Brussels, 18 NOV. 2010
C/2010/ 7984

Dear President,

The European Commission thanks the Senate of the Italian Republic for its resolution on the Commission Proposal for a Regulation (EU) of the European Parliament and of the Council concerning European statistics on permanent crops {COM (2010) 249}.

The Commission notes that the Senate gave its favourable opinion on the above Commission Proposal as regards the principle of subsidiarity and sent to the Commission some comments on the principle of proportionality and the content of the Proposal.

A particular remark refers to Article 4, paragraph 4, and to Article 8, paragraph 2, which provide for delegated acts. The Senate considers that Annex I is an essential element of the proposed Regulation, and it is not in the scope of Article 290 of the Treaty on the Functioning of the European Union. In the Commission's view the essential elements of the Proposal for a Regulation concerning European statistics on permanent crops are the definition and the scope of permanent crops, the deliveries (Article 8 and 9) and the reference periods. As specified in Article 8, paragraph 1, Member States shall transmit to Eurostat the data set out in Annexes II and III. Annex I is a simple summary of the data to be transmitted and has no direct impact on the obligations of the Member States.

Concerning the comments about Article 10, paragraph 1 (Exercise of delegation - Article 10.1 proposes the delegation power conferred on the Commission "for an indeterminate period of time"), *I would like to inform you that, as it has been explained in its Communication to the European Parliament and the Council on the implementation of Article 290 of the Treaty on Functioning of the European Union (COM(2009)673), the Commission believes it is preferable not to increase the institutions' workload by introducing a binding system of short-term delegations and that delegations of power should in principle be of indefinite duration. The delegation of power of definite duration compels in practice the Commission to present a new legislative proposal when the time limit expires, which would be contrary to the very objectives of efficiency and speed that justify the use of delegated acts in the first place.*

Mr Renato Schifani
President
Senate of the Republic
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As regards the need to simplify the list of crops in Annex I, concerning the points 1, 2, 3, 4, 5, 6, this list contains the same permanent crops that are subject to mandatory data collection as per Directive 2001/109/EC, while points 2 and 4 are optional. These are the most important fruit tree species in EU and a further simplification would endanger the objective of monitoring the production potential of the permanent crops and of monitoring and managing of the markets at Union level. Furthermore, the Commission Proposal for a Regulation (EU) of the European Parliament and of the Council concerning European statistics on permanent crops represents a simplification with respect to Directive 2001/109/EC and Regulation (EEC) No 357/79, as detailed in Annexes II and III. The reduced breakdown of supply-side data by regions, varieties, density classes, age classes and the withdrawal of production classes, the possibility of limiting the scope in terms of the size of the farms producing permanent crops and the withdrawal of transmission of annual data for changes in the vineyard area for wine will simplify the work of EU and national administrations. The possibility of limiting the scope of data collection in regard to permanent crops will reduce the burden on respondents, especially micro-enterprises. Giving Member States the freedom to produce the necessary figures by using a combination of sources (surveys, but also administrative data or estimation procedures) is intended to lighten the burden on respondents – enterprises and households alike.

In conclusion, the Commission is grateful for the Senate's broadly favourable opinion and looks forward to cooperate further with the Italian Senate in the process.

Yours faithfully,