Changes to legislation: *There are outstanding changes not yet made to Regulation (EU) No 1337/2011 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Regulation (EU) No 1337/2011 of the European Parliament and of the Council of 13 December 2011 concerning European statistics on permanent crops and repealing Council Regulation (EEC) No 357/79 and Directive 2001/109/EC of the European Parliament and of the Council (Text with EEA relevance)

REGULATION (EU) No 1337/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 December 2011

concerning European statistics on permanent crops and repealing Council Regulation (EEC) No 357/79 and Directive 2001/109/EC of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) Council Regulation (EEC) No 357/79 of 5 February 1979 on statistical surveys of areas under vines[(2)] and Directive 2001/109/EC of the European Parliament and of the Council of 19 December 2001 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees[(3)] have been amended several times. As further amendments and simplifications are now necessary, those acts should, for reasons of clarity and in accordance with the new approach to the simplification of Union legislation and better regulation, be replaced by one single act.

(2) In order to perform the task conferred upon it by the Treaty on the Functioning of the European Union (TFEU) and by Union legislation governing the common organisation of agricultural markets, the Commission needs to be kept accurately informed about the production potential of plantations of certain species of permanent crops within the Union. In order to ensure that the common agricultural policy is properly administered, the Commission requires data on permanent crops to be regularly provided on a five-year basis.

(3) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics[(4)] provides a reference framework for European statistics on permanent crops. In particular, that Regulation requires conformity with

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principles of professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost-effectiveness.

(4) It is necessary to strengthen cooperation between the authorities involved in the drawing up and the publication of European statistics.

(5) When preparing and drawing up European statistics, account should be taken of international recommendations and best practices.

(6) Structural statistics on permanent crops should be available in order to ensure that the production potential and the market situation can be monitored. In addition to the information provided in the context of the single Common Market Organisation, information on the regional breakdown of statistics is essential. The Member States should therefore be required to collect this information and send it to the Commission on certain fixed dates.

(7) Structural statistics on permanent crops are essential for the management of markets at Union level. It is also essential for structural statistics on permanent crops to be covered in addition to the annual statistics on areas and production governed by other Union legislation concerning statistics.

(8) To avoid placing an unnecessary burden on farms and administrations, thresholds should be established that exclude non-relevant entities from the basic entities in respect of which statistics on permanent crops are to be collected.

(9) To guarantee the harmonisation of data, it is necessary to clearly state the most important definitions, the reference periods and the precision requirements to be applied in the production of statistics on permanent crops.

(10) To guarantee the availability of these statistics to users within the necessary timeframe, a time schedule for transmitting the data to the Commission should be established.

(11) In accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS)[(5)], all Member State statistics transmitted to the Commission which are broken down by territorial unit are to use the NUTS classification. Consequently, in order to establish comparable regional statistics on permanent crops, the territorial units should be defined in accordance with the NUTS classification. However, since, for sound management of the wine and vine sector, other territorial breakdowns are necessary, different territorial units can be specified for that sector.

(12) Methodological and quality reports are essential in order to assess the quality of the data and to analyse the results, and such reports should therefore be provided on a regular basis.

(13) Since the objective of this Regulation, namely the establishment of a common framework for the systematic production of European statistics on permanent crops, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union.

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In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.

(14) In order to ensure a smooth transition from the regime applicable under Directive 2001/109/EC, this Regulation should allow for the granting of a derogation to Member States where the application of this Regulation to their national statistical systems would require major adaptations and would be likely to cause significant practical problems.

(15) In order to take into account economic and technical developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the breakdowns of species by groups, density classes and age classes set out in Annex I and the variables/characteristics, size classes, degree of specialisation and vine varieties set out in Annex II, except in respect of the optional nature of the required information. It is of particular importance that the Commission carry out the appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(16) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers[(6)].

(17) Regulation (EEC) No 357/79 and Directive 2001/109/EC should be repealed.

(18) In order to ensure the continuity of activities provided in the framework for European statistics on permanent crops, this Regulation should enter into force the day following its publication and apply from 1 January 2012.

(19) The Standing Committee for Agricultural Statistics has been consulted,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

1 This Regulation establishes a common framework for the systematic production of European statistics on the following permanent crops:

a dessert apple trees;
b apple trees for industrial processing;
c dessert pear trees;
d pear trees for industrial processing;
e apricot trees;
f dessert peach trees;
g peach trees for industrial processing;
h orange trees;

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i small citrus fruit trees;
j lemon trees;
k olive trees;
l vines intended for the production of table grapes;
m vines for other purposes.

2 The production of European statistics on the permanent crops referred to in points (b), (d), (g) and (l) of paragraph 1 shall be optional for the Member States.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(1) ‘permanent crop’ means a crop not grown in rotation, other than permanent grassland, which occupies the soil for a long period and yields crops over several years;

(2) ‘parcel planted’ means an agricultural parcel, as defined in point (1) of the second paragraph of Article 2 of Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector[7], planted with one of the permanent crops referred to in Article 1(1) of this Regulation;

(3) ‘planted area’ means the area of the parcels planted with a homogeneous plantation of the relevant permanent crop, rounded to the nearest 0,1 hectare (ha);

(4) ‘harvest year’ means the calendar year in which the harvest begins;

(5) ‘density’ means the number of plants by hectare;

(6) ‘usual planting period’ means the period of the year when permanent crops are usually planted starting in mid-autumn and finishing by mid-spring of the following year;

(7) ‘planting year’ means the first year where the plant has vegetative development after the day on which it is installed on its definitive production place;

(8) ‘age’ means the number of years since the planting year, which shall be considered to be year 1;

(9) ‘dessert apple tree, dessert pear tree and dessert peach tree’ means apple tree plantations, pear tree plantations and peach tree plantations, except those specifically intended for industrial processing. Where it is not possible to identify the plantations intended for industrial processing, the correspondent areas shall be included under this category;

(10) ‘vines for other purposes’ means all areas under vines to be included in the vineyard register as established under Article 3 of Commission Regulation (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the

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gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept[8];

(11) 'dual-purpose grapes' means grapes from vine varieties listed in the classification of vine varieties drawn up by Member States in accordance with Article 120a(2) to (6) of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[9] that are produced, for the same administrative unit, both as wine grape varieties and, as the case may be, as table grape varieties, varieties for the production of dried grapes or varieties for the production of wine spirits;

(12) 'combined crops' means a combination of crops occupying a parcel of land at the same time.

Article 3

Coverage

1 Statistics to be provided on permanent crops referred to under points (a) to (l) of Article 1(1) shall be representative of at least 95 % of the total planted area producing entirely or mainly for the market of each permanent crop referred to in each Member State.

2 Notwithstanding paragraph 1, Member States may exclude holdings below a threshold of 0,2 ha of each permanent crop producing entirely or mainly for the market in each Member State. If the area covered by such holdings is less than 5 % of the total planted area of the individual crop, Member States may increase that threshold provided that this does not lead to the exclusion of more than an additional 5 % of the total planted area of the individual crop.

3 The area of combined crops shall be distributed between the different crops in proportion to the area of ground they occupy.

4 The statistics on the permanent crop referred to in point (m) of Article 1(1) of this Regulation shall be provided using the data available in the vineyard register implemented in accordance with Article 185a of Regulation (EC) No 1234/2007 for all the holdings included in this register, as defined in point (a) of Article 3(1) of Regulation (EC) No 436/2009.

Article 4

Data production

1 Save where the option referred to in Article 1(2) has been exercised, Member States with a minimum planted area of 1 000 ha of each individual crop referred to in points (a) to (l) of Article 1(1) shall produce, during 2012 and every 5 years thereafter, the data referred to in Annex I.

2 Member States with a minimum planted area of 500 ha of the crop referred to in point (m) of Article 1(1) shall produce, during 2015 and every 5 years thereafter, the data referred to in Annex II.

3 In order to take into account economic and technical developments, the Commission shall be empowered to adopt delegated acts in accordance with Article 11 concerning the amendment of: