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from :            Presidency  
to :              Working Party on Statistics/ Coreper  
No. Cion prop. : 16738/06 - COM(2006) 778 final

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Subject :        Proposal for a Regulation of the European Parliament and of the Council  
concerning statistics on plant protection products

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With a view to the meeting of the Coreper on 17 March 2009 and the trialogue on 24 March 2009, delegations will find attached a new fourth column document on the above subject.

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
<b>Title</b> <b>AM 1</b>			
REGULATION (EC) No .../2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of concerning statistics on plant protection products	REGULATION (EC) No .../2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of concerning statistics on <i>plant protection products</i>	REGULATION (EC) No .../2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of concerning statistics on pesticides (AM1)	<b>The Council maintains its Common Position.</b>
<b>Recital 1</b> <b>AM 2</b>			
(1) Decision 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme recognised that the impact of pesticides on human health and the environment, in particular from plant protection products used in agriculture, must be	(1) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme <sup>1</sup> recognised that the impact of pesticides on human health and the environment, in particular from plant protection products used in agriculture, must be reduced further. It underlined the need to achieve more sustainable use of	(1) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme recognised that the impact of pesticides on human health and the environment, in particular from <i>pesticides</i> used in agriculture, must be reduced further. It underlined the need to achieve more sustainable use of pesticides and called for a	<b>Agreed</b>

<sup>1</sup> OJ L 242, 10.9.2002, p. 1.

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reduced further. It underlined the need to achieve more sustainable use of pesticides and called for a significant overall reduction of risks and the use of pesticides consistent with the necessary crop protection.	pesticides and called for a significant overall reduction of risks and the use of pesticides consistent with the necessary crop protection.	significant overall reduction of risks and the use of pesticides consistent with the necessary crop protection. <b>(AM 2)</b>	
<b>Recital 2</b>			
(2) In its Communication to the Council, the European Parliament and the European Economic and Social Committee entitled 'Towards a Thematic Strategy on the Sustainable Use of Pesticides', the Commission recognised the need for detailed, harmonised and up-to-date statistics on sales and use of pesticides at Community level. Such statistics are necessary for assessing policies of the European Union on sustainable development and for calculating relevant indicators on the risks for	(2) In its Communication to the Council, the European Parliament and the European Economic and Social Committee entitled "Towards a Thematic Strategy on the Sustainable Use of Pesticides", the Commission recognised the need for detailed, harmonised and up-to-date statistics on sales and use of pesticides at Community level. Such statistics are necessary for assessing policies of the European Union on sustainable development and for calculating relevant indicators on the risks for health and the environment related to pesticide use.		

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health and the environment related to pesticide use.			
<b>Recital 3</b>			
(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 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.		
<b>Recital 4</b> <b>AM 3</b>			
(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	(4) Since the effects of the 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 <sup>1</sup> will not become apparent until well after 2006, when the first evaluation of active substances for	(4) Since the effects of the 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	<b>Pesticides – The Council maintains its Common Position</b>  (4) Since the effects of the 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 <sup>2</sup> will not become apparent until well after 2006, when the first evaluation of active substances for use

<sup>1</sup> OJ L 123, 24.4.1998, p. 1.

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<p>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.</p>	<p>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 should thus be limited to plant protection products covered by Regulation (EC) No.../... of the European Parliament and of the Council of ... concerning the placing of plant protection products on the market<sup>1*</sup>, for which a large experience already exists on data collection.</p>	<p>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 should thus be limited to <i>pesticides</i> covered by Regulation (EC) No.../... of the European Parliament and of the Council of ... concerning the placing of plant protection products on the market, for which a large experience already exists on data collection.</p> <p><i>Where appropriate, the Commission should however include in Annex III of this Regulation the use of biocidal products containing substances also covered by Regulation (EC) No .../... [concerning the placing of</i></p>	<p>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 should thus be limited to <b>plant protection products</b> covered by Regulation (EC) No.../... of the European Parliament and of the Council of ... concerning the placing of plant protection products on the market<sup>3*</sup>, for which a large experience already exists on data collection.</p> <p><b>A new Recital (4a)</b>  <b>At present, this Regulation should apply to plant protection products. However, it is anticipated that taken into account the results of the evaluation of the Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998</b></p>

<sup>1</sup> OJ L ...

\* Note to OJ: Please insert the number, date of adoption and reference of document under No ST 11119/08.

<sup>2</sup> OJ L 123, 24.4.1998, p. 1.

<sup>3</sup> OJ L ...

\* Note to OJ: Please insert the number, date of adoption and reference of document under No ST 11119/08.

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		<p><i>plant protection products on the market]. At a later stage, when sufficient experience has been gained after the publication of the first report provided for 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 those substances in Annex III.</i></p> <p>(AM 3)</p>	<p>concerning the placing on the market of biocidal products and on the basis of an Impact Assessment, the scope of this Regulation will be extended to cover biocidal products.</p>
<p><b>Recital 5</b> <b>AM 4</b></p>			
<p>(5) The experience of the Commission in collecting data on sales and use of plant protection products over many years has demonstrated the need to have a harmonised methodology for collecting statistics at Community level both from the distribution chain and from users. Moreover, in view of the aim of calculating accurate risk indicators according to the objectives of the Thematic</p>	<p>(5) The experience of the Commission in collecting data on sales and use of plant protection products over many years has demonstrated the need to have a harmonised methodology for collecting statistics at Community level both from the stage of placing on the market and from users. Moreover, in view of the aim of calculating accurate risk indicators according to the objectives of the Thematic Strategy on the Sustainable Use of Pesticides,</p>	<p>(5) The experience of the Commission in collecting data on sales and use of <i>pesticides</i> over many years has demonstrated the need to have a harmonised methodology for collecting statistics at Community level both from the stage of placing on the market and from users. Moreover, in view of the aim of calculating accurate risk indicators according to the objectives of the Thematic Strategy on the Sustainable Use of Pesticides, statistics need to be</p>	<p><b>The Council maintains its Common Position</b></p>

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
Strategy on the Sustainable Use of Pesticides, statistics need to be detailed up to the level of the active substances.	statistics need to be detailed up to the level of the active substances.	detailed up to the level of the active substances. <b>(AM 4)</b>	
<b>Recital 6</b> <b>AM 5</b>			
(6) Among the different data collection options evaluated in the impact assessment of the Thematic Strategy on the Sustainable Use of Pesticides, mandatory data collection was recommended as the best option because it would allow the development of accurate and reliable data on the production, distribution and use of plant protection products quickly and cost-efficiently.	(6) Among the different data collection options evaluated in the impact assessment of the Thematic Strategy on the Sustainable Use of Pesticides, mandatory data collection was recommended as the best option because it would allow the development of accurate and reliable data on the placing on the market and use of plant protection products quickly and cost-efficiently.	(6) Among the different data collection options evaluated in the impact assessment of the Thematic Strategy on the Sustainable Use of Pesticides, mandatory data collection was recommended as the best option because it would allow the development of accurate and reliable data on the placing on the market and use of <i>pesticides</i> quickly and cost-efficiently. <b>(AM 5)</b>	<b>The Council maintains its Common Position</b>
(7) The measures for the production of statistics provided for in this Regulation are necessary for the performance of the activities of the Community. Since the objectives of the proposed action, namely establishing a			

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<p>framework for the production of Community statistics on the placing on the market and use of plant protection products, cannot be sufficiently achieved by the Member States individually, it is necessary for the required measures, in accordance with subsidiarity, to be adopted at Community level. These measures do not go beyond what is necessary to achieve those objectives.</p>			
<p><b>Recital 7</b> <b>AM 6</b></p>			
<p>(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,</p>	<p>(7) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics<sup>1</sup> constitutes the reference framework for the provisions of this Regulation. In particular, it requires conformity to standards of impartiality, reliability, relevance, cost-effectiveness, statistical confidentiality and</p>	<p>(7) 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, relevance, <i>objectivity, scientific independence, accuracy,</i> cost-</p>	<p><b>The following Presidency proposal was agreed:</b> (7) Regulation (EC) No .../2009 of the European Parliament and of the Council on European Statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European</p>

<sup>1</sup> OJ L 52, 22.2.1997, p. 1.



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<p>objectivity, scientific independence, cost-effectiveness and statistical confidentiality.</p>	<p>transparency.</p>	<p>effectiveness, statistical confidentiality and transparency. <b>(AM 6)</b></p>	<p>Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities constitutes the reference framework for the provisions of this Regulation, requiring, in particular, conformity to standards of professional independence, impartiality, objectivity, reliability, cost-effectiveness and statistical confidentiality.</p>
<b>Recital 8</b>			
	<p>(8) The transmission of data subject to statistical confidentiality is governed by the rules set out in Regulation (EC) No 322/97 and in Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities<sup>1</sup>. Measures, which are</p>		

<sup>1</sup> OJ L 151, 15.6.1990, p. 1.

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	<p>taken in accordance with those Regulations ensure the physical and logical protection of confidential data and ensure that no unlawful disclosure and non-statistical use occur when Community statistics are produced and disseminated.</p>		
			<p><b>Agreed that the new recital (8a) to be added:</b>  (8a) The publication and dissemination of data collected under this Regulation is governed by the rules set out in Regulation (EC) No .../2009 [on European Statistics] (...).  Measures, which are taken in accordance with Regulation (EC) No /2009, ensure the physical and logical protection of confidential data and ensure that no unlawful disclosure and non-statistical use occur when Community statistics are produced and disseminated.</p>

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<b>Recital 9</b> <b>AM 7</b>			
(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) The necessary protection of confidentiality on data of commercial value should be assured, among other means, by an appropriate aggregation when publishing statistics.	(9) <i>Taking due account of the obligations under the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (Aarhus Convention)</i> , the necessary protection of confidentiality on data of commercial value <i>needs to</i> be assured, among other means, by an appropriate aggregation when publishing statistics.  (AM 7)	<b>Agreed to be replaced by the following wording:</b>  (9) This Regulation should apply without prejudice to Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and to Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies.
<b>Recital 10</b> <b>AM 8</b>			
(10) To guarantee comparable results, statistics on plant protection products should be	(10) To guarantee comparable results, statistics on plant protection products should be produced in	(10) To guarantee comparable results, statistics on <i>pesticides</i> should be produced in accordance	<b>The Council maintains its Common Position</b>

<b>Commission Proposal</b>	<b>Common Position</b>	<b>Draft the EP recommendation for second reading</b>	<b>Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009</b>
produced in accordance with a specified breakdown, in an appropriate form and within a fixed period of time from the end of a reference year as defined in the Annexes of this Regulation.	accordance with a specified breakdown, in an appropriate form and within a fixed period of time from the end of a reference year as defined in the Annexes of this Regulation.	with a specified breakdown, in an appropriate form and within a fixed period of time from the end of a reference year as defined in the Annexes of this Regulation.  <b>(AM 8)</b>	
<b>Recital 11</b>			
(11) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission;	(11) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>1</sup> .		

<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

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<b>Recital 12</b>			
<p>(12) In particular, powers should be conferred on the Commission to determine quality evaluation criteria, adopt specific definitions and adapt the Annexes. These measures of general scope designed to amend non-essential elements or supplement this Regulation by the addition of new non essential elements should be adopted in accordance with the regulatory procedure with scrutiny laid down to in Article 5a of Council Decision 1999/468/EC.</p>	<p>(12) In particular the Commission should be empowered to define the area treated and to adapt Annex III. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, inter alia by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.</p>		
<b>Recital 13</b> <b>AM 9</b>			
	<p>(13) Since the objective of this Regulation, namely the establishment of a common framework for the systematic production of Community statistics</p>	<p>(13) Since the objective of this Regulation, namely the establishment of a common framework for the systematic production of Community statistics</p>	<b>The Council maintains its Common Position</b>

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
	<p>on the placing on the market and use of plant protection products, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p>	<p>on the placing on the market and use of <i>pesticides</i>, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.</p> <p>(AM 9)</p>	
<b>Recital 14</b>			
<p>(13) The Statistical Programme Committee (SPC), established by Council Decision 89/382/EEC, Euratom<sup>19</sup>, has been consulted.</p>	<p>(14) The Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom<sup>1</sup>, has been consulted,</p>		

<sup>1</sup> OJ L 181, 28.6.1989, p. 47.

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
<b>Article 1</b> <b>AM 10, 11, 12, 13, 14</b>			
Subject matter and scope	Subject matter, scope and objectives		
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 common framework for the systematic production of Community statistics on the placing on the market and use of plant protection products.	1. This Regulation establishes a common framework for the systematic production of Community statistics on the placing on the market and use of <i>pesticides</i> . <b>(AM 10)</b>	1. <b>The Council maintains its Common Position.</b>
2. The statistics shall apply to:	2. The statistics shall apply to:		
– the annual amounts of plant protection products placed on the market according to Annex I;	– the annual amounts of plant protection products placed on the market in accordance with Annex I;	- the annual amounts of <i>pesticides</i> placed on the market in accordance with Annex I; <b>(AM 11)</b>	<b>The Council maintains its Common Position.</b>
– the annual agricultural use amounts of plant protection products according to Annex II.	– the annual agricultural use amounts of plant protection products in accordance with Annex II.	<b>- the annual amounts of <i>pesticides</i> used in accordance with Annex II.</b> <b>(AM 12)</b>	<b>The Council maintains its Common Position.</b>
		<i>2 a. (new) As regards biocides, the statistics shall apply only to the annual amounts of biocidal products placed on the market belonging to product types 14 to 19</i>	<b>Amendment withdrawn</b>  <b>Comment:</b> See Article 2 (a)

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		<i>as defined in Annex V to Directive 98/8/EC.</i> (AM 13)	
	3. The statistics shall, in particular, together with other relevant data serve the purposes of Article 14 of Directive .../.../EC of the European Parliament and of the Council of ... establishing a framework for Community action to achieve a sustainable use of pesticides <sup>1*</sup> .	3. The statistics shall, in particular, together with other relevant data serve the purposes of <b>Articles 4 and 14</b> of Directive .../.../EC of the European Parliament and of the Council of ... establishing a framework for Community action to achieve a sustainable use of pesticides. (AM 14)	<b>Agreed with the following modification:</b> 3. The statistics shall, in particular, together with other relevant data serve the purposes of <b>Articles 4 and 15</b> of Directive .../.../EC of the European Parliament and of the Council of ... establishing a framework for Community action to achieve a sustainable use of pesticides.
<b>Article 2</b> <b>AM 15 (1), (2), (3)</b>			
Definitions	Definitions		
For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:		
(a) ‘plant protection product’	(a) “plant protection products”	(a) ‘ <i>pesticides</i> ’ means:	<b>The Presidency and the EP proposal</b>

<sup>1</sup> OJ L

\* Note to OJ: Please insert the number, date of adoption and reference of document under No ST 6124/08.



Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
means plant protection product as defined in Article 2(1) of Directive 91/414/EEC as amended;	means plant protection products as referred to in Article 2(1) of Regulation (EC) No .../...* ;	(AM 15 (1))	<b>to define all used terms in the text</b> For the purposes of this Regulation, the following definitions shall apply:
		- plant protection products as <i>defined</i> in Article [2(1)] of Regulation (EC) No .../... [concerning the placing of plant protection products on the market];  (AM 15 (2))	i) “plant protection products” as defined in Article [2(1)] of Regulation (EC) No...[on the placing of plant protection products on the market];
		- <i>biocidal products as defined in Directive 98/8/EC belonging to product types 14 to 19 as defined in Annex V thereto;</i>  (AM 15 (3))	ii) biocidal products as defined in Article [2(1)] of 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.
(b) 'substance' means substance as defined in Article 2(3) of Directive 91/414/EEC as amended, including active substances, safeners and synergists;	(b) "substances" means substances as defined in point (2) of Article 3 of Regulation (EC) No .../...*, including active substances, safeners and synergists; (c) "active substances" means active substances as referred to in Article 2(2) of Regulation (EC) No		

\* Note to OJ: Please insert the number of Regulation from recital (4).

\* Note to OJ: Please insert the No of Regulation from recital (4).

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<p>(c) 'placing on the market' means placing on the market as defined in Article 2(10) of Directive 91/414/EEC as amended;</p> <p>(d) 'supplier' means any natural or legal person who owns an 'authorization' for the placing on the market of plant protection products as defined in Article 2(11) of Directive 91/414/EEC as amended;</p> <p>(e) 'agricultural use' means any type of application of a plant protection product for one's own or for a third party, associated directly or indirectly with the production of plant products in the context of the economic activity of the agricultural holding;</p> <p>(f) 'professional user' means any natural or legal person who carries out the use of pesticides in the framework of his professional activity, including operators, technicians, employers, self-employed people in the farming or the non farming sector as defined in Article 3 of the Directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of</p>	<p>.../...* ;</p> <p>(d) "safeners" means safeners as referred to in Article 2(3)(a) of Regulation (EC) No .../...* ;</p> <p>(e) "synergists" means synergists as referred to in Article 2(3)(b) of Regulation (EC) No .../...* ;</p> <p>(f) "placing on the market" means placing on the market as defined in point (8) of Article 3 of Regulation (EC) No .../...* ;</p> <p>(g) "authorisation holder" means authorisation holder as defined in point (20) of Article 3 of Regulation (EC) No .../...* ;</p> <p>(h) "agricultural use" means any type of application of a plant protection product associated directly or indirectly with the production of plant products in the context of the economic activity of an agricultural holding;</p>		

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pesticides <sup>20</sup> ; (g) 'agricultural holding' means agricultural holding as defined in Council Regulation (EEC) No 571/88 of 29 February 1988 on the organisation of Community surveys on the structure of agricultural holdings.			
	(i) "professional user" means professional user as defined in point (1) of Article 3 of Directive .../.../EC <sup>**</sup> ;		
	(j) "agricultural holding" means agricultural holding as defined in Regulation (EC) No .../... of the European Parliament and of the Council of ... on farm structure surveys and the survey on agricultural production methods <sup>1***</sup> .		<b>Agreed maintenance of the Common Position:</b> (j) "agricultural holding" means agricultural holding as defined in Regulation (EC) No 1166/2008 of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods and repealing Council Regulation (EEC) No 571/88.

<sup>\*\*</sup> Note to OJ: Please insert the Directive No as in Article 1(3).

<sup>1</sup> OJ L

<sup>\*\*\*</sup> Note to OJ: Please insert the No, adoption date and reference to doc under No PE-CONS 3642/08.

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
<b>Article 3</b> <b>AM 16, 17, 18, 19, 20, 21, 22</b>			
Data collection, transmission and processing	Data collection, transmission and processing		
1. Member States shall collect the data necessary for the specification of the characteristics listed in Annexes I and II by means of:	1. Member States shall collect the data necessary for the specification of the characteristics listed in Annexes I and II by means of:		<b>A new compromise text:</b> 1. Member States shall collect the data necessary for the specification of the characteristics listed in Annex I, on an annual basis and for the specification of the characteristics listed in Annex II in five-year period by means of:
– surveys,	– surveys,		
- reporting obligations applicable to suppliers concerning the plant protection products placed on the market; distinct authorizations for professional and nonprofessional uses can be used,	– obligations concerning the placing of the plant protection products on the market; in particular, obligations pursuant to Article 67 of Regulation (EC) No .../...*,	- <i>reporting obligations as described in Article 3(1b) concerning the pesticides placed on the market; taking as a basis the obligations pursuant to Article 67 of Regulation (EC) No .../...,</i> <b>(AM 16)</b>	<b>Agreed</b> - <b>information</b> concerning the placing on the market and use of [pesticides] <b>taking into account</b> , in particular, the obligations pursuant to Article 67 of Regulation (EC) No .../...,
– reporting obligations applicable to professional	– obligations applicable to professional users based on	- <i>reporting</i> obligations applicable to professional users based on	<b>Agreed amendment withdrawn and the text of the Common Position is</b>

\* Note to OJ: Please insert the No of Regulation from recital (4).

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
users based on records kept on the use of plant protection products,	records kept on the use of plant protection products; in particular, obligations pursuant to Article 67 of Regulation (EC) No .../... <sup>*</sup> ,	records kept on the use of <i>pesticides</i> ; <i>taking as a basis the</i> obligations pursuant to Article 67 of Regulation (EC) No .../...,  (AM 17)	<b>moved to the previous indent</b>
– administrative sources, or	– administrative sources, or		
– a combination of these means, including statistical estimation procedures on the basis of expert judgements or models.	– a combination of these means, including statistical estimation procedures on the basis of expert judgements or models.		
		<i>1a. (new) 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 6(3).</i>  (AM 18)	<b>Agreed amendment withdrawn</b>
		<i>1b. (new) Member States shall ensure that those responsible for placing <u>pesticides</u> on the market report annually to the competent authority on the quantities in which a given active substance or a given <u>pesticide</u> is placed on the market.</i>	<b>Agreed that the new EP text is accepted with a modification and moved to the new recital (8b):</b>  (8b) Data regarding placing on the market and use of plant protection products to be submitted pursuant to Directive (EC) No .../... and

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
		<i>This information shall be assessed by the competent authorities and, where appropriate after editing to preserve the confidentiality of certain information, published.</i> (AM 19)	Regulation (EC) No.../... should be assessed in accordance with the relevant provisions thereof.
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 (Eurostat) 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 (Eurostat) 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. <i>The Member States may aggregate the data for reasons of confidentiality.</i> (AM 20)	Agreed amendment withdrawn
		<i>2a.(new) 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 Article 4 of Directive .../.../EC [establishing a framework for Community action</i>	Agreed amendment withdrawn

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
		<p><i>to achieve the 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.</i></p> <p>(AM 21)</p>	
<p>3. Member States shall transmit the data in electronic form, in conformity with an appropriate technical format to be adopted by the Commission in accordance with the procedure referred to in Article 5(2).</p>	<p>3. Member States shall transmit the data in electronic form, in conformity with an appropriate technical format to be adopted by the Commission (Eurostat) in accordance with the regulatory procedure referred to in Article 6(2).</p>		
<p>4. Member States shall produce reports on the quality of the statistics as stated in Annexes I and II.</p>			
<p>5. The Commission shall determine the quality evaluation criteria in accordance with the procedure referred to in Article 5(3).</p>			

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
<p>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.</p>	<p>4. For reasons of confidentiality, the Commission (Eurostat) shall aggregate the data before publication according to the chemical classes or categories of products indicated in Annex III, taking due account of the protection of confidential data at the level of individual Member State. In accordance with Article 15 of Regulation (EC) No 322/97, confidential data shall be used by national authorities and by the Commission (Eurostat) exclusively for statistical purposes.</p>	<p>4. For reasons of confidentiality, the Commission (Eurostat) shall aggregate the data before publication according to the chemical classes or categories of products indicated in Annex III, taking due account of the protection of confidential data at the level of individual Member State <i>as well as of the confidential nature of sensitive business information and of privacy obligations</i>. In accordance with Regulation (EC) No 322/97, confidential data shall be used by national authorities and by the Commission (Eurostat) exclusively for <i>the purposes of this Regulation</i>.</p> <p>(AM 22)</p>	<p><b>Agreed to be replaced by the following:</b></p> <p>4. For reasons of confidentiality, the Commission (Eurostat) shall aggregate the data before publication according to the chemical classes or categories of products indicated in Annex III, taking due account of the protection of confidential data at the level of individual Member State. <b>The confidential data shall be used by national authorities and by the Commission (Eurostat) exclusively for statistical purposes, in accordance with Article 20 of Regulation (EC) No .../2009 on European Statistics.</b></p>
<b>Article 4</b>			
	Quality assessment		Quality assessment
	<p>1. For the purpose of this</p>		<p><b>Agreed to be replaced by the following (simplification of Art. 4):</b></p> <p>1. For the purpose of this Regulation,</p>



Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
	Regulation, the following quality assessment dimensions shall apply to the data to be transmitted:		the quality criteria as laid down in Article 12 (1) of Regulation (EC) No.../2009 on European Statistics (...) shall apply.
	– "relevance" refers to the degree to which statistics meet current and potential needs of the users;		
	– "accuracy" refers to the closeness of estimates to the unknown true values;		
	– "timeliness" refers to the time lag between the availability of the information and the event or phenomenon it describes;		
	– "punctuality" refers to the time lag between the date of the release of the data and the target date when it should have been delivered;		
	– "accessibility" and "clarity" refer to the conditions and modalities by which users can obtain, use and interpret data;		
	– "comparability" refers to the measurement of the impact of differences in applied statistical concepts and measurement tools and procedures when statistics are compared between geographical areas, sectoral domains or over		

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
	time;		
	– "coherence" refers to the adequacy of the data to be reliably combined in different ways and for various uses.		
	2. Member States shall provide the Commission (Eurostat) with reports on the quality of the data transmitted as referred to in Annexes I and II. The Commission (Eurostat) shall assess the quality of data transmitted.		
<b>Article 4</b>	<b>Article 5</b> <b>AM 23, 24</b>		
Implementation measures	Implementation measures		
<p>1. The following measures necessary for implementation of this Regulation, including measures to take account of economic and technical developments, shall be adopted in accordance with the regulatory procedure referred to in Article 5(2):</p> <p>(a) adoption of the appropriate technical format for the transmission of data (Article 3(3));</p> <p>(b) definition of the format and content of the quality reports to be supplied by the Member States (Section 6 of Annexes I and II);</p>	<p>1. The Commission shall adopt the appropriate technical format for the transmission of data in accordance with the regulatory procedure referred to in Article 6(2).</p>	<p>1. The Commission shall adopt the appropriate technical format for the transmission of data <i>and define the format and content of the quality reports to be supplied by the Member States (pursuant to Section 6 of Annex I and Section 6 of Annex II)</i> in accordance with the regulatory procedure referred to in Article 6(2).</p> <p>(AM 23)</p>	<p><b>A new compromise proposal to be replaced by the following:</b></p> <p>1. The appropriate technical format for the transmission of data shall be adopted in accordance with regulatory procedure referred to in Article 6(2). The Commission may, if necessary, modify requirements relating to the provision of quality reports described in Section 6 of Annexes I. and II. These measures, designed to amend non-essential elements of this Regulation by supplementing it, shall</p>

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
			be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(3).
<p>2. The following measures shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(3):</p> <p>(a) determination of quality evaluation criteria (Article 3 (5));</p> <p>(b) definition of the 'area of crop treated' and of the 'crop season' referred to in Sections 2 and 4 of Annex II respectively;</p> <p>(c) adaptation of the specifications listed in Section 3 of Annexes I and II, regarding the reporting measures;</p> <p>(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.</p>	<p>2. The Commission shall adopt the definition of the "area treated" as referred to in Section 2 of Annex II. That measure, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(3).</p>		

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
	<p>3. The Commission may amend the harmonised classification of substances as defined in Annex III for the purpose of adapting it to changes in the list of active substances adopted in accordance with Article 78(3) of Regulation (EC) No .../...*. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(3).</p>	<p>3. The Commission may <i>adapt the list of substances to be covered and their classification in categories of products and chemical classes as set out in Annex III</i>. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(3). <i>Adaptation of the list of substances needs to take place on a regular basis and in the light of the ongoing consideration of active substances.</i></p> <p>(AM 24)</p>	<p>Agreed to be replaced by the following:  <b>3. The Commission shall adapt the list of substances to be covered and their classification in categories of products and chemical classes as set out in Annex III on a regular basis and at least every five years. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 6(3).</b></p>
<b>Article 5</b>	<b>Article 6</b>		
Committee procedure	Committee procedure		
<p>1. The Commission shall be assisted by the Statistical</p>	<p>1. The Commission shall be assisted by the Statistical Programme</p>		<p>Agreed to be replaced by the following update of the text:  1. The Commission shall be assisted</p>

\* Note to OJ: Please insert the No of Regulation from recital (4).

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
Programme Committee.	Committee.		by the <b>European Statistical System Committee referred by Article 7 of Regulation (EC) No.../2009 on European Statistics (...)</b> .
2. Where reference is made to this paragraph, the regulatory procedure laid down in 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 three months.	2. 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 three months.		
3. Where reference is made to this paragraph the regulatory procedure with scrutiny laid down to in Article 5a (1) to (4) and Article 7 of Decision of Council Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.	3. 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.		

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
<b>Article 6</b>	<b>Article 7</b> <b>AM 25</b>		
Report	Report		
<p>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.</p> <p>The first report shall be submitted by the end of the seventh calendar year following the year of entry into force of this Regulation.</p>	<p>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, as referred to in Article 4, the burden on businesses, agricultural holdings and national administrations 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 businesses, agricultural holdings and national administrations.</p>	<p>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, as referred to in Article 4, the burden on businesses, agricultural <i>and horticultural</i> holdings and national administrations 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 businesses, agricultural <i>and horticultural</i> holdings and</p>	<p><b>Agreed with the following modification:</b></p> <p>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, as referred to in Article 4, <b><u>the data collection methods</u></b>, the burden on businesses, agricultural holdings and national administrations 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, <b><u>the data collection methods with a view to improve the comparability of data</u></b> and reduce the burden on businesses, agricultural holdings and national administrations.</p>

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
	The first report shall be submitted by 1 January ...* .	national administrations. (AM 25)	The first report shall be submitted by 31 December of ...* . <b>Comment I:</b> The EP accepted explanation that “horticulture” is a part of “agriculture”.
<b>Article 7</b>	<b>Article 8</b>		
Entry into force	Entry into force		
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>	<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at</p> <p>For the European Parliament For</p>		

\* Note to OJ: please insert the year which is eight years from the year of the adoption of this Regulation.

\* Note to OJ: please insert the year which is seven years from the year of the adoption of this Regulation.

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
	the Council The President The President		
<b>Annex I – title AM 26</b>			
Statistics on placing of plant protection products on the market	Statistics on placing of plant protection products on the market	Statistics on <i>the</i> placing on the market <i>of pesticides</i> (AM 26)	<b>The Council maintains its Common Position</b>  “the” accepted.
<b>Annex I - section 1</b>			
Coverage	Coverage		
The statistics shall cover all substances listed in Annex III consisting of active substances, safeners or synergists contained in plant protection products placed on the market in each Member State. Special attention shall be paid to avoiding double counting in the event of product reconditioning or transfer of authorization between suppliers.	The statistics shall cover substances listed in Annex III contained in plant protection products placed on the market in each Member State. Special attention shall be paid to avoiding double counting in the event of product reconditioning or transfer of authorisation between authorisation holders.		



Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
<b>Annex I - section 2</b> <b>AM 27</b>			
Variables	Variables		
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 products placed on the market shall be compiled.	The quantity of each substance listed in Annex III contained in <i>pesticides</i> placed on the market shall be compiled <i>in each Member State</i> . (AM 27)	<i>'Pesticides'</i> : <b>The Council maintains its Common Position</b>  <i>'In each Member State'</i> : <b>Agreed</b>
<b>Annex I - section 2 a (new)</b> <b>AM 28</b>			
		<i>(new) Those responsible for placing pesticides on the market shall report annually to the competent authority on quantities in which a given active substance or a given pesticide is placed on the market.</i> (AM 28)	<b>Agreed amendment withdrawn</b>
<b>Annex I - section 3</b>			
Reporting measure	Reporting measure		
Data shall be expressed in kilograms of substances.	Data shall be expressed in kilograms of substances.		

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
<b>Annex I - section 4</b>			
Reference period	Reference period		
The reference period shall be the calendar year.	The reference period shall be the calendar year.		
<b>Annex I - section 5</b> <b>AM 29</b>			
First reference period, periodicity and transmission of results	First reference period, periodicity and transmission of results		
1. The first reference period is the second calendar year following the entry into force of this Regulation.	1. The first reference period is the second calendar year following ...*.		
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.	2. Member States shall supply data for every calendar year subsequent to the first reference period <i>and publish them.</i> <b>(AM 29)</b>	<b>Agreed to be replaced by the following:</b> 2. Member States shall supply data for every calendar year subsequent to the first reference period. <b>They shall publish them, in particular on the Internet in accordance with the requirements regarding the protection of statistical</b>

\* OJ: Please insert the date of entry into force of this Regulation.

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
			confidentiality as laid down in Regulation on European Statistics .../2009, with a view to ensuring information of the public.
3. Data shall be transmitted to the Commission within 12 months of the end of the reference year.	3. Data shall be transmitted to the Commission (Eurostat) within 12 months of the end of the reference year.		
<b>Annex I - section 6</b> <b>AM 30</b>			
Quality report	Quality report		
Member States shall supply the Commission with a quality report, indicating:	Member States shall supply the Commission (Eurostat) with a quality report, referred to in Article 4, indicating:		
– the methodology used to collect data;	- the methodology used to collect data;		
– relevant aspects of quality according to the methodology used to collect data;	- relevant aspects of quality according to the methodology used to collect data;		
– a description of estimations, aggregations and exclusion methods used.	- a description of estimations, aggregations and exclusion methods used.		
This report shall be transmitted to the Commission within 15 months of the end of the reference year.	This report shall be transmitted to the Commission (Eurostat) within 15 months of the end of the reference year.		

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
<p>The report concerning the second reference year shall contain a raw estimate of the proportions of the total quantity of substances in each major group listed in Annex III contained in plant protection products placed on the market for both agricultural and non-agricultural use. These estimates shall be renewed every five years.</p>		<p><i>(new) The report concerning the second reference year shall contain a raw estimate of the proportions of the total quantity of substances in each major group listed in Annex III contained in <u>pesticides</u> placed on the market for both agricultural and non-agricultural use. These estimates shall be renewed every five years.</i></p> <p>(AM 30)</p>	<p>The Presidency proposal is: to withdraw this amendment and to add a new text to Annex II, Section 6, last indent</p>
<b>Annex II – title</b>			
Statistics on agricultural use of plant protection products	Statistics on agricultural use of plant protection products		
<b>Annex II - section 1 - paragraph 1</b> <b>AM 31, 32</b>			
Coverage	Coverage		
1. Statistics shall cover the agricultural use of plant protection products in each Member State	1. Statistics shall cover substances listed in Annex III contained in plant protection products used in agriculture on each selected crop in	1. Statistics shall cover substances listed in Annex III contained in <i>pesticides</i> on each selected crop in each Member State.	<b>The Council maintains its Common Position</b>

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
	each Member State.	(AM 31)	
<p>2. Each Member State shall select a set of crops listed in categories D, F, G and I of the characteristics defined in Annex I of Council Regulation (EEC) No 571/88 and shall compile statistics for these crops. Statistics shall cover at least 75% of the total quantity of substances placed on the market annually for agricultural use as estimated in the quality report on the second reference year referred to in Section 6 of Annex I.</p>	<p>2. Each Member State shall establish the selection of crops to be covered during the five-year period defined in Section 5. The selection shall be designed to be “representative of the crops cultivated in the Member State and of the substances used.</p>	<p>2. Each Member State shall establish the selection of crops to be covered during the five-year period defined in Section 5. <i>Statistics shall cover at least 75 % of the total quantity of substances placed on the market annually for agricultural use as estimated in the quality report on the second reference year referred to in Section 7 of Annex I and</i> the selection shall be designed to be representative of the crops cultivated in the Member State and of the substances used.</p> <p>(AM 32)</p>	<p><b>The Council maintains its Common Position</b></p>
	<p>The selection of crops shall take into account the most relevant crops for the national action plans as referred to in Article 4 of Directive .../.../EC*.</p>		
<p>3. Statistics shall cover all substances listed in Annex III</p>			

\* Note to OJ: Please insert the No of Directive as in Article 1(3).

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
consisting of active substances, safeners or synergists contained in plant protection products used on the selected crops during the reference period.			
<b>Annex II - section 2</b> <b>AM 33</b>			
Variables	Variables		
1. The quantity of each substance listed in Annex III contained in plant protection products used on each selected crop shall be compiled with the total area cultivated and the 'area of the crop treated' with each substance.	For each selected crop the following variables shall be compiled:		
	(a) the quantity of each substance listed in Annex III contained in plant protection products used on this crop, and	(a) the quantity of each substance listed in Annex III contained in <i>pesticides</i> used on this crop, and <b>(AM 33)</b>	<b>The Council maintains its Common Position</b>
	(b) the area treated with each substance.		
2. The definition of the 'area of crop treated' shall be determined according to the procedure laid down in Article			

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
5(3).			
<b>Annex II - section 3</b>			
Reporting measures	Reporting measures		
1. Quantities of substances used shall be expressed in kilograms.	1. Quantities of substances used shall be expressed in kilograms.		
2. Areas cultivated and areas treated shall be expressed in hectares.	2. Areas treated shall be expressed in hectares.		
<b>Annex II - section 4</b> <b>AM 34</b>			
Reference period	Reference period		
1. The reference period shall be the 'crop season' covering the cultural practices linked to the crop in question and including all the plant protection treatments associated directly or indirectly with this crop.	1. The reference period shall, in principle, be a period of maximum 12 months covering all plant protection treatments associated with the crop.	1. The reference period shall, in principle, be a period of maximum 12 months covering all plant protection treatments associated <i>directly or indirectly</i> with the crop.  <b>(AM 34)</b>	<b>Agreed</b>
2. The 'crop season' shall be referred to as the year in which the harvest was taken.	2. The reference period shall be reported as the year in which the harvest began.		

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
3. The definition of the ‘crop season’ shall be determined according to the procedure laid down in Article 5(3).			
<b>Annex II - section 5</b> <b>AM 35, 36</b>			
First reference period, periodicity and transmission of results	First reference period, periodicity and transmission of results		
1. For each five-year period, Member States shall compile statistics on the use of plant protection products for each selected crop within a reference period as defined in Section 4.	1. For each five-year period, Member States shall compile statistics on the use of plant protection products for each selected crop within a reference period as defined in Section 4.	1. For each five-year period, Member States shall compile statistics on the use of <i>pesticides</i> for each selected crop within a reference period as defined in Section 4. (AM 35)	<b>The Council maintains its Common Position</b>
2. Member States may choose the reference period at any time of the five-year period. The choice can be made independently for each selected crop.	2. Member States may choose the reference period at any time of the five-year period. The choice can be made independently for each selected crop.		
3. The first five-year period shall start at the first calendar year following the entry into force of the Regulation.	3. The first five-year period shall start at the first calendar year following ... *		

\* OJ: Please insert the date of the entry into force of this Regulation.



Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
4. Member States shall supply data for every five-year period.	4. Member States shall supply data for every five-year period.		
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 (Eurostat) within 12 months of the end of each five-year period.	5. Data shall be transmitted to the Commission (Eurostat) <i>and published - where appropriate in aggregated form - on the Internet</i> , within 12 months of the end of each five-year period, <i>taking due account of the confidential nature of sensitive business information as well as privacy obligations.</i>  (AM 36)	<b>Agreed to be replaced by the following:</b> 5. Data shall be transmitted to the Commission (Eurostat) within 12 months of the end of each five-year period <b>and published, in particular on the Internet, in accordance with the requirements regarding the protection of statistical confidentiality as laid down in Regulation on European Statistics .../2009, with a view to ensure information of the public.</b>
<b>Annex II - section 6</b>			
Quality report	Quality report		
When they transmit their results, Member States shall supply the Commission with a quality report, indicating:	When they transmit their results, Member States shall supply the Commission (Eurostat) with a quality report, referred to in Article 4, indicating:		<b>The Presidency and the Commission proposal:</b> To add last indent based on the new EP compromise proposal.
– the design of the sampling methodology;	– the design of the sampling methodology;		
– the methodology used to collect data;	– the methodology used to collect data;		
– an estimation of the relative	– an estimation of the relative		

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
importance of the crops covered with regard to the overall amount of plant protection products used;	importance of the crops covered with regard to the overall amount of plant protection products used;		
– relevant aspects of quality according to the methodology used to collect data;	– relevant aspects of quality according to the methodology used to collect data;		
– a comparison between data on plant protection products used during the five-year period and plant protection products placed on the market during the five corresponding years.	– a comparison between data on plant protection products used during the five-year period and plant protection products placed on the market during the five corresponding years.		
			– an information or, if available, data on the non-agriculture uses of plant protection products.
<b>(NEW) – AM 37 (Article 3)</b>			

Commission Proposal	Common Position	Draft the EP recommendation for second reading	Presidency proposals and comments for the COREPER of 17.03.2009 and the Trialogue of 24.03.2009
	<p><b>Data collection, transmission and processing</b></p> <p>1. Member States shall collect the data necessary for the specification of the characteristics listed in Annexes I and II by means of:</p> <ul style="list-style-type: none"> <li>– surveys,</li> <li>– obligations concerning the placing of the plant protection products on the market; in particular, obligations pursuant to Article 67 of Regulation (EC) No .../...,</li> <li>– obligations applicable to professional users based on records kept on the use of plant protection products; in particular, obligations pursuant to Article 67 of Regulation (EC) No .../...,</li> <li>– administrative sources, or</li> <li>– a combination of these means, including statistical estimation procedures on the basis of expert judgments or models.</li> </ul>	<p><b>Data collection, transmission and processing</b></p> <p>1. Member States shall collect the data necessary for the specification of the characteristics listed in Annexes I and II by means of:</p> <ul style="list-style-type: none"> <li>– <i>data from pesticide producers, traders and importers</i></li> <li>– surveys,</li> <li>– obligations concerning the placing of the plant protection products on the market; in particular, obligations pursuant to Article 67 of Regulation (EC) No .../...,</li> <li>– obligations applicable to professional users based on records kept on the use of plant protection products; in particular, obligations pursuant to Article 67 of Regulation (EC) No .../...,</li> <li>– administrative sources, or</li> <li>– a combination of these means, including statistical estimation procedures on the basis of expert judgments or models.</li> </ul> <p><b>NEW - (AM 37)</b></p>	<p><b>The Presidency encourages the EP to withdraw this amendment</b></p> <p><b>Comment:</b> The EP solves it within internal discussion.</p>