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**NOTE**

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From: General Secretariat of the Council  
To: Council

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Subject: Concerns about draft legislative act on sustainable use of plant protection products and maintenance of an adequate plant health status in the EU  
*- Information from the Latvian delegation on behalf of the Bulgarian, Czech, Hungarian, Latvian, Lithuanian, Polish, Romanian and Slovak delegations*

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Delegations will find in Annex a note from the Latvian delegation on behalf of the Bulgarian, Czech, Hungarian, Latvian, Lithuanian, Polish, Romanian and Slovak delegations on the above-mentioned subject, to be raised under "Any other business" at the Council meeting ("Agriculture and fisheries") on 25 April 2023.

## **Concerns about draft legislative act on sustainable use of plant protection products and maintenance of an adequate plant health status in the EU**

### **Joint non-paper by Bulgaria, Czech, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia**

Plant health is very important for crop production, forests, natural areas and planted areas, natural ecosystems and biodiversity in the European Union. Protection of plants and plant products against pests is a challenging task, which is now further complicated by the globalization of trade.

In accordance with Article 17 of the Regulation (EU) 2016/2031<sup>1</sup> the Member States are obliged to take immediate phytosanitary measures to eradicate any EU quarantine organism detected in its national territory. Thus, it is important that Member States have all the necessary plant protection tools to eradicate pests, as well as ensure smooth international trade of plants and plant products. Such tools include chemical plant protection products.

Recently published Commission's Proposal for Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 (*hereafter - SUR*) proposes setting targets to reduce the use of chemical and more hazardous plant protection products by 50% by 2030, raising serious concerns about the ability of Member States to ensure good plant health regime and comply with the EU law and international obligations.

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<sup>1</sup> Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC

## 1. Without effective plant protection measures, it will not be possible to take rapid action to eradicate pests

The Commission's report on plant pests in Europe states that "*in 2020, Member States and Switzerland sent 530 notifications concerning pests detected in their territories, an increase of 20% compared to 2019*"<sup>2</sup>.

The worrying is fact that in 2021, compared to 2020, the number of different insects and mites has increased, with 23 reported by Member States, which are mostly controlled by plant protection products, as well as 14 bacteria and 9 viruses, viroids and phytoplasmas, which, after being introduced, rapidly spread by insects throughout the EU.

A well-known example is *Xylella fastidiosa* (Wells et al.) which is spreading rapidly in the European Union. It is one of the most dangerous plant bacteria, found in more than 500 plant species worldwide, causing a variety of diseases with huge economic impact on agriculture, gardens, biodiversity and the environment. *Xylella fastidiosa* has the potential of causing in the EU, an annual production loss of 5.5 billion euros, affecting 70% of the EU production value of older olive trees (over 30 years old), and 35% value of younger ones; 11% of citrus; 13% of almond and between 1-2% of grape production in a scenario of full spread across the entire EU.

Significant restrictions of the use of plant protection products and burdensome administrative procedures set out in SUR will make it difficult to use plant protection products for timely application of phytosanitary measures.

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<sup>2</sup> DG Health and Food Safety. Plant Pests in the European Union. Member States' Reporting 2020/2021. DG(SANTE) 2021-7336. European Commission 2022.

## **2. The EU will not meet the international liabilities such as compliance with the requirements of International Plant Protection Convention (IPPC)**

Under the IPPC, the EU as a Contracting Party (*EU joined the IPPC on 06.10.2005*) has undertaken obligations to recognizing the necessity for international cooperation in controlling pests of plants and plant products and in preventing their international spread, in particular, their introduction into endangered areas. According to the IPPC, in order to protect its territory from plant pests, a Contracting Party is entitled to adopt import requirements. Pests that are widespread in the EU are considered dangerous quarantine pests in many third countries.

The import rules adopted by third countries include the requirement to use plant protection products during the growing and post-harvest processing of crops, for example, treatment of citrus fruits and stone fruits against the Mediterranean fruit fly (*Ceratitis capitata*). Likewise, the EU exporters of cereals must ensure, that the grain does not contain quarantine weeds such as field pennycress (*Thlaspi arvense*), Canada goldenrod (*Solidago canadensis*), creeping thistle (*Cirsium arvense*), etc.

The EU is a significant exporter of grain, vegetables and fruit. For examples, according to Eurostat, in 2021, the EU wheat exports were 11bn EUR, two times more than the imports.

In case of dramatical and mathematical reduction of use of plant protection products, not based on plant and pest biology and without sufficient availability of alternatives, the EU exporters will fail to meet the export requirements and interception of pests in the EU products may result in total ban of the export.

## **3. Mandatory reduction targets must not jeopardize the phytosanitary status of the propagating material in the EU**

A large amount of planting material is being prepared in the EU and in order to obtain quality planting material, a certification system has been established in the EU based on Pest Risk Analysis (PRA) and European and Mediterranean Plant Protection Organization (EPPO) standards.

Planting material must meet quality requirements, and must not contain pests as defined by, e.g., Regulation (EU) 2019/2072<sup>3</sup>. This Regulation specifies measures that can be used to ensure plant compliance and prevent the presence of pests. For example, strawberry crinkle virus, transmitted by aphids, can be prevented by chemical eradication of the pest. Similarly, treatment of pine seedlings is required if the fungi *Dothistroma pini* Hulbary, *Dothistroma septosporum* (Dorogin) Morelet and *Lecanosticta acicola* (von Thümen) Sydow have been found at the place of production.

In the case of a dramatic reduction of the use of plant protection products, the Member States will not be able to maintain high standards of propagating material and meet the requirements of the EU legislation.

**In the light of concerns raised about new SUR proposal we would like the Commission to take into consideration that:**

- 1) scientifically unjustified legally binding plant protection product reduction targets shall not interfere with the ability of Member States and the EU to eradicate pests and resilience to possible outbreaks of new pests in the EU;**
- 2) new EU policy initiatives on plant protection products shall ensure that the EU exporters continue comply with international trade requirements.**

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<sup>3</sup> Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019