensure information of the public.**

Amendment 40

Council common position – amending act Annex II – section 6

Council common position

When they transmit their results, Member States shall supply the Commission (Eurostat) with a quality report, referred to in Article 4, indicating:

- the design of the sampling methodology;
- the methodology used to collect data;

Amendment

When they transmit their results, Member States shall supply the Commission (Eurostat) with a quality report, referred to in Article 4, indicating:

- the design of the sampling methodology;
- the methodology used to collect data;

- an estimation of the relative importance of the crops covered with regard to the overall amount of ***plant protection products*** used;
- relevant aspects of quality according to the methodology used to collect data;

- a comparison between data on ***plant protection products*** used during the five-year period and ***plant protection products*** placed on the market during the five corresponding years.

- an estimation of the relative importance of the crops covered with regard to the overall amount of ***pesticides*** used;
- relevant aspects of quality according to the methodology used to collect data;

- a comparison between data on ***pesticides*** used during the five-year period and ***pesticides*** placed on the market during the five corresponding years;

- ***a summary description of the commercial non-agricultural uses of pesticides obtained in the framework of pilot studies to be led by the Commission (Eurostat).***

PROCEDURE

Title	Statistics on plant protection products
References	11120/2/2008 – C6-0004/2009 – 2006/0258(COD)
Date of Parliament's first reading – P number	12.3.2008 T6-0091/2008
Commission proposal	COM(2006)0778 - C6-0457/2006
Date receipt of common position announced in plenary	15.1.2009
Committee responsible Date announced in plenary	ENVI 15.1.2009
Rapporteur(s) Date appointed	Bart Staes 27.2.2007
Discussed in committee	10.2.2009
Date adopted	31.3.2009
Result of final vote	+: 47 -: 0 0: 1
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Margrete Auken, Liam Aylward, Pilar Ayuso, Irena Belohorská, Maria Berger, Johannes Blokland, John Bowis, Frieda Brepoels, Martin Callanan, Magor Imre Csibi, Chris Davies, Avril Doyle, Edite Estrela, Jill Evans, Anne Ferreira, Matthias Groote, Françoise Grossetête, Gyula Hegyi, Marie Anne Isler Béguin, Dan Jørgensen, Christa Kläß, Eija-Riitta Korhola, Urszula Krupa, Jules Maaten, Marios Matsakis, Linda McAvan, Péter Olajos, Miroslav Ouzký, Vittorio Prodi, Dagmar Roth-Behrendt, Guido Sacconi, María Sornosa Martínez, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Glenis Willmott
Substitute(s) present for the final vote	Nicodim Bulzesc, Christofer Fjellner, Milan Gaľa, Johannes Lebech, Miroslav Mikolášik, Hartmut Nassauer, Alojz Peterle, Bart Staes, Robert Sturdy
Substitute(s) under Rule 178(2) present for the final vote	Søren Bo Søndergaard
Date tabled	7.4.2009