

WRITTEN QUESTION E-1412/01

by Evelyne Gebhardt (PSE), Heinz Kindermann (PSE) and Willi Görlach (PSE)
to the Commission

Subject: Free trade in the plant protection sector, EU Directive 91/414/EEC

Small and medium-sized producers in the plant protection sector take the view that Directive 91/414/EEC¹, and in particular Article 13(3)(d) thereof, consolidates the monopoly position of multinational firms instead of promoting free trade, and argue that small and medium-sized producers do not have the financial resources to fund the studies required to obtain renewed authorisation from the EU authorities for existing active substances. As few firms can afford to fund such studies, they claim, this requirement clearly places small and medium-sized producers at a competitive disadvantage.

Does the Commission endorse that view?

In the United States, by contrast, multinational companies are obliged by law to share newly completed studies on existing active substances with their smaller competitors, subject to their paying an appropriate share of the costs (the 'data compensation system').

Is it true that the situation described above arose because of the lack of legislation in the Member States on fair access to data?

Would it be possible to consider solving such problems by means of a pan-European system to ensure fair access to data within the framework of Directive 91/414/EEC? Would the Commission be prepared to take action to achieve that end?

¹ OJ L230 of 19.8.1991, p.1