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NOTE

Origine:	Secrétariat général du Conseil
Destinataire:	Conseil
Objet:	Approche commune sur les objectifs de réduction dans le cadre d'un futur acte législatif relatif à l'utilisation durable des produits phytosanitaires

Les délégations trouveront en annexe une note sur le sujet susmentionné qui sera traitée sous "Divers" lors de la session du Conseil ("Agriculture et pêche") du 13 juin 2022.

Common approach on the reduction targets in a future legislative act on sustainable use of plant protection products**Joint non-paper by Austria, Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia**

On 21 March 2022, a joint non-paper by 12 Member States raising concerns about a draft legislative act on sustainable use of plant protection products was presented to the Council.

The Member States expressed their serious doubts regarding unofficially leaked documents, in particular with regard to the planned Proposal for Regulation on sustainable use of plant protection products and repealing Directive 2009/128/EC, its annexes and the impact assessment report. The publication of the revised EU rules on sustainable use of pesticides has since been provisionally postponed to 22 June. Given the significance of the subject matter, the reservations expressed by a number of Member States require further discussions with a view to ensuring a proportional EU-wide approach.

It is in this context that Austria, Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia would like to express their readiness to contribute further to finding tailor-made legislative solutions, aimed at linking EU ambitions regarding the shift towards sustainable food production with unique characteristics and socio-economic abilities of Member States. The following suggestions reflect the Council Conclusions on the Farm to Fork Strategy (F2F) adopted on 19 October 2020 and fully respect the principle of subsidiarity.

In order to move towards the goals of the F2F Strategy, each Member State shall contribute through its national actions to approaching by 2030 to a 50% Union-wide reduction of both the use and risk of chemical plant protection products and the use of more hazardous plant protection products compared to the average of the years 2015, 2016 and 2017.

However, it should be highlighted that the 50% reduction targets apply to the European Union as a whole. In addition, the contribution of individual Member States to achieving these targets should take into account the intensity of pesticide use in that Member State and the need for plant protection in order to maintain a sufficient level of agricultural production, guaranteeing food security. Setting the obligation to act instead of the obligation to reach the target will secure better implementation of the legislation.

To ensure the feasibility of the provisions of the future legislative proposal, Member States should be obliged to describe in their National Action Plans actions to be taken in order to contribute to approaching to the Union 2030 reduction targets. These actions should be based on sound scientific and statistical principles, taking into account, when appropriate:

- (a) Integrated Pest Management principles,
- (b) availability of economically and technically justified non-chemical measures, alternative to chemical treatment,
- (c) crop structure and expected changes in crop structure due to climate changes,
- (d) pests present in the territory of the Member State in question,
- (e) change or expected change between 2017 and 2030 in the profile of pests, such as occurrence of new pests or changes in pests' biology, or changing pest resistance status,
- (f) increase or expected increase between 2017 and 2030 in the use of chemical plant protection products to comply with requirements relating to control of invasive species or Union quarantine pests,
- (g) increase or expected increase between 2017 and 2030 in the use of chemical plant protection products to comply with import requirements of third countries,
- (h) food security needs,
- (i) reduction potential understood as a degree of reduction of the use of particular plant protection products, which will not reduce the production of individual crops,
- (j) already achieved reduction of the use or risk of chemical plant protection products, or the use of the more hazardous plant protection products, since 2011,

- (k) difference in the use of plant protection products per utilised agricultural area between the Member State in question and European Union average value,
- (l) proportion of active substances used in the total quantity that are authorised for use in organic production,
- (m) differences in the use of active substances per area unit against the same pest in organic and conventional farming,
- (n) active substances that are not used in the primary production and may cause a distortion to the statistics regarding the use and risk of plant protection products.

Food security and the competitiveness of the EU agricultural production have been facing many challenges. These challenges have been further exacerbated by Russia's war of aggression against Ukraine. It is all the more important that the Union provides stability and proportional measures to EU's farmers and consumers. As legislative provisions should be able to adapt to changing conditions, Member States should also be entitled to amend their actions, which contribute to approaching to the Union 2030 reduction targets in several cases, such as:

- (a) status of one or more of the aforementioned factors has changed, or
- (b) the need of the use of more hazardous plant protection products has increased due to lack of alternatives, or
- (c) the need of the use of plant protection products has increased due to:
 - (i) effects arising from climate change, like occurrence of new pests, changes in plant physiology, changes in pests' biology (i.e. changes in the number of generations during the growing season), changes in crop structure, or
 - (ii) changes in pests' resistance status, or
 - (iii) occurrence of invasive species or Union quarantine pests, or
 - (iv) changes in import requirements of third countries, or
 - (v) structural changes such as changes in agriculture or land management or ownership, or
 - (vi) the Member State foresees that it will not achieve national 2030 reduction target due to unpredictable reasons other than those already referred to.

It is fully understandable and justified that Member States with outermost regions, as listed in Article 349 of the Treaty on the Functioning of the European Union, may take into account the specific needs of these regions as regards the use of plant protection products when adopting their national actions, due to the particular climatic conditions and crops in these regions.

To fully ensure a level playing field within the common market, the future legislative proposal should also introduce a new calculating methodology. When calculating the contribution of Member States to approaching to the Union 2030 reduction targets, it is necessary to consider the extent of agricultural land use. An appropriate methodology is needed, which could demonstrate the results achieved so far. Additionally, the intensity of pesticide use (*environmental impact per hectare*) in Member States should be taken into consideration. Calculations should use the EU average (2015-2017) instead of the Member State as a baseline. Consequently, the weighted amount of sold pesticides per hectare should be calculated. The application of this default value would be possible if the use and risk of plant protection products were calculated for Utilized Agricultural Area.

In addition, it has to be stressed that the future legislation should not increase administrative burden on national authorities and farmers by imposing excessive obligations, which are not in line with the principle of subsidiarity.

Furthermore, the future proposal should take due account of the fact that in many Member States a large proportion of the land is covered by NATURA 2000 regime. Therefore, when proposing a possible ban on the use of plant protection products in 'sensitive areas', a relevant conditionality must be introduced. Such a possible ban could only be justified in case a negative impact of agricultural production on specific protected species or habitats is scientifically proven.

In view of the above, the European Commission is invited to consider the abovementioned proposals in order to ensure that the future legislative act on sustainable use of plant protection products adequately reflects the principle of subsidiarity, the differences between Member States and their unique characteristics in reaching the goals of the F2F Strategy.