



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.3.2007
COM(2007) 129 final

2007/0051 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

concerning meat and livestock statistics

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Statistics on meat and livestock are essential for the management of the EU markets. The current legislation had become so complex that both vertical and horizontal codification was envisaged, but this did not appear to be the most efficient way towards better legislation. It was also considered essential for poultry meat statistics to be covered in addition to pig, bovine, sheep and goat meat statistics.

- **General context**

The present proposal is in line with the objectives of better legislation, simplification, and reduction of the burden on respondents.

- **Existing provisions**

The current proposal is designed to simplify the current provisions and adapt them to the new needs of the European Union. The existing legislation, Council Directive 93/23/EEC of 1 June 1993 on the statistical surveys to be carried out on pig production, Council Directive 93/24/EEC of 1 June 1993 on the statistical surveys to be carried out on bovine animal production and Council Directive 93/25/EEC of 1 June 1993 on the statistical surveys to be carried out on sheep and goat stocks, should therefore be repealed.

- **Consistency with the other policies and objectives of the Union**

The statistics concerned by this proposal are essential for the management and evaluation of the common agricultural policy.

The proposed Regulation is according to the Commission's new political approach to the simplification of legislation and better regulation as referred to in the Communications of 14 November 2006 on "a strategic review of Better Regulation in the European Union"¹ and on "reduction of the response burden, simplification and priority-setting in the field of Community statistics"². It is one of the fast track actions identified in Annex III of the Communication of 24 January 2007 on an "action programme for reducing administrative burdens in the European Union"³.

¹ Communication from the Commission to the Council, to the European Parliament, European Economic and Social Committee and the Committee of the Regions COM(2006) 689 final : "A strategic review of Better Regulation in the European Union".

² Communication from the Commission to the European Parliament and the Council "on reduction of the response burden, simplification and priority-setting in the field of Community statistics" (COM(2006) 693 final).

³ Communication from the Commission to the Council, to the European Parliament, European Economic and Social Committee and the Committee of the Regions COM(2007) 23 final : "Action Programme for Reducing Administrative Burdens in the European Union".

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

The proposal has been discussed with data producers (representatives of the National Statistical Institutes) and Commission services (DG AGRI) through Working Groups and the Standing Committee for Agricultural Statistics (SCAS).

Summary of responses and how they have been taken into account

The current proposal is the result of quite intensive negotiations between all interested parties.

- **Collection and use of expertise**

Expertise concerned

The national representatives in the meetings of DG Eurostat's Working Group "Animal Product Statistics" were experts with knowledge of the existing legislation and the national systems for collecting and compiling animal product statistics. The Commission officials included experts on policy analysis.

Main organisations/experts consulted

The experts were from the National Statistical Institutes and DG AGRI. The Standing Committee for Agriculture Statistics and its working group "Animal Statistics" were heavily involved and consulted.

Summary of advice received and used

A very positive and supportive response was noted. The existence of potentially serious risks with irreversible consequences was not mentioned.

Since the current proposal represents a major simplification of the existing legislation, no risks were identified.

Means used to make the expert advice publicly available

The working documents and minutes of the meetings of the SCAS and the working group are available through CIRCA.

- **Impact assessment**

The current proposal is a simplification of existing legislation.

No information campaign and no financial incentives were considered appropriate.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The objective of this regulation is the provision by the EU Member States of statistics on livestock (twice a year on pigs and bovine animals and every year on sheep and goats), monthly statistics on slaughterings (heads and carcass weights of pigs, bovine animals, sheep, goats and poultry), and forecasts of meat production (pig meat, bovine meat, sheep and goat meat).

- **Legal basis**

Article 285 of the Treaty establishing the European Community provides the legal basis for Community statistics. The Council, acting in accordance with the codecision procedure, adopts measures for the production of statistics where necessary for the performance of the activities of the Community. This Article sets out the requirements relating to the production of Community statistics, stating that they must conform to standards of impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality.

- **Subsidiarity principle**

The objectives of this proposal, namely the establishment of a common framework for the systematic production of Community statistics on livestock and meat production, cannot be sufficiently achieved by the Member States.

They can be better achieved at Community level on the basis of a Community legal act, because only the Commission can coordinate the necessary harmonisation of statistical information at Community level, whereas the collection of data and compilation of comparable statistics on livestock and meat production can be organised by the Member States. The Community may therefore take action to this end in accordance with the principle of subsidiary as set out in Article 5 of the Treaty.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reasons.

In accordance with the principle of proportionality, this Regulation confines itself to the minimum required to achieve its objective and does not go beyond what is necessary for that purpose. This Regulation does not specify the data collection mechanisms for each Member State, but merely defines the data to be supplied so as to ensure a harmonised structure and timing.

There is no obligation for the Member States to make any changes in their administrative systems relating to the production of meat and livestock statistics. The only new item proposed for data collection in this Regulation is for poultry, which is already being implemented at EU level under a gentleman's agreement.

The requirement for statistics instead of survey results, the reduced frequency of some data submissions and the possibility to make greater use of sources other than surveys

(e.g. administrative sources) should reduce the financial and administrative burden on national authorities.

- **Choice of instruments**

Proposed instrument: Regulation.

Other means would not be adequate for the following reasons.

The selection of the appropriate instrument depends on the legislative goal. Given the information needs at European level, the trend for Community statistics has been to use regulations rather than directives for basic acts. A regulation is preferable because it lays down the same law throughout the Community, leaving the Member States with no leeway to apply it incompletely or selectively. It is directly applicable, which means that it does not need to be transposed into national law. In contrast, directives, which aim to harmonise national laws, are binding on Member States as regards their objectives, but leave the national authorities the choice of form and methods used to achieve these objectives. They also have to be transposed into national law. The use of a regulation is in line with other statistical legal acts adopted since 1997.

4) BUDGETARY IMPLICATIONS

The proposal has no implications for the Community budget.

5) ADDITIONAL INFORMATION

- **Simplification**

The proposal provides for the simplification of legislation, the simplification of administrative procedures for public authorities (EU or national), and the simplification of administrative procedures for private parties.

The reduced breakdown of data by regions and by herd size, the reduced frequency of pig surveys, the exemptions granted to the Member States with animal populations under certain thresholds, and the harmonised transmission deadlines will simplify the work for the EU and national administrations.

The use of administrative sources instead of surveys will reduce the burden on respondents.

The proposal is included in the Commission's Work and Legislative Programme under the reference ESTAT/2007/002.

- **Repeal of existing legislation**

The adoption of the proposal will lead to the repeal of existing legislation.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
concerning meat and livestock statistics

(Text with EEA relevance)

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 Commission⁴,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁵,

Whereas:

- (1) Council Directive 93/23/EEC of 1 June 1993 on the statistical surveys to be carried out on pig production⁶, Council Directive 93/24/EEC of 1 June 1993 on the statistical surveys to be carried out on bovine animal production⁷ and Council Directive 93/25/EEC of 1 June 1993 on the statistical surveys to be carried out on sheep and goat stocks⁸ have been amended several times. Further amendments and simplifications now being necessary, these acts should, for reasons of clarity, be replaced, according to the Commission's new political approach to the simplification of Community legislation and better regulation.
- (2) In order to ensure that the common agricultural policy is properly administered, particularly where the pig meat, beef, veal, sheep meat, goat meat and poultry meat markets are concerned, the Commission requires regular data on trends in livestock and in pig meat, beef, veal, sheep meat, goat meat and poultry meat production.
- (3) Council Regulation (EEC) No 571/88 of 29 February 1988 on the organisation of Community surveys on the structure of agricultural holdings⁹ provides for a

⁴ OJ C [...], [...], p. [...]

⁵ OJ C [...], [...], p. [...]

⁶ OJ L 149, 21.6.1993, p. 1. Directive last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁷ OJ L 149, 21.6.1993, p. 5. Directive last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁸ OJ L 149, 21.6.1993, p. 10. Directive last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁹ OJ L 56, 2.3.1988, p. 1. Regulation as last amended by Commission Regulation (EC) No 204/2006 (OJ L 34, 7.2.2006, p. 3).

programme of Community surveys to provide statistics on the structure of agricultural holdings up to 2007.

- (4) 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)¹⁰, all Member States' statistics transmitted to the Commission which are broken down by territorial units should use the NUTS classification. Consequently, in order to establish comparable regional statistics, the territorial units should be defined in accordance with the NUTS classification.
- (5) In order to facilitate implementation of this Regulation, close cooperation is necessary between the Member States and the Commission and this may be achieved in particular via the Standing Committee for Agricultural Statistics set up by Council Decision 72/279/EEC¹¹.
- (6) 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 objective of the proposed action, namely the establishment of a common legal framework for the systematic production of Community statistics on meat and livestock in Member States, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may take action 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 the same Article, this Regulation does not go beyond what is necessary to achieve its objectives.
- (7) Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics¹² provides a reference framework for the provisions of this Regulation. In particular, it requires conformity to standards of impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality.
- (8) 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 Commission¹³.
- (9) In particular, powers should be conferred on the Commission to define the conditions under which it adopts the content of quality reports and adapts the Annexes. Since such measures are of general scope and are intended to amend non-essential elements of this Regulation or to supplement it by adding new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny under Article 5a of Council Decision 1999/468/EC,
- (10) The Standing Committee for Agricultural Statistics has been consulted.

¹⁰ OJ L 154, 21.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No /2007 (OJ L ,2007, p.).

¹¹ OJ L 179, 7.8.1972, p. 1.

¹² OJ L 52, 22.2.1997, p.1. Regulation as amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.1).

¹³ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2004, p. 1).

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

The purpose of this Regulation is to establish a common framework for the systematic production of Community statistics on livestock and meat production, in particular

- Statistics on pig, bovine, sheep and goat livestock;
- Slaughtering statistics on pigs, bovine animals, sheep, goats and poultry;
- Production forecasts of pig, bovine, sheep and goat meat.

Article 2

Definitions

The definitions for the purpose of the present Regulation are set out in Annex I to this Regulation.

SECTION I

Article 3

Coverage

- (1) The Member States shall produce statistics relating to the number of pigs, bovine animals, sheep and goats held on agricultural holdings within their territory.
- (2) Member States conducting sample surveys shall cover sufficient agricultural holdings to account for at least 95% of the entire population, as determined by the last survey on the structure of agricultural holdings.

Article 4

Frequency and reference period

- (1) The pig livestock statistics shall be produced twice a year, with reference to one day in May/June and one day in November/December. Those Member States whose pig population is less than 3 million head may produce these statistics only once a year, with reference to one day in November/December.
- (2) The bovine livestock statistics shall be produced twice a year, with reference to one day in May/June and one day in November/December. Those Member States whose bovine population is less than 1.5 million head may produce these statistics only once a year, with reference to one day in November/December.

- (3) The sheep livestock statistics shall be produced once a year, with reference to one day in November/December, by those Member States whose sheep population is 500 000 head or more.
- (4) The goat livestock statistics shall be produced once a year, with reference to one day in November/December, by those Member States whose goat population is 500 000 head or more.

Article 5

Categories

The livestock statistics shall be produced for the categories set out in Annex II to this Regulation.

Article 6

Precision requirements

- (1) Member States conducting sample surveys shall take the necessary steps so that the extrapolated national survey results meet the precision requirements set out in Annex III to this Regulation.
- (2) Member States may be allowed by the Commission to use sources other than surveys in duly justified cases.
- (3) In case of sources other than surveys, the Member States will ensure that the precision is at least equal to the precision required in the case of surveys.

Article 7

Transmission deadlines

- (1) Member States shall inform the Commission of the provisional statistics on livestock before:
 - 15 September of the same year for the May/June statistics;
 - 15 February of the following year for the November/December statistics.
- (2) Member States shall inform the Commission of the definitive statistics on livestock before:
 - 15 October of the same year for the May/June statistics;
 - 1 April of the following year for the November/December statistics.

Article 8

Regional statistics

The November/December statistics shall be broken down by the NUTS 2 territorial units defined in Regulation (EC) No 1059/2003. By exception they may be provided only by NUTS 1 territorial units for Germany and United Kingdom.

SECTION II

SLAUGHTERING STATISTICS

Article 9

Coverage

The Member States shall produce statistics relating to the number and carcass weight of pigs, bovine animals, sheep, goats and poultry slaughtered in the slaughterhouses on their territory, the meat of which is deemed fit for human consumption. They shall also supply estimates of slaughterings outside slaughterhouses, so that the statistics include all the pigs, bovine animals, sheep, goats and poultry slaughtered on their territory.

Article 10

Frequency and reference period

- (1) The statistics on slaughtering in slaughterhouses shall be produced monthly by each Member State. The reference period shall be the calendar month.
- (2) The statistics on slaughtering outside slaughterhouses shall be produced yearly by each Member State. The reference period shall be the calendar year.

Article 11

Categories

The slaughtering statistics shall be produced for the categories set out in Annex IV to this Regulation.

Article 12

Transmission deadlines

Member States shall inform the Commission of the slaughtering statistics within 60 days following the reference period.

SECTION III

MEAT PRODUCTION FORECASTS

Article 13

Coverage

The Member States shall use the statistics mentioned in Section I and II, and other available information, to produce forecasts of their supply of pigs, bovine animals, sheep and goats. This supply shall be expressed as the gross indigenous production, which corresponds to the number of pigs, bovine animals, sheep and goats slaughtered plus the balance of intra-Community and external trade in live animals of these species.

Article 14

Frequency and reference period

- (1) The forecasts for pig and bovine animals shall be produced twice a year by each Member State.
- (2) The forecasts for sheep shall be produced once a year by those Member States whose sheep population is 500 000 head or more.
- (3) The forecasts for goats shall be produced once a year by those Member States whose goat population is 500 000 head or more.
- (4) The forecasts shall cover four quarters for pigs, three semesters for bovine animals and two semesters for sheep and goats.

Article 15

Categories

The forecasts shall be produced for the categories set out in Annex V to this Regulation.

Article 16

Transmission deadlines

Member States shall inform the Commission of the meat production forecasts before:

- 15 February for forecasts from January to the end of the fourth quarter of the current year for pigs, to the end of the first semester of the following year for bovine animals and to the end of the second semester of the current year for sheep and goats;

- 15 September for forecasts from July of the current year to the end of the second quarter of the following year for pigs and to the end of the second semester of the following year for bovine animals.

SECTION IV

GENERAL PROVISIONS

Article 17

Reports

- (1) The Member States shall inform the Commission of any methodological or other change which would considerably influence the statistics. This shall be done not later than three months after this change enters into force.
- (2) Member States shall provide the Commission every 3 years, and for the first time twelve months after the adoption of the current Regulation, with quality reports on livestock statistics, slaughtering statistics and meat production forecasts. The content of those quality reports shall be defined by the Commission in accordance with the procedure referred to in Article 19(2).
- (3) Consideration shall be given to the principle that additional costs and burdens remain within reasonable limits.

Article 18

Implementing measures

- (1) The following measures necessary for implementation of this Regulation shall be taken in accordance with the procedure referred to in Article 19(2):
 - (a) definition of the content of quality reports to be provided by Member States (Article 17(2));
 - (b) modifications of the Annexes.
- (2) Consideration shall be given to the principle that the benefits of updating must outweigh its costs, and to the principle that additional costs and burdens remain within reasonable limits.

Article 19

Committee procedure

- (1) The Commission shall be assisted by the Standing Committee for Agricultural Statistics established by Article 1 of Council Decision 72/279/EEC.

- (2) 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.

Article 20

Repeal

- (1) Council Directives 93/23/EEC, 93/24/EEC and 93/25/EEC are repealed.
- (2) References made to the repealed Directives shall be construed as being made to this Regulation.

Article 21

Entry into force

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

It shall apply from 1 January 2008.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

Definitions

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

- (a) 'agricultural holding' as defined in Council Regulation (EEC) No 571/88;
- (b) 'sample survey' as defined in Council Regulation (EEC) No 571/88;
- (c) the term 'pig' means domestic animals of the species *Sus*;
- (d) the term 'bovine animals' means domestic animals of the species *Bos taurus*, *Bubalus bubalus* and *Beefalo*;
- (e) categories of bovine animals:

| | Annex II | Annexes IV and V |
|------------------------------|--|---|
| <u>Calves</u> | | Bovine animals of not more than 300 kg live weight and not yet having permanent teeth |
| <u>Calves for slaughter</u> | Bovine animals less than one year old for slaughter as calves | |
| <u>Bulls</u> | | Non-castrated male bovines not included under calves |
| <u>Bullocks</u> | | Castrated male bovines not included under calves |
| <u>Heifers</u> | Female bovines aged two years or more that have not yet calved | Female bovines that have not yet calved not included under calves |
| <u>Heifers for slaughter</u> | Heifers raised for meat production | |
| <u>Other heifers</u> | Heifers raised for breeding and intended to replace dairy or other cows | |
| <u>Cows</u> | Female bovines that have calved (including any aged less than two years) | Female bovines that have calved |

| | | |
|-------------------|---|--|
| <u>Dairy cows</u> | Cows kept exclusively or principally for the production of milk for human consumption and/or dairy produce, including cows for slaughter (whether fattened or not between last lactation and slaughter) | |
| <u>Other cows</u> | Cows other than dairy cows, possibly including any draught cows | |

(f) the term 'sheep' means domestic animals of the species *Ovis*;

(g) categories of sheep:

Ewes and ewe lambs put to the ram: females of the ovine species which have already lambed at least once as well as those which have been put to the ram for the first time.

Milk ewes: ewes which are kept exclusively or principally to produce milk for human consumption and/or for processing into dairy products. This includes cast milk sheep (whether fattened or not between their last lactation and slaughtering).

Other ewes: ewes other than milk ewes.

Lambs: male or female sheep under 12 months old.

(h) the term 'goats' means domestic animals of the species *Capra*;

(i) the term 'poultry' means domestic birds of the species *Gallus domesticus* (chickens), *Meleagris* (turkeys), *Anas* (ducks) and *Anser anser dom* (geese), among others. Other poultry may for example include domestic birds of the species *Coturnix* (quails), *Phasianus* (pheasants), *Numida meleagris dom* (guinea-fowl), *Colombinae* (pigeons), and *Struthio camelus* (ostriches). Birds raised in confinement for hunting purposes and not for producing meat are not included here;

(j) the term 'carcass' means the body of an animal after slaughter and dressing;

(k) the term "carcass weight":

– for pigs is the weight of the slaughtered pig's cold body, either whole or divided in half along the mid-line, after being bled and eviscerated and after removal of the tongue, bristles, hooves, genitalia, flare fat, kidneys and diaphragm;

– for bovines is the weight of the slaughtered animal's cold body after being skinned, bled and eviscerated, and after removal of the external genitalia, the

limbs at the carpus and tarsus, the head, the tail, the kidneys and kidney fats, and the udder;

- for sheep and goats is the weight of the slaughtered animal's cold body after having been bled, skinned and eviscerated, and after removal of the head (severed at the atlanto-occipital joint), of the feet (severed at the carpo-metacarpal or tarsometatarsal joints), of the tail (severed between the sixth and seventh caudal vertebrae) and of the genital organs (including udder);
- for poultry is the weight of the cold body of the slaughtered bird after being bled, plucked and eviscerated. It includes poultry offal, with the exception of foie gras.
 - (1) the term 'slaughterhouse' means an officially registered and approved establishment used for slaughtering and dressing animals of which the meat is intended for human consumption.

ANNEX II

Categories applying to livestock statistics

Pigs:

piglets with a live weight of less than 20 kg

pigs with a live weight of 20 kg or more but less than 50 kg

fattening pigs, including cull boars and cull sows with a live weight:

of 50 kg or more but less than 80 kg

of 80 kg or more but less than 110 kg

of 110 kg or more

breeding pigs with a live weight of 50 kg and higher:

boars

covered sows, of which:

sows covered for the first time

other sows, of which:

gilts not yet covered

Bovine animals:

bovine animals less than 1 year old:

calves for slaughter

other:

male

female

bovine animals aged between 1 and 2 years:

male

female:

animals for slaughter

other

bovine animals of 2 years and over:

male

female:

heifers:

heifers for slaughter

other

cows:

dairy cows

other

buffaloes:

female breeding buffaloes

other buffaloes

Sheep:

ewes and ewe lambs put to the ram:

milk ewes and milk ewe lambs put to the ram

other ewes and ewe lambs put to the ram

other sheep

Goats:

goats which have already kidded and goats which have been mated:

goats which have already kidded

goats mated for the first time

other goats

ANNEX III

Precision requirements

In the case of livestock surveys, the sampling errors for the results of each Member State shall not exceed (with a confidence interval of 68%):

- a) 2% of the total number of pigs (5% where the pig population is less than 1 000 000 head);
- b) 1% of the total number of bovine animals (5% where the bovine population is less than 1 000 000 head);
- c) 1.5 % of the total number of cows (5% where the cow population is less than 500 000 head);
- d) 2% of the total number of sheep and of goats (5% where the sheep and the goat population is less than 1 000 000 head).

ANNEX IV

Categories applying to slaughtering statistics

Pigs: no breakdown

Bovine animals:

calves

heifers

cows

bulls

bullocks

Sheep:

lambs

others

Goats: no breakdown

Poultry:

chickens

turkeys

ducks

ANNEX V

Categories applying to meat production forecasts

Pigs: no breakdown

Bovine animals:

calves

heifers

cows

bulls and bullocks

Sheep: no breakdown

Goats: no breakdown