



Mr. Miko
Deputy Director General for Directorate on Health and Food Safety
B-1049 Brussels
Belgium

Brussels, 21 March 2017

Re: Open letter on implementation of the Sustainable Use Directive on pesticides

Dear Mrs Colombo, Dr Mr Miko

On this very second day of the Pesticide Action Week, which is being promoted around the world each year from 20-30 March, I am allowing myself to write to you on behalf of Pesticide Action Network (PAN) Europe, in order to contribute to ensuring a full implementation of the Sustainable Use Directive on pesticides (SUD). We are pleased to learn that DG SANTE has sent out a questionnaire with replies to be sent back from Member States by the end February 2017, and with the report to be published in May 2017. As a contribution to the report, we kindly inform you that:

- PAN Europe proposed national actions to Member States and the European Commission in 2010 to comply with the SUD (1)
- PAN Europe has evaluated the National Action Plans that the Member States have been sending in 2013 (2)

The main conclusion is that there is a serious lack of implementation of the SUD. Our Press Release highlighting the two years' anniversary of the delay in European Commission's report on SUD implementation indicates that so far only two Member States (MSs) - Denmark and France - have set overall quantitative reduction targets and timetables despite the legal requirements to do so according to article 4.2. Only the Danish pesticide reduction plan aiming at a 40% reduction of the "pesticide load" in 2015 compared to 2011 seems to have been fulfilled (3), while the French pesticide reduction plan remains unfulfilled (4) and the timetable has been moved back seven years in this country. This means that the large majority of MSs are not complying with the SUD, as often the MSs say that SUD is being implementing through other EU policies (Water Frame Work Directive, Regulation on maximum residue levels..), while few new actions specifically relating to the SUD are being proposed.

As Member States according to article 4.2 of the SUD are meant to adjust their NAPs after five years, which is now, we asked PAN Europe's members for a reaction of the current situation. Here is a few of our members' replies:

In Portugal, the list of pesticides with criteria for use no longer exists. Before SUD, pesticides were categorized as recommended, complementary and prohibited. Now, after SUD, all pesticides can be used at the same level, there is no motivation to use some products instead of others or to reduce the use according to IPM principles. This happened in the first place, due to an inadequate transposition of the directive to the national law and secondly due to insufficient enforcement mechanisms and resources.

In Germany, the scope to reduce dependency on the use of pesticides (see DIRECTIVE 2009/128/EC Article 4) is not even mentioned in the goals of the German National Action Plan. Some NAP goals

could be constructive – e.g. the target to increase the proportion of organic farming area to 20% - but as a time frame had not been set, the goal remains ineffective. Measures or at least a strategy to secure the reduction of pesticide use or risks in specific areas as laid down in Article 12 of the SUD are still lacking while the contamination of water resources and the decline of biodiversity continue. Though Member States may recover the costs associated with any work pursuant to obligations under the SUD (Article 19), Germany still does not implement financial instruments like pesticide taxation or pesticide levies which would not only have a financing effect but could also entail a positive steering function in the direction of the SUD's goal to reduce the risks and impacts of pesticide use on human health and the environment and promoting the use of integrated pest management and of alternative approaches or techniques such as non-chemical alternatives to pesticides (Article 1).

It is also worth mentioning that a number of researchers are critical about the implementation of the SUD in France. The most recent is a group of French researchers who conclude (5): *We found no evidence of a decrease in pesticide sales at national level between 2008 and 2013. Similarly, pesticide use did not decrease for most arable crops between 2006 and 2014 in France... Our results thus suggest that the actions undertaken within the Ecophyto 2018 policy were not successful, and this policy should be revised. An international assessment of modes of action for decreasing pesticide use, and their impacts, would facilitate the design of effective public policies in this domain.* At the same time an increasing amount of research showing that farmers can seriously reduce pesticide use without any consequences on profitability (6).

It is a fact that the annual sale statistics that Eurostat has been collecting since 2011 have raised from 381.261 tonnes of active ingredient in 2011, which was the year where Member States should convert Directive 2009/128/EC into national law (art. 23), to 395.768 tonnes of active ingredient in 2014, which was the year in which all professional users as from 1 January were meant to apply the general principles of IPM as set out in Annex III (article 14.4). It is obvious that MSs have failed in implementing the SUD.

We also believe that the European Commission has failed implementing the SUD so far, and we were really pleased to hear Mrs Colombo saying, during the 5th symposium on the SUD, that DG SANTE considers the SUD as an important dossier which will be given a priority.

PAN Europe recently received a letter from DG AGRI specifying: *the SUPD is already now part of the scope of the Farm Advisory System (FAS) pursuant to Regulation (EU No 1306/2013. This means that, subject to the possible adaptations by Member States provided for in this Regulation, farmers are entitled to ask and receive advice from the FAS on all the provisions of the SUPD relevant to them, in particular the use of Integrated Pest Management. I see this element as a very important contribution to help implementing this Directive.'*

We therefore hope that the questionnaire which DG SANTE has been sending out to Member States has clear questions allowing the report meant for publication in May 2017 to give clear answers to following questions:

- Which kind of mandatory and voluntary measures professional users are being asked to take to comply with IPM in each of the MSs;
- How they will assist farmers technically (monitoring and advisory services, article 14.2) and financially for measures going beyond mandatory rules (appropriate incentives, article 14.5).

We hope, this will not only be included in the audits that DG SANTE, will be carrying out this year in Germany, Denmark, Netherlands, Italy Sweden and Poland, but that a more systemic analysis will be carried out in all 28 Member States.

PAN Europe welcomes the ideas of DG SANTE to establish a SUD web portal. We hope that this web portal will be used to encourage more stakeholder engagement in the future, and ask you to include our work on:

- IPM as this illustrates how article 14 of the SUD could be implemented (7).

- pesticide free towns as this shows how article 12 of the SUD is being implemented (8).
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Soon we hope to publish an overview of differentiated pesticide taxes linked to actual environmental and health hazard, as this so far seems to have been the most successful tool to ensure implementation, and will help to give more attention to recital 4 of the SUD (9).

To ensure serious implementation we also call for that the European Commission in collaboration with MSs to proceed on the following files which should both have been ready in 2012: the guidance document on environment and health monitoring and surveillance as foreseen in article 7.3 of the SUD; as well as defining European penalties for infringements, as foreseen in article 17 of the SUD. Finally, PAN Europe calls on the European Commission to provide an EU road map with clear deadlines, actions and penalties to help serious implementation of the SUD, to catch up on some of the delay in implementation, assisting the Member States in adjusting their NAPs after five years as foreseen in article 4.2 of the SUD.

We are of course at your disposal to discuss these ideas in more details.

Looking forward to hearing from you.

Yours sincerely,

Henriette Christensen,
Senior Policy Adviser,
Pesticide Action Network (PAN) Europe

Notes:

- (1) <http://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/nap-best-practice.pdf>
- (2) <http://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/pane-2013-reducing-pesticide-use-across-the-eu.pdf>
- (3) http://www.altinget.dk/miljoe/artikel/landbrugets-pesticid-belastning-falder-markant?ref=newsletter&refid=22307&SNSubscribed=true&utm_source=Nyhedsbrev&utm_medium=e-mail&utm_campaign=miljoe.
- (4) Thomas Böcker and Robert (2016) Finger European Pesticide Tax Schemes in Comparison: An Analysis of Experiences and Developments, Sustainability 2016, 8, 378
- (5) Laure Hossard, Laurence Guichard, Céline Pelosi, David Makowski (2017) Lack of evidence for a decrease in synthetic pesticide use on the main arable crops in France, Science of the Total Environment 575 (2017) 152–161
- (6) Lechenet et al. 2017; Reducing pesticide use while preserving crop productivity and profitability on arable farms Jacquet et al. 2011, An economic analysis of the possibility of reducing pesticides in French fields crops. Ecological Economics 70: 1638).
- (7) <http://www.low-impact-farming.info/what-ipm>
- (8) <http://www.pesticide-free-towns.info/policy-strategies>
- (9) <http://www.pan-europe.info/press-releases/2016/12/ec-over-2-years-late-delivering-mandated-report-implementation-sudp>