



COMMISSION OF THE EUROPEAN COMMUNITIES

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95/0234 (CNS)

Proposal for a

COUNCIL DIRECTIVE

on statistical surveys of milk and milk products

(presented by the Commission)

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EXPLANATORY MEMORANDUM

The Directive in force concerning milk and milk product statistics dates back to 1972 and has therefore been implemented for 22 years. The provisions of the Directive aim to provide the Commission, at regular intervals, with reliable data on changes in the production of milk and its use. These data constitute an important basis for the Common Agricultural Policy and in particular for the management of the market in milk and milk products. In the course of time, there have been numerous developments in this particularly dynamic and important agricultural and industrial field. It therefore follows that certain adjustments also have to be made to the statistics for them better to answer their purpose. In the interest of transparency, it was considered preferable to propose a new directive with an entirely new, better structured text instead of amending the existing text yet again. In particular, the new text is characterised by the mitigation of certain obligations - in exchange for greater accuracy and stringency in terms of others which are judged more important - and by increased flexibility. Unlike the existing Directive, it will allow greater account to be taken of individual situations and possibilities in the various Member States.

The greatest changes in relation to the existing Directive concern the abolition of weekly surveys, the breakdown of collection by Member State, the redefinition of the scope of the surveys and the new coverage of the milk protein content of milk products. Thus, the weekly statistics have been abolished in return for stricter compliance with the deadlines for, and greater reliability of, the monthly and annual statistics. The monthly and annual data on collection beyond national borders are broken down by the country in which collection takes place. This information will enable Eurostat to compile a "Delivery" series by Member State in addition to the "Collection" series. Where the scope of the surveys is concerned, explicit definitions of dairies and producers are given in order better to correspond to the current milk quotas policy; greater flexibility has been introduced for the surveys to be conducted on agricultural holdings in order to take account of the very large number of these in some countries. Lastly, the growing importance of milk protein in the process of producing milk products dictates the need to obtain data on this subject. After a three-year trial period, a report will be submitted to the Council which, if the conditions are met, will require this new item of data to be included in the national questionnaires.

The draft Directive satisfies the principles on which the European Statistical System has been organised: the Member States collect and assess the data and organise the surveys at national level, whilst the Commission is responsible for the collection, coordination and harmonisation of the statistical data at European level and ensures the necessary harmonisation of methodologies for the implementation of Community policies.

Proposal for a

COUNCIL DIRECTIVE

on statistical surveys of milk and milk products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission (1);

Having regard to the Opinion of the European Parliament (2);

Whereas Council Directive 72/280/EEC of 31 July 1972 on the statistical surveys to be made by the Member States on milk and milk products (3) has been amended on several occasions; whereas, in the light of new amendments, it is in the interest of transparency to reformulate the provisions of the said Directive;

Whereas in order to carry out its duties under the Treaty and under Community provisions on the common organization of the market in milk and milk products the Commission needs precise information about the production and use of milk and regular, accurate, short-term information about the delivery of milk to enterprises which treat or process milk and about the production of milk products in the Member States of the Community;

Whereas surveys on the production and use of milk on the farm should be conducted in accordance with uniform criteria and in greater detail, and monthly surveys should be made in all Member States in the enterprises which process milk;

Whereas, in order to obtain comparable results, common criteria should be fixed as regards the scope of the survey, the characteristics to be noted and the survey procedure;

Whereas experience acquired in implementing the previous rules has shown that it would be useful to simplify the provisions, in particular by abolishing the requirement to provide weekly results;

Whereas, in order to manage the Common Agricultural Policy effectively, and particularly the market for milk and milk products, the Commission must receive reliable data on production and activity in this sector, regularly and within appropriate deadlines;

Whereas the growing importance of the milk-protein content of milk products urgently requires the availability of relevant information;

(1) OJ N° C...

(2) OJ N° C...

(3) OJ N° L179, 7.8.1972, p.2. Directive last amended by the Act of Accession of Austria, Finland and Sweden.

Whereas, in order to facilitate implementation of the provisions of this Directive, it is appropriate to continue the close cooperation between the Member States and the Commission, particularly in the Standing Committee for Agricultural Statistics established by Decision 72/279/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Member States:

1. shall survey the statistical units specified in Article 2 for the data specified in Article 4, and shall inform the Commission of the monthly, annual and triennial results;
2. a) shall carry out annual surveys of the production of milk and its use among agricultural holdings as defined in accordance with the procedure laid down in Article 7.
b) Member States may use data from other official sources. In such cases, they shall inform the Commission, in accordance with Article 5 (4).

Article 2

The surveys mentioned in Article 1 (1) shall cover:

1. Enterprises or agricultural holdings which purchase whole milk or, in certain cases, milk products, either directly from agricultural holdings or from the enterprises referred to in point 2, with a view to transforming it [them] into milk products;
2. Enterprises which collect milk or cream in order to transfer it in whole or in part, without any processing, to the enterprises referred to in point 1; Member States shall take all measures necessary to prevent duplication of results.

Article 3

1. For the purpose of this Directive, "milk" means the milk of cows, ewes, goats and buffaloes. The monthly surveys provided for in Article 4 (1) shall cover only milk from cows.
2. The list of milk products covered by the survey shall be adopted in accordance with the procedure laid down in Article 7. This list may be amended in accordance with the same procedure.
3. The standard definitions of the units of measurement to be used for communicating the results for the various products shall be drawn up in accordance with the procedure laid down in Article 7.

Article 4

The surveys referred to in Article 1 (1) must permit at least the information mentioned in points 1 to 3 below to be provided. The questionnaire must be compiled in such a way as to avoid duplication.

The information shall relate to:

1. **monthly:**
 - a) the quantity and fat content of the milk and cream collected and the protein content of the cows' milk collected; this information shall be broken down according to the country in which the products are collected;
 - b) the quantity of certain fresh milk products processed and available for delivery and of certain manufactured dairy products;
2. **annually:**
 - a) the quantity, fat content and protein content of the available milk and cream;
 - b) information on the cows' milk collected shall be broken down according to the country in which collection takes place;
 - c) the quantity of fresh milk products which have been processed and which are available for delivery to the consumer, and of other manufactured dairy products, broken down by type;
 - d) the quantity of milk fat contained in the milk products;
 - e) the use of raw materials in the form of whole milk and skimmed milk;
 - f) the quantity of milk proteins contained in the milk products;
3. **triennially (as from 31 December 1997):**

the number of the survey units mentioned in Article 2, broken down by size class.

The surveys and/or the official sources referred to in Article 1 (2), must enable at least the annual data on the availability and uses of milk on the agricultural holdings to be provided.

Article 5

1. Without prejudice to the second paragraph, the surveys mentioned in Article 1 (1) shall be exhaustive in the case of dairies accounting for at least 98% of the milk collected by the Member State, the balance to be estimated on the basis of representative samples or using other sources.

In Member States with more than 2 000 dairies, the monthly surveys mentioned in Article 4 (1) may take the form of sample surveys, in which case the sampling error may not exceed 1% of total national collection (with a confidence interval of 68%).
2. The surveys mentioned in Article 1 (2) (a) shall take the form of representative sample surveys, in which case the sampling error may not exceed 1% of the total national production.
3. In cases where it is difficult to obtain the data referred to in Article 4 (2) (f), the Member States may estimate the data using technical coefficients.
4. The Member States shall take all measures necessary to obtain comprehensive and sufficiently accurate results. They shall forward to the Commission all information enabling the accuracy of the results transmitted to be assessed, in particular :
 - a) the questionnaires used;

- b) the precautions taken to avoid double counting;
- c) the methods used for transposing the data obtained from the questionnaires to Community tables.

Article 6

1. Tables for the transmission of data shall be prepared in accordance with the procedure laid down in Article 7.
These tables may be amended in accordance with the same procedure.
2. The Member States shall transmit the results referred to in paragraph 3, including data which are deemed confidential under national legislation or rules applied with regard to statistical confidentiality, in accordance with the provisions of Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities ⁽⁴⁾.
3. The Member States shall send to the Commission as soon as possible after summarising the information, and at the latest:
 - a) forty-five days after the end of the return month, the monthly results referred to in Article 4 (1);
 - b) in April of the year following the return year:
 - the annual results referred to in Article 4 (2) (a) to (d);
 - the results of the surveys referred to in Article 1 (2);
 - c) in June of the year following the return year, the annual results referred to in Article 4 (2) (e) and (f);
 - d) in September of the year following the year of the return date, the results referred to in Article 4 (3).
4. The Commission shall collate the information sent by the Member States and notify them of the overall results.

Article 7

1. Where the procedure laid down in the present Article is to be followed, the Chairman of the Standing Committee for Agricultural Statistics (hereafter called "the Committee") established by Council Decision of 31 July 1972 shall refer the matter to the Committee, either on his own initiative or at the request of a representative of a Member State.
2. The Committee is composed of the representatives of the Member States and chaired by the representative of the Commission.

(4) OJ N° L 151, 15.6.1990, p.1.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in the above-mentioned Article. The Chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.

In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

Article 8

No later than 31 December 1998, the Commission shall submit to the Council a report on experience acquired in implementing the current Directive, with particular reference to the collection of data on milk protein. The Commission shall avail itself of this opportunity to propose such amendments as it considers necessary.

Article 9

1. Directive 72/280/EEC shall be repealed as from 1.1.1996.
2. The references to the repealed Directive shall be construed as referring to this Directive.

Article 10

The Member States shall adopt the legal, regulatory and administrative provisions necessary to comply with this Directive by 1.1.1996.

When these provisions are adopted by the Member States, they shall contain a reference to this Directive or shall be accompanied by such a reference at the time of their official publication. The procedure for making such reference shall be adopted by the Member States.

Article 11

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 12

This Directive is addressed to the Member States.

Done at _____, _____.

**For the Council
The President**

ANNEX

TABLE OF CORRESPONDENCE

<u>Current Directive</u>	<u>Directive 72/280/EEC</u>
Art. 1 point 1	Art. 1 point 1 a)
point 2 a)	point 1 b)
-	point 2
Art. 2 -	Art. 2 point 1
-	point 2
point 1	-
point 2	point 3
Art.3	Art. 3
Art. 4 first indent	Art. 4 first indent
-	point 1
point 1 a)	point 2 a)
b)	b)
-	c)
point 2 a) et b)	point 3 a)
c)	b)
-	c)
d)	-
e)	-
f)	-
point 3	point 4
Art. 5 paragraph 1, first indent	Art. 5 paragraph 1, first indent
second indent	-
paragraph 2	-
paragraph 3	-
paragraph 4	paragraph 2
Art. 6 paragraph 1	Art. 6 paragraph 1
paragraph 2	-
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Art. 7	Art. 7
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Article 8	-
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Article 12	Article 9

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DOCUMENTS

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