

Placing of plant protection products on the market

2006/0136(COD) - 22/09/2008 - Commission communication on Council's position

The Commission takes the view that the common position fully reflects the key elements of its initial proposal and the spirit of many of the amendments of the European Parliament made in the first reading. The Commission therefore agrees with the common position as adopted by the Council by qualified majority.

The Commission made two written statements:

1) The Commission recognises that the procedure which allows possible approval of an active substance for a maximum period of 5 years, even if it does not satisfy the listed criteria, is a derogation from the standard procedure to approve active substances. The Commission stresses that the derogation would only apply in cases where documented evidence is submitted showing that there are no other available means to control a serious danger to plant health. The approval will be decided by comitology, thus involving all Member States in the evaluation not only of the dossier on the active substance, but equally on the documentation showing that there are no alternatives. Approval which may be proposed will be subject to strict conditions, including risk mitigation measures, which would be part of the approval decision and aim at minimising exposure to humans and the environment.

2) The Commission regrets the removal of Article 152.4(b) of the Treaty from the legal basis of the proposal. One of the main aims of the proposal is to achieve a high level of human and animal health and to protect the environment. In order to allow the legislative process to move forward with a view to the timely adoption of the proposed Regulation, the Commission accepts the common position of the Council given that the substance of the compromise reached, taken as a whole, meets the objectives of the proposal. Should the European Parliament re-introduce during the second reading Article 152 as one of the legal bases of the proposal, the Commission reserves the right to accept the relevant amendment.