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THE EUROPEAN UNION**

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STATEMENT OF THE COUNCIL'S REASONS

Subject: COMMON POSITION adopted by the Council on 20 November 2008 with a view to the adoption of a Regulation of the European Parliament and of the Council concerning statistics on plant protection products

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

On 12 December 2006 the Commission submitted to the Council, on the basis of Article 285 (1) of the EC Treaty, a proposal¹ for a Regulation concerning **statistics on plant protection products**.

The European Parliament adopted its first-reading Opinion in March 2008 (see doc. 7412/08).

The Economic and Social Committee adopted its Opinion in July 2007². The Committee of the Regions decided in June 2007 that it would not adopt an Opinion.

On 20 November 2008, the Council adopted its common position in accordance with Article 251 of the EC Treaty.

II. OBJECTIVES

The proposal seeks to ensure that comparable statistical data are collected in all Member States, making it possible to calculate with other relevant data harmonised risk indicators.

It provides, in particular, for harmonised rules for the collection and dissemination of data concerning the placing on the market and the use of plant protection products. It also instructs the Member States to collect data regularly, on how to collect data and how to transmit data to the Commission.

¹ OJ C 126 of 7.6.2007, p. 5

² OJ C 256 of 27.10.2007, p. 86

III. ANALYSIS OF THE COMMON POSITION

1. General observations

In its first reading on 12 March 2008, the European Parliament adopted **26** amendments. In its common position, the Council took into account 5 amendments. Out of these, amendment 5 is fully incorporated while amendments 10, 13, 18 and 32 are accepted in spirit or partially incorporated.

The common position also includes other changes, not envisaged by the European Parliament, which address a number of concerns expressed by the Member States in the course of negotiations.

A number of technical and editorial amendments were also introduced to define the scope of some provisions, to make the wording of the Regulation more explicit and to guarantee legal certainty, or increase its consistency with other Community instruments.

2. Specific comments

- **Extension of the scope of the Regulation**

Amendments 1, 6, 7, 8, 12, 15, 21 and 26 were not accepted by the Council since it considered that it would be burdensome for the respondents and administrations to extend the scope beyond sales and use.

- **Inclusion of biocides**

Amendments 11, 12, 22, 33 and 34 were not accepted by the Council since the knowledge of and the experience with biocides are still limited and the impact is unknown since the sector is under development.

- **Choice of data sources**

Amendment 14

Requiring that the Commission approves the methods would involve a costly and cumbersome procedure. In line with the subsidiarity principle, the choice of data collection methods or data sources is the competence of the Member States.

- **Evaluation of data collected by a qualified group of experts**

Amendment 31

Such an evaluation can not be accepted by the Council because it goes beyond the purpose of the Regulation.

- **Adaptation of the list of substances on a regular basis and in the light of ongoing consideration of active substances**

Amendment 19

This suggestion may lead to unnecessary increase of the administrative burden.

- **Confidentiality**

Amendment 16, 25, 30

The Commission has the obligation to take all necessary measures to ensure the protection of the confidential data transmitted by the Member States as provided for in Regulation (EC) N° 322/97. Therefore, there is no need to introduce new provisions or references in this respect.

- **Annual reporting obligation on quantities of PPP**

Amendment 15 and 23

The Regulation provides for the obligation for Member States to transmit to the Commission the required statistics. Member States shall select the data collection methods or data sources they consider the most appropriate. The obligation for reporting on the quantities of plant protection products produced, imported or exported have to be considered within the framework of the Regulation concerning the placing of plant protection products on the market.

- **Publication of data**
Amendment 25 and 28
The Council cannot accept to introduce in this particular Regulation the obligation for Member States to publish the statistics. The Regulation provides for the obligation for Member States to collect the necessary data and transmit the statistical results to the Commission.
- **Definitions**
The definitions have been amended to take account of and align them to the ones used in the Regulation concerning the placing of plant protection products on the market.
- **Governing principles**
Accuracy is not enumerated among the principles that shall govern Community statistics according to Regulation (EC) N° 322/97 which is referred to in recital 8. The Council can therefore not accept amendment 3. However, this principle has been retained by the Council among the quality criteria in Article 4.
- **Reference to Regulation (EC) N° 322/97 and Regulation (EC) N° 1588/90**
A new recital 8 has been introduced to clarify the framework within which the transmission of data has to be carried out and to recall how the confidentiality of data is ensured.
- **Objectives**
The Council agrees to make a reference in Article 1 to Article 14 of the Directive on sustainable use of pesticides. However, the Council cannot accept that the purpose of the Regulation should be to implement and evaluate the Thematic Strategy on the sustainable use of pesticides as suggested by the EP in its Amendment 10.

- **Quality assessment**

The Council has introduced an Article about quality assessment (Article 4). The quality assessment dimensions have already been inserted in other statistical files such as European Parliament and Council Regulations on population and housing censuses, concerning meat and livestock statistics, on energy statistics and on Community jobs vacancies.

- **Implementation measures**

Since the Article introduced by the Council on quality assessment is quite specific, the reference to the regulatory procedures for the quality reports and reporting measures has been deleted. Furthermore, the definition of the "area treated" has been moved from Annex II to Article 5 and the possibility for the Commission to amend the harmonised classification has also been moved from Annex III to Article 5.

- **Annex II, Section I, coverage**

The Council has opted for providing the Member States with a large margin of appreciation to select the crops to be covered. The report on the implementation of the Regulation according to Article 7 will be an opportunity to evaluate if it is necessary to modify the selection of crops.

IV. CONCLUSION

The Council considers that its common position represents a balanced and realistic solution for a number of concerns for this first effort to collect data that are comparable on plant protection products. It looks forward to a constructive discussion with the European Parliament with a view to a workable agreement on this Regulation.