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*Plenary sitting*

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**A7-0148/2013**

29.4.2013

**\*\*\*I**  
**REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
amending certain legislative acts in the domain of agricultural and fishery  
statistics  
(COM(2012)0724 – C7-0397/2012 – 2012/0343(COD))

Committee on Agriculture and Rural Development

Rapporteur: Paolo De Castro

### ***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  
amending certain legislative acts in the domain of agricultural and fishery statistics  
(COM(2012)0724 – C7-0397/2012 – 2012/0343(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0724),
  - 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 (C7-0397/2012),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Spanish Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A7-0148/2013),
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 its 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 – amending act

#### Annex – heading 1 – point 3

Directive 96/16/EC

Article 6 a (new) – paragraph 3

#### *Text proposed by the Commission*

3. The power to adopt delegated acts referred to in Article 1(2) and Article 3(2) shall be conferred on the Commission for *an indeterminate* period of *time* from *(Publications office: please insert the exact date of the entry into force of the amending Regulation)*.

#### *Amendment*

3. The power to adopt delegated acts referred to in Article 1(2) and Article 3(2) shall be conferred on the Commission for a period of *five years* from ...\*. *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.*

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*\* Date of the entry into force of this Regulation.*

#### *Justification*

*Parliament's standard position is that the period of delegation of power should not be indeterminate. Furthermore, the agreed wording in the Common Understanding between the three institutions should be included in this article.*

## Amendment 2

### Proposal for a regulation – amending act

#### Annex – heading 2 – point 3

Regulation (EC) 138/2004

Article 4 – paragraph 3

#### *Text proposed by the Commission*

3. The power to adopt delegated acts referred to in Article 2(2) and Article 3(3)

#### *Amendment*

3. The power to adopt delegated acts referred to in Article 2(2) and Article 3(3)

shall be conferred on the Commission for *an indeterminate* period of *time* from  
(*Publications office: please insert the exact date of the entry into force of the amending Regulation*).

shall be conferred on the Commission for a period of *five years* from ...\*. *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.*

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*\* Date of the entry into force of this Regulation.*

#### *Justification*

*Parliament's standard position is that the period of delegation of power should not be indeterminate. Furthermore, the agreed wording in the Common Understanding between the three institutions should be included in this article.*

### **Amendment 3**

#### **Proposal for a regulation – amending act**

##### **Annex – heading 3 – point 3**

Regulation (EC) 1921/2006

Article 10 a (new) – paragraph 3

#### *Text proposed by the Commission*

3. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for *an indeterminate* period of *time* from (*Publications office: please insert the exact date of the entry into force of the amending Regulation*).

#### *Amendment*

3. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for a period of *five years* from ...\*. *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.*

***\* Date of the entry into force of this Regulation.***

*Justification*

*Parliament's standard position is that the period of delegation of power should not be indeterminate. Furthermore, the agreed wording in the Common Understanding between the three institutions should be included in this article.*

**Amendment 4**

**Proposal for a regulation – amending act**

**Annex – heading 4 – point 3**

Regulation (EC) 762/2008

Article 9 a (new) – paragraph 3

*Text proposed by the Commission*

3. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from (***Publications office: please insert the exact date of the entry into force of the amending Regulation***).

*Amendment*

3. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for ***a*** period of ***five years*** from ...\*. ***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.***

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***\* Date of the entry into force of this Regulation.***

*Justification*

*Parliament's standard position is that the period of delegation of power should not be indeterminate. Furthermore, the agreed wording in the Common Understanding between the three institutions should be included in this article.*

## Amendment 5

### Proposal for a regulation – amending act

#### Annex – heading 5 – point 2

Regulation (EC) 1165/2008

Article 19 – paragraph 3

#### *Text proposed by the Commission*

3. The power to adopt delegated acts referred to in Article 18 shall be conferred on the Commission for *an indeterminate* period of *time* from (*Publications office: please insert the exact date of the entry into force of the amending Regulation*).

#### *Amendment*

3. The power to adopt delegated acts referred to in Article 18 shall be conferred on the Commission for *a* period of *five years* from ...\*. *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.*

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*\* Date of the entry into force of this Regulation.*

#### *Justification*

*Parliament's standard position is that the period of delegation of power should not be indeterminate. Furthermore, the agreed wording in the Common Understanding between the three institutions should be included in this article.*

## Amendment 6

### Proposal for a regulation – amending act

#### Annex – heading 6 – point 2

Regulation (EC) 216/2009

Article 5 – paragraph 3

#### *Text proposed by the Commission*

3. The power to adopt delegated acts referred to in Article 2(5) shall be conferred on the Commission for *an indeterminate* period of *time* from (*Publications office: please insert the*

#### *Amendment*

3. The power to adopt delegated acts referred to in Article 2(5) shall be conferred on the Commission for *a* period of *five years* from ...\*. *The Commission shall draw up a report in respect of the*

*exact date of the entry into force of the amending Regulation).*

*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.*

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*\* Date of the entry into force of this Regulation.*

#### *Justification*

*Parliament's standard position is that the period of delegation of power should not be indeterminate. Furthermore, the agreed wording in the Common Understanding between the three institutions should be included in this article.*

#### **Amendment 7**

##### **Proposal for a regulation – amending act**

##### **Annex – heading 7 - point 2**

Regulation (EC) 217/2009

Article 6 – paragraph 3

#### *Text proposed by the Commission*

3. The power to adopt delegated acts referred to in Article 2(4) shall be conferred on the Commission for *an indeterminate* period of *time* from *(Publications office: please insert the exact date of the entry into force of the amending Regulation).*

#### *Amendment*

3. The power to adopt delegated acts referred to in Article 2(4) shall be conferred on the Commission for *a* period of *five years* from ...\*. *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.*

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*\* Date of the entry into force of this Regulation.*

### *Justification*

*Parliament's standard position is that the period of delegation of power should not be indeterminate. Furthermore, the agreed wording in the Common Understanding between the three institutions should be included in this article.*

### **Amendment 8**

#### **Proposal for a regulation – amending act**

#### **Annex – heading 8 – point 2**

Regulation (EC) 218/2009

Article 5 – paragraph 3

#### *Text proposed by the Commission*

3. The power to adopt delegated acts referred to in Article 2 (3) shall be conferred on the Commission for *an indeterminate* period of *time* from *(Publications office: please insert the exact date of the entry into force of the amending Regulation)*.

#### *Amendment*

3. The power to adopt delegated acts referred to in Article 2 (3) shall be conferred on the Commission for *a* period of *five years* from ...\*. *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.*

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*\* Date of the entry into force of this Regulation.*

### *Justification*

*Parliament's standard position is that the period of delegation of power should not be indeterminate. Furthermore, the agreed wording in the Common Understanding between the three institutions should be included in this article.*

### **Amendment 9**

#### **Proposal for a regulation – amending act**

#### **Annex – heading 9 – point 2**

Regulation (EC) 543/2009

Article 8 a (new) – paragraph 3

*Text proposed by the Commission*

3. The power to adopt delegated acts referred to in Article 6 (2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from ***(Publications office: please insert the exact date of the entry into force of the amending Regulation)***.

*Amendment*

3. The power to adopt delegated acts referred to in Article 6 (2) shall be conferred on the Commission for ***a*** period of ***five years*** from ...\*. ***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.***

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***\* Date of the entry into force of this Regulation.***

*Justification*

*Parliament's standard position is that the period of delegation of power should not be indeterminate. Furthermore, the agreed wording in the Common Understanding between the three institutions should be included in this article.*

## EXPLANATORY STATEMENT

The Commission has committed itself, with regard to Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, to reviewing legislative acts which currently contain references to the regulatory procedure with scrutiny in the light of the criteria laid down in the Treaty. The overall objective is by the end of Parliament's seventh term (June 2014), to remove all provisions referring to the regulatory procedure with scrutiny from all legislative instruments.

The aim of this Commission proposal is to modify nine legislative acts in the domain of agricultural and fishery statistics in order to align them with the new institutional context. The list of instruments to be aligned is:

- (1) Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products;
- (2) Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community;
- (3) Regulation (EC) No 1921/2006 of the European Parliament and of the Council of 18 December 2006 on the submission of statistical data on landings of fishery products in Member States and repealing Council Regulation (EEC) No 1382/915;
- (4) Regulation (EC) No 762/2008 of the European Parliament and of the Council of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No 788/966;
- (5) Regulation (EC) No 1165/2008 of the European Parliament and of the Council of 19 November 2008 concerning livestock and meat statistics and repealing Council Directives 93/23/EEC, 93/24/EEC and 93/25/EEC;
- (6) Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (recast);
- (7) Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (recast);
- (8) Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (recast); and
- (9) Regulation (EC) No 543/2009 of the European Parliament and of the Council of 18 June

2009 concerning crop statistics and repealing Council Regulations (EEC) No 837/90 and (EEC) No 959/93.

A second aim of the Commission proposal is the streamlining of the European Statistical System. Namely, Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics defined the European Statistical System (ESS) as a partnership between the European statistical authority, which is the Commission (Eurostat), and the national statistical institutes (NSIs) and other national authorities responsible in each Member States for the development, production and dissemination of European statistics.

The European Statistical System Committee (ESSC), established by Article 7 of Regulation (EC) No 223/2009, is regarded as the umbrella committee within the ESS. It assists the Commission in exercising of its implementing powers in certain statistical domains. These exclude agricultural and fishery statistics where the Commission is assisted by the Standing Committee for Agricultural Statistics (SCAS).

The Commission is proposing a new ESS structure aimed at improving coordination and partnership in a clear pyramid structure within the ESS, with the ESSC as highest strategic body. One aspect of this streamlining is to concentrate comitology powers in the hands of the ESSC. In February 2012, the ESSC supported this new approach. The Commission proposes therefore to modify the nine legislative acts in order to replace the reference to the SCAS by a reference to the ESSC.

The COMAGRI rapporteur considers that this alignment exercise does not present problems for the Parliament. Its basic aim is indeed to replace the Regulatory Procedure with Scrutiny (RPS) with delegated acts in nine existing legislative texts.

Concerning the rest of the "old comitology" cases (with a "Droit de Regard" for Parliament, i.e. without the possibility for a veto) in those nine legislative acts, which have been practically left as implementing acts -and have not been included in the Commission's proposal- the rapporteur considers that they are not problematic for the Parliament given that they concern either transmission formats/forms or derogations for some Member States. Those are indeed matters normally left to implementing acts.

However, the rapporteur is tabling nine identical amendments (one for each modified act) in order to reinstate the agreed wording of the Common Understanding between the three institutions on delegated acts. Parliament's standard position namely is that the period of delegation of power to the Commission should not be indeterminate, thus the rapporteur is proposing to limit it to a period of 5 years, tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

The standard clause on the drawing up by the Commission of a report in respect of the delegation of power not later than 9 months before the end of the 5 year period has also been included in those amendments by the rapporteur.

## PROCEDURE

<b>Title</b>	Agricultural and fishery statistics
<b>References</b>	COM(2012)0724 – C7-0397/2012 – 2012/0343(COD)
<b>Date submitted to Parliament</b>	5.12.2012
<b>Committee responsible</b> Date announced in plenary	AGRI 17.1.2013
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	PECH 13.12.2012
<b>Not delivering opinions</b> Date of decision	PECH 17.12.2012
<b>Rapporteur(s)</b> Date appointed	Paolo De Castro 31.1.2013
<b>Discussed in committee</b>	18.3.2013
<b>Date adopted</b>	25.4.2013
<b>Result of final vote</b>	+: 23 –: 0 0: 0
<b>Members present for the final vote</b>	José Bové, Luis Manuel Capoulas Santos, Vasilica Viorica Dăncilă, Michel Dantin, Paolo De Castro, Albert Deß, Herbert Dorfmann, Robert Dušek, Iratxe García Pérez, Julie Girling, Martin Häusling, Elisabeth Jeggle, Elisabeth Köstinger, Agnès Le Brun, George Lyon, James Nicholson, Marit Paulsen, Britta Reimers, Giancarlo Scottà, Csaba Sándor Tabajdi
<b>Substitute(s) present for the final vote</b>	Spyros Danellis, Marian Harkin, Anthea McIntyre
<b>Date tabled</b>	29.4.2013