



Council of the European Union  
General Secretariat

**Brussels, 26 August 2020**

**WK 8588/2020 ADD 7**

**LIMITE**

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**CONTRIBUTION**

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From:	General Secretariat of the Council
To:	Working Party on Agricultural Questions (Pesticides/Plant Protection Products)
Subject:	Report on Directive 2009/128/EC - FI comments

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Delegations will find in Annex comments from Finland on the Report on Directive 2009/128/EC.

## Finnish comments on the Commission Reports following the Council Working Party “Agricultural Questions (Pesticides) on 22 July 2020

Finland would like to thank the COM for a thorough report on the functioning of the legislation concerning the placing of plant protection products on the market (1107/2011) and on maximum residues of pesticides (396/2005). The report considers the legislation generally to be effective in protecting human health and the environment and we do agree. We find all the 16 action fields listed in the report accurate, although not all of them are easy to realize or turn into action.

We want to highlight the importance of continuing to base our authorization system for plant protection products, including the risk assessment, on good science. We want the EU system of the future to be open for new and better innovations, be they chemical or non-chemical, and to continue using crop protection to safeguard both the quality of our crops and food safety.

Finland would also like to thank the COM for the report on the National Action Plans and on the implementation of the sustainable use directive (2009/128). The COM has found that there still is great variation in the National Action Plans and in the implementation of the legislation.

### Priority actions / REFIT report

The proposal to consider better implementation of current rules and the new provisions on transparency is strongly supported. The flexibility of the legislation should be used, especially concerning the approval system for active substances. All measures to introduce flexibility should be carefully considered, be they on more flexible commenting possibilities during the risk assessment, on incentives for applicants to apply for minor uses, on extrapolation of residue data or on the use of residue data (e.g. field trials) from third countries. Situations where an application ends up in a non-renewal decision because of a too tight system should be avoided. This might lead to duplicate work if a new application is made for the same substance, or to the loss of a possibly important plant protection tool.

The report calls on the Member States to increase significantly the resources to implement all procedures under the legislation within the legal deadlines. This is in the current circumstances difficult. Other proposals are easier to support, like stressing the importance of dossier quality to make the risk assessment work more efficient. Dossier quality is the responsibility of applicants and a good dialogue between authorities and applicants is crucial for a smooth process.

### Additional measures / REFIT report

We propose not to concentrate too much on limiting the availability of chemical products, but instead to open up for new safe innovations, both chemical and non-chemical, to build a complete toolbox for the farmers.

As more resources for the risk assessment and management are difficult to obtain, the development and implementation of electronic tools to make the authorization processes more fluent should be prioritized.

Comparative assessment and candidates for substitution were never thought to be used on a large number of products or active substances. It was planned to be a complementary tool in circumstances where there already were a large variety of effective products for a certain use on the market. As the situation has evolved, many Member States do not have a large selection of products on the market for every purpose and therefore the comparative assessments hardly ever result in products not being authorised. This is no surprise, just a result of the development of the availability of products.

Concerning emergency authorisations, the problem is often that the industry is not interested in applying for products that they do not see any profit in. Finland would like to emphasize that a good dialogue with applicants for emergency authorisations can teach the applicants to seek cooperation with stakeholders in other MS. Through this cooperation, the applicant together with likeminded in other MS might be able to convince industry to apply for a normal authorisation or a mutual recognition instead, and the need for an emergency authorisation ends.

### General remarks / SUD report

The roadmap concludes that SUD should be strengthened, yet the Commission shows that the application, implementation and enforcement of current rules varies in the Member States. Efforts on better implementation of current rules are supported, but we would like to emphasize that improvement will take time as all Member States have differing backgrounds in the SUD –field. Finland would like to stress a better implementation of the current legislation, and we see that only after a thorough impact assessment would it be time for new legislation.

Finland would propose the development of new risk indicators, as the current harmonized risk indicators I and II are rough, and do not reflect the risks from the use of plant protection products well enough.

Integrated Pest Management (IPM) is an inseparable part of today's farming and as such difficult to measure separately. If measuring has to be done, it is important not to make it too difficult and too burdensome for the farmers or the administration. Finland would still like to emphasize training and education as a way of implementing IPM successfully.

### Improvement of IPM implementation / SUD report

IPM development is important, and research funding should be allocated for the purpose. It is important with funding also for not so common crops and circumstances that might be locally very significant.

In practice farmers reduce the risk from pesticides 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.

Farmers use chemical pesticides only when they are absolutely needed. However, farmers still lack tools for some crop protection problems, and on the other hand lack trust in how to take decisions in certain situations. This means treatments with pesticides might still be done, if the yield potential of the plot is high and a lot has been invested in the crop. In these cases, the risk of not treating the crop is huge compared to the cost of the treatment. These treatments are done in situations where the last possible treatment time is close, to protect the end of the growing period, of which is not yet known which risks are to be realized and which not.

Research efforts are also needed for situations where effective non-chemical control measures are not available. As an example the treatment of pollen beetle (*Meligethes aeneus*) has come to the end of the road and non-chemical means have to be found. These measures probably have to be area-specific to be effective. Farm-specific solutions are not enough. These should probably also be implemented for several years to achieve an equilibrium between pests and natural enemies.

Ad hoc issues can not be forgotten, as e.g. pest invasions, on which it should be possible to react quickly to find a cure to save the crop.