EUROPEAN PARLIAMENT

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Committee on the Environment, Public Health and Food Safety

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2006/0288(COD)

19.7.2007

***I
DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council amending Directive 98/8/EC concerning the placing of biocidal products on the market, as regards the implementing powers conferred to the Commission (COM(2006)0923 – C6-0007/2007 – 2006/0288(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Åsa Westlund

PR_COD_1am

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***. 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). These suggested corrections are subject to the agreement of the departments concerned.

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on the proposal for a regulation of the European Parliament and of the Council amending Directive 98/8/EC concerning the placing of biocidal products on the market, as regards the implementing powers conferred to the Commission (COM(2006)0923 – C6-0007/2007 – 2006/0288(COD))

(Codecision procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0923)[1],

– having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0007/2007),

– having regard to Rule 51 of its Rules of Procedure,

– having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0000/2007),

1. Approves the Commission proposal as amended;

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 and Commission.

Text proposed by the Commission	Amendments by Parliament
Amendment 1 ARTICLE 1, POINT 1 (B) Article 10, paragraph 5, point (ii) (5) (Directive 98/8/EC)	
5. the complete data dossiers of the evaluation serving or having served for entry in Annex I, IA or IB shall be put at the disposal of the Committee referred to in Article ***28(4)***.	5. the complete data dossiers of the evaluation serving or having served for entry in Annex I, IA or IB shall be put at the disposal of the Committee referred to in Article ***28(1)***.

[1] OJ C ... / Not yet published in OJ.

Justification

The Standing Committee is established according to Article 28(1). The reference in Article 10(5)(ii)(5) should therefore be adapted.

Amendment 2
ARTICLE 1, POINT 3 A (new)
Article 17, paragraph 5 (Directive 98/8/EC)

(3a) In Article 17, paragraph 5 is replaced by the following:

"5. Common conditions for the application of this Article, in particular the maximum quantities of active substances or biocidal products that may be released during experiments, and the minimum data to be submitted in accordance with paragraph 2, shall be adopted in accordance with the regulatory procedure with scrutiny laid down in Article 28(4)."

Justification

The current comitology procedure regarding decisions on, particularly, release of active substances or biocidal products in the area of research and development should be changed into a regulatory procedure with scrutiny.

Amendment 3
ARTICLE 1, POINT 5 (- A) (new)
Article 28, paragraph 2 (Directive 98/8/EC)

(-a) Paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months."

Justification

Wording in paragraph 2 should be adapted and include the usual reference to the Comitology Decision (management procedure).

Amendment 4
ARTICLE 1, POINT 5 (A)
Article 28, paragraph 3 (Directive 98/8/EC)

3. ***For matters referred to the Standing Committee by virtue of Article 32,*** Articles 5 and 7 of Decision 1999/468/EC shall apply having regard to the provisions of Article 8 thereof.	3. ***Where reference is made to this paragraph,*** Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.	The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Justification

Wording in paragraph 3 should be adapted and include the usual reference to the Comitology Decision (regulatory procedure).

Amendment 5
ARTICLE 1, POINT 5 (B)
Article 28, paragraph 4 (new) (Directive 98/8/EC)

4. ***For matters referred to the Standing Committee by virtue of Article 10, Article 11(4),Article16(2), and Article 27(1)(a) and (2), of this Directive***, Article 5a(1) to (4) ***and (5)(b),*** and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.	4. ***Where reference is made to this paragraph,*** Article 5a (1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
The time-limit laid down in Article 5a(3)(c), of Decision 1999/468/EC with regard to Article 11(4), Article 16(2) second subparagraph and Article 27(1)(a) and (2) of this Directive shall be set at one month.	

Justification

Wording in paragraph 4 should be adapted and include the usual references to the Comitology Decision (regulatory procedure with scrutiny). However, curtailing of time limits

within the standard regulatory procedure is inappropriate. The second subparagraph should therefore be deleted.

Amendment 6
ARTICLE 1, POINT 5 A (new)
Article 29 (Directive 98/8/EC)

(5a) Article 29 is replaced by the following:

"Article 29

Adaptation to technical progress

The amendments necessary for adapting Annexes IIA, IIB, IIIA, IIIB, IVA and IVB as well as the descriptions of the product-types in Annex V to technical progress, and for specifying data requirements for each of these product types, shall be adopted in accordance with the procedure laid down in Article 28 (4)."

Justification

The application of the Comitology procedure leads to changes of the Annexes of the Directive. The regulatory procedure with scrutiny should therefore be introduced.

EXPLANATORY STATEMENT

The adjustment of Directive 98/8/EC concerning the placing of biocidal products on the market to the revised Comitology Decision 1999/468/EEC must take fully into account the newly introduced regulatory procedure with scrutiny. This procedure should provide for the adoption of measures of general scope designed to amend non-essential elements of the basic act, inter alia by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

The references to the regulatory procedure with scrutiny should be clear and not entail any curtailing of time limits compared to the standard time limits of the regulatory procedure with scrutiny.