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WORKING PAPER

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INFORMATION

From:	General Secretariat of the Council
To:	Working Party on Agricultural Questions (Pesticides/Plant Protection Products)
N° prev. doc.:	ST 8238/20 + ADD 1
Subject:	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 - Examination on the draft Council Conclusions - DK comments

Delegations will find attached DK comments on the subject above.

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).

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

¹ COM(2019) 640 final

² COM(2020) 381 final

³ COM(2020) 380 final

⁴ ABl. L. 309, 24.11.2009 p.71

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. and- UNDERLINES that this is also the case for the Harmonized Risk Indicators and reduction targets proposed in the Farm to Fork strategy. It is crucial to take the different starting points and previous efforts of the Member States into account.

4. REAFFIRMS that all Member States must establish national targets and objectives according to the requirement in article 4 of the directive as well as initiatives to fulfil these targets and objectives, and HIGHLIGHTS that initiatives can include economic incentives, such as national taxes on pesticides.

Commented [MS1]: The Harmonized Risk Indicators and F2F reduction targets will similarly influence future MS initiatives on PPPs and actions undertaking in relation to the SUD. Therefore, it is important to stress that the same point applies to the F2F reduction targets in this text.

Commented [MS2]: The Council must signal its commitment to ensuring that it is committed to ensuring the establishment of national targets in all Member States as it is one of the main tools for implementing the directive. The Council should also call attention to some of the most central initiative necessary to reach the objectives in NAPs.

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.

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.

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

Integrated Pest Management

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.

8. However, STRESSES that the variation in climate, agriculture and farm structure experienced in the MS, is considerable. UNDERLINES that IPM is not easily converted into prescriptive and assessable criteria in order to determine compliance with IPM at farm level. Therefore, POINTS OUT that it may be challenging to harmonise IPM across all borders, climates, soil types, and crops and all MS hence SUGGESTS to establish crop specific guidelines in each MS.

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 farmers already reduce the risk from 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.

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.

Commented [MS3]: This is to underline the point that uniform IPM criteria can have detrimental effects when applied at the farm level. There is a risk of implementing counterproductive criteria that will create a risk of unfair penalization of Member States and individual farmers due to environmental factors outside of their control.

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

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 today's farming and as such difficult to measure separately.

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,

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.

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.~~ STRESSES that overall the substances that pose the greatest risk to public health and the environment should also have the largest impact on the scores.

16. EMPHASISES that the indicators should reflect the risks arising from the use of PPP in MS and not the quantities of PPP sold in MS, and NOTES that a primary focus on quantity rather than risk will create a harmful incentive for farmers to employ PPPs that are effective in small dosages, but pose a particularly great risk to the environment or public health.

17. ENCOURAGES the Commission to determine a baseline for the indicators that fully takes the previous steps and policies already implemented by the MS into account in order to avoid penalizing the MS that have already taken important steps to reduce the use of PPPs.

18. ENCOURAGES the Commission to change the practice of retroactively reassessing the indicator scores of MS when the approval status of active substances change, and NOTES that the indicators function as baselines and therefore are problematic to retroactively change because it provides a misleading picture of the performance of MS this year and previous years.

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.

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

Commented [MS4]: The meaning of this part of the sentence is unclear or even misleading. It seems to contradict the previous part of the sentence by advocating a larger impact on the scores by the lowest risk substance. Rather, the Council should advocate that the substances that pose the greatest risk also have the largest impact on the scores. Instead, we have suggested a new sentence that summarizes this ideal.

Commented [MS5]: The Council must stress this potentially problematic outcome of the indicators if the focus remains quantity rather than risk.

Commented [MS6]: The Council must mention the issue of baselines in order to ensure that the MS are given a fair assessment by the indicators.

Commented [MS7]: The Council must mention the issue of retroactively changing indicator scores in order to ensure that the MS are given a fair assessment by the indicators.

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.

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.