

Disclaimer: all text in black pertains to the European Council draft; all text in xxx and in blue pertains to proposals put forth by Pesticide Action Network (PAN) Europe

First Draft for COUNCIL CONCLUSIONS on the
REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL on the experience gained by Member States on the implementation
of national targets established in their National Action Plans and on progress in the
implementation of Directive 2009/128/EC on the sustainable use of pesticides.

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:

- The communication from the Commission of 11 December 2019 „The European Green Deal“¹;
- The communication from the Commission of 20 May 2020 to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system“²;
- The communication from the Commission of 20 May 2020 to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “EU Biodiversity Strategy for 2030, Bringing nature back to our lives“³;
- Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides;⁴

1. WELCOMES the report from the Commission to the European Parliament and the Council on the experience gained by Member States on the implementation of national targets established in their National Action Plans and on progress in the implementation of Directive 2009/128/EC on the sustainable use of pesticides (SUD).

1a. IS AWARE that this report should have been published 2 years ago in accordance with Article 4.3 of the Sustainable Use of Pesticides (SUD) and REGRETS this delay which contributes to undermine public confidence in the operation of the European Union:

1b. RECALLS that Member States revised National Action Plans (NAPs) which were to form the basis for the report were largely not delivered on time and were of insufficient quality to facilitate its preparation.

1c. REGRETS that this delay has hindered progress on the implementation of the directive and RECOGNISES the delayed progress towards the sustainable use of pesticides.

2. AGREES with the Commission, that the EU pesticide legislation provides for one of the most stringent systems in the world for authorising and controlling the use of

¹ COM(2019) 640 final

² COM(2020) 381 final

³ COM(2020) 380 final

⁴ ABI. L. 309, 24.11.2009 p.71

pesticides and **RECOGNISES** that this legislation is an important element in achieving a high international reputation for EU food production WHICH cannot be reached when Member States keep on allowing a huge number of derogations also on hazardous pesticides.

Implementation of the Directive and National Action Plans

~~3. SUPPORTS the concept of National Action Plans, which contributes to the implementation of the SUD, but STRESSES that it should be taken into account that Member States (MS) were not starting from the same position with regard to the structures in place and existing requirements, proving it to be difficult for some MS to achieve all objectives in the initial plan period.~~

3. RECOGNISES and SUPPORTS the central position of National Action Plans within the SUD but NOTES that, notwithstanding the various starting points regarding the structures in place in various Member States (MS) to aid the development of NAPs, the initial plans did not, generally, sufficiently lay down the basis for the achievement of the objectives established by the legislation.

~~4. REAFFIRMS that it is very important to take the variation in agriculture and farm structure across the EU better into account and recognise the challenges the Member States are facing based on their particular circumstances when considering the implementation of the SUD.~~

4. REAFFIRMS that Member States, in drawing up and implementing NAPs, faced differing challenges depending on their circumstances and RECOGNISES that NAPs facilitate emphasis on addressing these circumstances, where the initial NAPs had weaknesses the revised NAPs should be more complete.

~~5. REMINDS that the findings of the Commission on the National Action Plans do not give a complete overview of all measures and policies in MS concerning the sustainable use of plant protection products (PPPs), reducing risks and the application of the principles of IPM but STRESSES that often additional policies and measures, strongly related to the SUD, should also be taken into account.~~

5. TAKES very serious note of the findings of the Commission on the NAPs including the various omissions in content; RECOGNISES that the majority of NAP lacked both clear overall reduction targets while all NAPs missed clear identifications of general principles of Integrated Pest Management (IPM) and stresses that, in future, for greater coherence, all Member States should fully include all policies and measures strongly related to the SUD within the framework of their NAPs.

5a. RECOGNISES however that in the period since 2009 there has been no significant reduction in pesticide use and CALLS on the Commission to urgently investigate, in detail, the trends in pesticide use for the period 2005-2020 and to extrapolate, on their basis, on the extent to which IPM is applied in practice.

~~6. ENCOURAGES the Commission to work in good cooperation with the MS regarding the implementation of the SUD. UNDERLINES the necessity of an impact assessment, before revising the SUD against the background of the farm to fork strategy and the future common agricultural policy. RECOGNISES that article 4.3 of~~

the SUD explicitly mentioned that 'It may be accompanied, if necessary, by appropriate legislative proposals' and therefore **DO NOT CONSIDER IT NEEDED** to undertake an impact assessment, but instead consider it crucial to proceed in the implementation.

6a. Recognises that Member States are obliged to implement EU legislation in accordance with their obligations of loyal cooperation under the TREATY and **UNDERLINES** the necessity of preparing and implementing future iterations of NAPs taking both the farm to fork strategy and CAP reforms into account.

7. WELCOMES the Commission's consideration of Integrated Pest Management (IPM) as one of the cornerstones of the SUD, AGREES that IPM in general poses one of the biggest challenges of the SUD and that it needs more attention by the MS. **the great challenges and opportunities of the SUD for MS and EMPHASISES that full IPM implementation is central to sustainable agriculture.**

8. However, STRESSES that the variation in climate, agriculture and farm structure experienced in the MS, is considerable. Therefore, POINTS OUT that it may be challenging to harmonise IPM across all crops and all MS hence SUGGESTS to establish crop specific guidelines in each MS **while underlining that the principles of IPM are constant across all cropping systems.**

9. ACKNOWLEDGES the Commission's identification of low-risk PPPs, pest monitoring systems, financial supports, and non-chemical control methods as important areas in terms of improving implementation of the IPM principles and **UNDERLINES** that in practice **some** farmers already reduce the risk from **some** plant protection products through preventive, non-chemical, measures - in crop rotation, through choice of plot, tillage techniques, choice of plant variety etc. as part of normal farming practices **but RECOGNISES that such practices are insufficiently widespread and that their absence is undermining steps towards sustainable agriculture.**

~~10. STRESSES that incorporating alternative methods and technologies on farm level also requires adaptation, adequate investment and demonstration that further changing practices does not lead to an increased economic burden for farmers. In this context UNDERLINES that for an improved implementation of IPM it is necessary to put more effort in training of stakeholders and in advising farmers to consider alternatives for plant protection other than plant protection products.~~

10. STRESSES that measures such as rotations, resistant varieties, under sowing, intercropping and establishment/maintenance of non-crop vegetation for the protection and enhancement of beneficials are the basic building blocks of IPM together with monitoring, forecasting, warning systems, and mechanical, physical and natural controls followed, if required, by biological control and if subsequently necessary by chemical control. ACKNOWLEDGES that the basic measures have formed good farm practices for generations and are very familiar to farmers, making it logical to upgrade the cross-compliance rules of the CAP to also include IPM.

11. In addition, REAFFIRMS that the farmer's economic interests and the security of food production should be adequately taken into account in general, **IS AWARE that**

many farmers who have converted to IPM have not suffered any decrease in income but **RECOMMENDS** that insurance measures within the CAP be applicable for farmers converting to IPM in future in order to improve uptake.

12. POINTS OUT that translating IPM principles into controllable criteria represents a challenge for which Member States need the support of the Commission and HIGHLIGHTS that IPM is to a certain extent already part of **some of** today's farming and ~~as such difficult to measure separately.~~ **such as protected cropping and vine growing so that lessons from these sectors can be of value.**

Research and Innovation

13. RECOMMENDS targeted research and development being fostered by MS and the Commission especially in the area of IPM and UNDERLINES the importance of primary research in the area of agronomic practices (non-chemical), new methods, equipment and information systems for the transfer of knowledge and experience into practice, on measuring impacts of various cropping practices on subsequent crops and on the potential of developments in plant breeding. **However, RECOGNISES and RECOMMENDS the work in achieving IPM in the protected crops sector by, inter alia, cooperative organisations together with research as well as the work in applying IPM to vine production in several regions as models from which MS can already learn and apply. ACKNOWLEDGES that the call for research should not be used as an excuse for not making progressing on IPM as a lot of alternatives techniques are known already also regarding fruit, vegetables and arable crops.**

Harmonised risk indicators

14. RECOGNISES that the Commission has established harmonised risk indicators which have achieved broad support from the MS. However, POINTS OUT the difficulty to draw robust conclusions from them concerning how a MS is performing in relation to reducing reliance or dependence on chemical PPPs and reducing the risk associated with PPP use as required by the SUD and strongly RECOMMENDS to consider further work in this area **towards the development of actual sectorial use indicators building further on EU Regulation no 1185/2009 on pesticide statistics. Nevertheless, UNDERSTANDS and ENCOURAGES an active approach to reducing PPP use, across all sectors of agriculture and forestry as a visible sign to society that progress is being made to deliver the sustainable use of pesticides.**

15. REAFFIRMS that the indicators must accurately reflect the risks arising from the use of PPPs by carrying greater weight of PPPs in the calculation that might have a considerable impact to health and the environment and STRESSES the relevance of a larger impact on the scores by the use of the lowest risk substances.

ACKNOWLEDGES that the Harmonised Risk Indicator 1 (HRI1) is not sufficient as indicator to measure pesticide use reductions.

Approval of Active Substances

~~16. SUPPORTS the Commission's conclusions regarding the need to accelerate the procedures for placing low-risk PPPs on the market. This should broaden the range of available low-risk substances as well as basic substances and thereby reduce~~

~~farmers' dependency on the more hazardous active substances. However, EMPHASISES that the acceleration of approvals should not result in less thorough risk assessments with regard to possible effects of substances for health and environment.~~

16. While broadly SUPPORTING the Commission's conclusions regarding the need to give priority to the procedures leading to the placing of low-risk pesticides on the market RECALLS the urgency of streamlining the authorisation process so that the cost burden is not at such a level as to drive SME out of business.

RECOMMENDS, as a matter of urgency, that low-risk and basic substances are risk assessed and risk managed in a different procedure as the one for conventional pesticides. FORESEES that this examination should broaden the range of available low-risk substances as well as basic substances and thereby reduce farmers' dependency on the more hazardous active substances. However, EMPHASISES that the acceleration of approvals should not result in less thorough and less regular risk assessments with regard to possible effects of substances for health and environment.

Better Training for Safer Food

17. HIGHLIGHTS the Better Training for Safer Food (BTSF) training courses in general as useful tools for the sharing of ideas and evaluation of attitudes across the MS and NOTES the benefits for regulators to learn what other MS are doing to address certain issues or what they are doing to develop national sustainable use of PPP strategies. CALLS on the expert group on the thematic strategy on the sustainable use of pesticides mentioned in article 18 of the SUD with the purpose of exchanges of information and best practice to be re-established, build on the original model involving representatives from national ministries of agriculture, health and environment as well as stakeholders.

SUD Working Group and SUD Web Portal

18. SUPPORTS the SUD working group as useful mechanism to share ideas and give progress reports to the Commission and the web portal that is a useful repository for information. RECOGNISES that neither training nor information exchanges are enough in reducing EU pesticide use dependency, that EU have wasted 10 years without having reduced pesticide use and therefore WELCOMES that the European Commission has put pesticide use reductions on top of a EU agenda in both the Farm to Farm and the 2030 Biodiversity Strategy, and is looking forward to integrate this objective into a number of EU policies, starting with the CAP.