



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Directive 96/16/EC on statistical surveys of milk and milk products

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Directive 96/16/EC concerns statistical surveys of milk and milk products. This Directive is implemented by Decision 97/80/EC laying down provisions for the implementation of the above-mentioned Council Directive on statistical surveys of milk and milk products.

Article 8 of the above Directive states that "No later than 1 July 1999, the Commission shall submit to the Council a report on experience acquired in implementing this Directive. At the same time it shall submit, in particular, the results of the analysis referred to in Article 4(2) accompanied, where appropriate, by proposals regarding the definitive period."

A final report was drawn up following an initial interim report of 27 September 2000 (COM (2000)600 final) covering the whole context of the drafting and implementation of the legislation concerned.

This final Commission report to the Council and the European Parliament gives a technical assessment of the various aspects of the implementation of Directive 96/16/EC.

In the light of the conclusions of this report and of the experience acquired, the legislation on milk statistics needs to be amended so that it responds better to the present needs of the Common Agricultural Policy.

Account is taken, in particular, of the increasing importance of milk protein, since the changes in milk and milk products call for reliable and comparable information on the protein content of the main milk products.

However, the increasing importance of data on the regional production of cow's milk is also taken into account. From a general point of view, regional statistics are important because the Common Agricultural Policy is increasingly becoming a territorial policy, which requires detailed information at regional or local level.

With specific reference to the milk sector, in most Member States milk quotas are allocated at regional level for practical reasons, even if decision-making and the management of the milk quota scheme remain the prerogative of the Member State. It is therefore very useful to know the level of production in the various European regions. This information is a major input for the analyses conducted under the Common Agricultural Policy.

Another important subject is the definition of the survey units. The milk industry is undergoing rapid change towards the concentration of enterprises. Comparable milk statistics can only be produced on the basis of comparable survey units and at a sufficiently detailed level to avoid the problems of confidentiality but also to better define the information on the structure of milk enterprises.

Lastly, particular attention should be paid to improving the methodology used to compile milk statistics, in particular by using standard annual questionnaires compiled by the Member States on the basis of a model drawn up by the Commission.

Proposal for a

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amending Council Directive 96/16/EC on statistical surveys of milk and milk products

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission¹,

Acting in accordance with the procedure referred to in Article 251 of the Treaty²,

Whereas:

- (1) The purpose of Council Directive 96/16/EC³ is to provide reliable and comparable data on milk production and use and reliable, regular, short-term information on milk deliveries to undertakings which treat or process milk and on the production of milk products in the Member States;
- (2) In view of the growing economic importance of the protein content of milk, it is becoming increasingly necessary to have statistical information on the protein content of the main milk products;
- (3) Specialisation in agriculture is increasing in general, and the milk sector in particular, is currently undergoing regional specialisation which gives rise to enormous differences between the regions of a single Member State, requiring detailed information at regional or even local level;
- (4) It is necessary to record the production and use of milk on farms according to standardised criteria, to improve the accuracy of such records and to conduct surveys of local production units which treat or process milk;
- (5) To guarantee comparability of results, methodological reports need to be compiled according to a standard format,

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ L 78, 28.3.1996, p. 27.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Council Directive 96/16/EC is amended as follows:

1. After Article 2(2), the following text is inserted:

"For the purposes of paragraphs (1) and (2) above, within the meaning of Council Regulation (EEC) No 696/93 on the statistical units for the observation and analysis of the production system in the Community⁴ "the survey unit" shall be taken to mean an enterprise or part thereof (e.g. a workshop, factory, warehouse, office, mine or depot) situated in a geographically identified place. At or from this place economic activity is carried out for which - save for certain exceptions - one or more persons work (even if only part-time) for one and the same enterprise. With the exception of the Member States where the agreement of the enterprises to lift the confidentiality of the data has been obtained, the survey units shall be local units."

2. Article 4 is amended as follows:

a) In paragraph (1)(b), the following text is inserted:

"iv) The protein content of the main milk products;

v) The quantity of cow's milk produced by agricultural holdings on a regional basis (territorial unit NUTS 2) according to the most appropriate measuring or estimating method for guaranteeing the reliability of the data."

vi) The quantities of the main milk products reused by the sector.

b) paragraph 2 is deleted.

3. Article 5 is amended as follows:

a) in paragraph 2, the last sentence is replaced by the following text: "The methodological reports shall be compiled in the form of a standard questionnaire drawn up by the Commission in accordance with the procedure provided for in Article 7."

b) the following paragraph 3 is added:

"3. The Member States shall notify the Commission annually of the measuring or estimating method used to compile the data referred to in Article 4(1) and, where appropriate, of any updatings of the method used and the information required for interpreting them. The data on regional milk production and on protein in the main milk products transmitted by the Member States shall be presented in a reliable manner using generally recognised statistical methodologies".

⁴ OJ L 76, 30.3.1993, p. 1.

4. Article 6 is amended as follows:

a) the following text is added in paragraph 2:

"The Commission may disseminate confidential data on condition that this is authorised by the survey units. The Member States shall ask the survey units for the authorisation and shall inform the Commission of the response when transmitting the data to it."

b) Paragraph 3 is amended as follows:

- in subparagraph (b), the second indent is deleted.

- subparagraph (c) is replaced by the following:

"(c) in September of the year following the year of the reference date, the results referred to in Article 1(2) and in subparagraphs (b)(v) and (c) of Article 4(1)."

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2004. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President