



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 March 2008

7412/08

**Interinstitutional File:
2006/0258 (COD)**

**CODEC 340
STATIS 34
AGRI 71
ENV 153**

NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council
Subject: Proposal for a Regulation of the European Parliament and of the Council
concerning statistics on plant protection products
– Outcome of the European Parliament's first reading
(Strasbourg, 10 to 13 March 2008)

I. INTRODUCTION

The Rapporteur, Mr Bart STAES (Greens/EFA - BE), presented a report consisting of 29 amendments (amendments 1-29) to the proposal for a Regulation on behalf of the Committee on the Environment, Public Health and Food Safety. In addition, the Greens/EFA, EPP/ED and PES political groups jointly tabled three amendments (amendments 30-32) and the Greens/EFA and PES political groups jointly tabled two amendments (amendments 33-34).

II. DEBATE

Commissioner ALMUNIA opened the debate, which took place on 11 March 2008, and:

- stated that the Commission's original intention was for the proposed Regulation to cover all kinds of plant protection products, including biocides. The Commission, however, later realised that the biocide sector is not very harmonised, and that neither the Commission nor the Member States have sufficient expertise in this area to propose concrete measures in this field. The Commission therefore decided to exclude biocides from the scope of its proposal. The Commissioner nevertheless acknowledged the fact that the Rapporteur's report would include biocides within the scope of the Regulation. He also assured the Parliament that the Commission would use the opportunity provided by the review of the Biocides Directive (foreseen for the end of this year) to make a proposal that would cover this sector coherently and include data recognition;
- noted the proposed amendment to extend the scope of the Regulation to cover non-agricultural use of plant protection products;
- stressed the importance of avoiding costly overlaps with other pieces of Community legislation; and
- noting the high costs of implementing this Regulation, argued that Member States should be allowed significant flexibility.

The Rapporteur:

- stated that he wished to maximise data comparability, to minimise duplication, to extend the scope of the Regulation to include non-agricultural usage, and to ensure that maximum use is made of the data by establishing good reporting requirements;
- noted that the shadow rapporteur for the EPP/ED, Mr Hartmut NASSAUER, attaches great importance to ensuring data confidentiality. The result of the Committee's vote in large part addresses this concern;
- explained that when he used the term 'non-agricultural usage', he primarily had in mind the maintenance of roads, railways and communal green spaces;
- argued that biocides should be included within the scope of the Regulation. He recalled that the EPP/ED was opposed to this inclusion. The Greens/EFA and PES were in favour of this, however, and had therefore tabled two amendments that were originally tabled during the first reading of Mrs Klabß' dossier. He recognised the EPP/ED's difficulties with this approach, but hoped that they would be able to join with the Greens/EFA and PES on this point; and

- noted that the EPP/ED was concerned that business would be unduly overburdened by the proposed extension of the Regulation's scope to include the production, import, export and distribution of plant protection products. He argued that this would not happen because the raw data would already be available in any case. Furthermore, these statistics would provide valuable information on illegal flows of plant protection products.

Speaking on behalf of the EPP/ED, Mr Hartmut NASSAUER (EPP/ED - DE):

- stressed that the current proposal does not deal with the authorisation of plant protection products. It is simply concerned with statistics regarding plant protection products;
- confirmed the large measure of agreement that now existed between him and the Rapporteur;
- stated that he had no objection in principle to the inclusion of biocides within the Regulation's scope. The only problem is the current lack of knowledge in this field. Inclusion may well be possible at some later date; and
- stressed the need for the Regulation to cover production as well as application. Plant protection products may well be exported outside the EU.

Speaking on behalf of the PES, Mr Gyula HEGYI (PES - HU):

- called for the inclusion of biocides. In most cases, the active ingredient of biocides is also used in plant protection products; and
- noted that the Committee's report takes into account the requirements of the Aarhus Convention on access to environment information, and supported the amendment that obliges producers to provide proper information for the public.

Mr Paul RÜBIG (EPP/ED - AT) recognised the need for proper statistics in this field, but also referred to the Lisbon Agenda and the need to promote employment and economic growth.

Mrs Avril DOYLE (EPP/ED - IE) posed several questions:

- could the quantities of plant protection products used in non-agricultural situations be calculated by deducting the total used in agricultural situations from the overall total usage?
- is the intention to include all uses of biocides (which would be very difficult given the very wide range of situations and use patterns involved) - or is the suggestion to include only agricultural use of biocides? If the latter, why is it being proposed to extend the Regulation's scope to cover non-agricultural use of plant protection products?
- could the explicit stipulation of statistics on production imports, exports and distribution of plant protection products lead to confusion and potential double-counting?

III. VOTE

The parliament adopted 26 amendments when it voted in plenary on 12 March 2008 (amendments 1, 3, 5-8, 10-16, 18-19, 21-23, 25-26, 28 and 30-34.).

The Commission did not indicate its position on these amendments during the debate.

The text of the amendments adopted and the European Parliament's legislative resolution are annexed to this note.

European Parliament legislative resolution of 12 March 2008 on the proposal for a regulation of the European Parliament and of the Council concerning statistics on plant protection products (COM(2006)0778 – C6-0457/2006 – 2006/0258(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0778),
 - having regard to Articles 251(2) and 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0457/2006),
 - 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 and the opinion of the Committee on Agriculture and Rural Development (A6-0004/2008),
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 the Commission.

Amendment 1
Recital 3

(3) Harmonised and comparable Community statistics on pesticide sales and use are essential for the development and monitoring of Community legislation and policies in the context of the Thematic Strategy on the Sustainable Use of Pesticides.

(3) Harmonised and comparable Community statistics on pesticide **production, imports, exports, sales, distribution** and use are essential for the development and monitoring of Community legislation and policies in the context of the Thematic Strategy on the Sustainable Use of Pesticides.

Amendment 33
Recital 4

(4) Since the effects of the relatively new 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 is thus limited to plant protection products covered by Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market, for which a large experience already exists on data collection. If necessary, the scope may be expanded at a later stage so as to include biocides.***

(4) Since the effects of the relatively new 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. This Regulation ***should thus be limited to plant protection products covered by Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market, for which a large experience already exists on data collection. Where appropriate, the Commission should however include in Annex III the use of biocidal products containing substances also covered by Directive 91/414/EEC. At a later stage, when sufficient experience has been gained after the publication of the first report foreseen in Directive 98/8/EC, the Commission should extend the scope of this Regulation to cover the use of relevant biocides and to this end include these substances in Annex III.***

Amendment 3
Recital 8

(8) 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, objectivity, scientific independence, cost-effectiveness and statistical confidentiality.

(8) 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, objectivity, scientific independence, **accuracy**, cost-effectiveness and statistical confidentiality.

Amendment 30
Recital 9

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

(9) ***Taking due account of the obligations under the Aarhus Convention***, the necessary protection of confidentiality on data of commercial value *needs to* be assured, among other means, by an appropriate aggregation when publishing statistics.

Amendment 5
Article 1 – title

Subject matter **and** scope

Subject matter, scope **and objectives**

Amendment 6
Article 1 – paragraph 1

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

1. This Regulation establishes a framework for the production of Community statistics on the ***production***, placing on the market and use of ***pesticides***.

(This amendment applies to the whole legislative text. The term "pesticides" should be used throughout the adopted text, including the title.)

Amendment 7
Article 1 – paragraph 2 – indent 1

– the annual amounts of plant protection products placed on the market according to Annex I;

– the annual amounts of plant protection products ***produced and*** placed on the market according to Annex I;

Amendment 8
Article 1 – paragraph 2 – indent 2

– the annual ***agricultural use*** amounts of plant protection products according to Annex II.

– the annual amounts of plant protection products ***used*** according to Annex II.

Amendment 34
Article 1 – paragraph 2 – indent 2 a (new)

- the annual amounts of biocidal products used belonging to product types 14 to 19 as defined in Annex V to Directive 98/8/EC.

Amendment 10
Article 1 – paragraph 2 a (new)

2a. The statistics shall, in particular, serve the following purposes:

- implementation and evaluation of the Thematic Strategy on the Sustainable Use of Pesticides,

- development of harmonised national and Community risk indicators, identification of trends in the use of plant protection products and assessment of the effectiveness of national action plans in accordance with Directive .../.../EC of the European Parliament and of the Council of ... establishing a framework for Community action to achieve a sustainable use of pesticides¹,

- recording of substance flows at the stages of production of, trade in, and use of plant protection products.

¹ (COM(2006)0373)

Amendment 11
Article 2 – point (a)

(a) '**plant protection product**' means plant protection **product** as defined in Article 2(1) of Directive 91/414/EEC as amended;

(a) '**pesticides**' means:

(i) plant protection **products** as defined in Article 2(1) of Directive 91/414/EEC as amended;

(ii) **biocidal products as defined in Directive 98/8/EC belonging to product types 14 - 19 as defined in Annex V thereto;**

Amendment 12
Article 3 – paragraph 1 – indent - 1 (new)

- data from pesticide producers, traders and importers,

Amendment 13
Article 3 – paragraph 1 – indents 1 to 3

– **surveys,**

– reporting obligations applicable to suppliers concerning the plant protection products placed on the market; distinct authorizations for professional and non-professional uses can be used,

– reporting obligations applicable to professional users based on records kept on the use of plant protection products,

– reporting obligations applicable to suppliers concerning the plant protection products placed on the market; distinct authorizations for professional and non-professional uses can be used; **in particular, obligations pursuant to Article 64(2) of Regulation (EC) No XXX/... of the European Parliament and of the Council of ... concerning the placing of plant protection products on the market¹,**

– reporting obligations applicable to professional users based on records kept on the use of plant protection products; **in particular, obligations pursuant to Article 64(1) of Regulation (EC) No XXX/...,**

– **surveys,**

¹ (COM(2006)0388)

Amendment 14
Article 3 – paragraph 1 a (new)

1a. Member States shall communicate their choice of data collection pursuant to paragraph 1 to the Commission, which shall approve the data collection method in accordance with the regulatory procedure with scrutiny referred to in Article 5(3).

Amendment 15
Article 3 – paragraph 1 b (new)

1b. Member States shall ensure that producers of plant protection products and those responsible for placing plant protection products on the market or importing them report annually to the competent authority on:

(a) the quantities in which a given active substance or a given plant protection product is produced,

(b) the quantities in which a given active substance or a given plant protection product is supplied to processing firms or wholesalers in the European Union,

(c) the quantities in which a given active substance or a given plant protection product is exported.

This information shall be assessed by the competent authorities and, where appropriate after editing to preserve the confidentiality of certain information, published.

Amendment 16
Article 3 – paragraph 2

2. Member States shall transmit to the Commission the statistical results, including confidential data, according to the schedules and with the periodicity specified in Annexes I and II. Data shall be presented according to the classification given in Annex III.

2. Member States shall transmit to the Commission the statistical results, including confidential data, according to the schedules and with the periodicity specified in Annexes I and II. Data shall be presented according to the classification given in Annex III. ***The Member States may aggregate the data for reasons of confidentiality.***

Amendment 31
Article 3 – paragraph 2 a (new)

2a. Member States shall ensure that the data collected are used for an adequate evaluation by the competent national authorities and their existing advisory bodies with regard to the aims of the respective national action plans as referred to in Directive .../.../EC [establishing a framework for Community action to achieve a sustainable use of pesticides]. This evaluation shall be published on the Internet, taking due account of the confidential nature of sensitive business information as well as privacy obligations.

Amendment 18
Article 3 – paragraph 6

6. ***When needed*** for reasons of confidentiality, the Commission shall aggregate the data before publication according to the chemical classes or categories of products as indicated in Annex III.

6. For reasons of confidentiality, the Commission shall, ***where appropriate,*** aggregate the data before publication according to the chemical classes or categories of products as indicated in Annex III, ***taking due account of the confidential nature of sensitive business information as well as privacy obligations.***

In accordance with Regulation (EC) No 322/97, confidential data shall be used by national authorities and by the Community authority exclusively for the purposes of this Regulation.

Amendment 19
Article 4 – paragraph 2 – point (d)

(d) adaptation of the list of substances to be covered and their classification in categories of products and chemical classes as given in Annex III.

(d) adaptation of the list of substances to be covered and their classification in categories of products and chemical classes as given in Annex III. ***Adaptation of the list of substances needs to take place on a regular basis and in light of the ongoing consideration of active substances.***

Amendment 32
Article 6 – paragraph 1

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, the burden on businesses and the usefulness of these statistics in the context of the Thematic Strategy on the Sustainable Use of Pesticides.

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 ***and comparability*** of data transmitted, the burden on ***agricultural holdings, horticultural holdings and other*** businesses 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 agricultural holdings and other businesses.***

Amendment 21
Annex I – title

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

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

Amendment 22
Annex I – section 2

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

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

Amendment 23
Annex I – section 2 a (new)

SECTION 2a

Reporting obligations

Producers of plant protection products and those responsible for placing plant protection products on the market or importing them shall report annually to the competent authority on:

- the quantities in which a given active substance or a given plant protection product is produced;

- the quantities in which a given active substance or a given plant protection product is supplied to processing firms or wholesalers in the European Union;

- the quantities in which a given active substance or a given plant protection product is exported.

Amendment 25
Annex I – section 5 – paragraph 2

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

2. Member States shall supply data for every calendar year subsequent to the first reference period ***and publish them - where appropriate in aggregated form - on the Internet, taking due account of the confidential nature of sensitive business information as well as privacy obligations.***

Amendment 26
Annex II – section 1 – paragraph 1

1. Statistics shall cover the agricultural use of plant protection products in each Member State.

1. Statistics shall cover the agricultural, ***horticultural and professional non-agricultural*** use of plant protection products, ***such as use in communal green areas, road or railway maintenance,*** in each Member State.

Amendment 28
Annex II – section 5 – paragraph 5

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

5. Data shall be transmitted to the Commission ***and published - where appropriate in aggregated form - on the Internet***, within 12 months of the end of each five-year period, ***taking due account of the confidential nature of sensitive business information as well as privacy obligations***.