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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

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

– *Approval*

1. On 20 May 2020, at the same time with its Farm to Fork Strategy, the Commission adopted a Report to the European Parliament and to 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 (hereinafter '*the SUD report*').
2. The above-mentioned report is submitted pursuant to Article 4(3) and to Article 16 of Directive 2009/128/EC (*'the SUD'*) and is accompanied by a Commission Staff Working Document.

3. The SUD report was presented by the Commission to the Working Party on Agricultural Questions (Pesticides/Plant Protection Products) in an informal videoconference on 22 July 2020. On the basis of the interventions of the delegations and of their subsequent written contributions, the German Presidency proposed a draft text for Council Conclusions which were examined and discussed in three more informal videoconferences of the members of the Working Party on Agricultural Questions¹.

4. On 30 November 2020, the third revised draft text of Council Conclusions was submitted to the delegations through a silence procedure which was not broken by any delegation.

5. In light of the above, the Permanent Representatives Committee is invited to confirm the agreement on the text of the draft Council Conclusions on the Commission's SUD report set out in annex to this Note and to submit it to the Council for approval in one of its upcoming meetings.

¹ 18 September, 30 October and 27 November 2020

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 Council Conclusions of 19 October 2020 on the “Farm to Fork Strategy”³
- 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”⁴;
- The Council Conclusions of 23 October 2020 on “Biodiversity – the need for urgent action”⁵
- The Council Conclusions of 1 July 2020 on the European Court of Auditors’ Special report No 5/2020 entitled “Sustainable use of plant protection products: limited progress in measuring and reducing risks”;⁶

1 [COM\(2019\) 640 final](#)

2 [COM\(2020\) 381 final](#)

3 Doc. 12099/20

4 [COM\(2020\) 380 final](#)

5 Doc. 12210/20

6 Doc. 9334/20

- The Report from the Commission to the European Parliament and the Council on the Evaluation of Regulation (EC) No 1107/2009 on the placing of plant protection products on the market and of Regulation (EC) No 396/2005 on maximum residue levels of pesticides;⁷
- 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 systems in the world for authorising and controlling the use of pesticides and RECOGNISES that the use of plant protection products may involve risks and hazards for humans, animals and the environment;
- 2a. UNDERLINES the necessity of an impact assessment, before any revision of the SUD in light of the measures and targets envisaged in the European Green Deal and the future Common Agricultural Policy. This impact assessment should encompass not only benefits for human and animal health and the environment but also inter alia threats posed by climate changes in particular for the spread of new pests, effects on land use, competitiveness of European agriculture and family farms, food security and food safety;
(moved from para 6a)

Implementation of the Directive and National Action Plans

- 3. SUPPORTS the role of National Action Plans in the implementation of the SUD, but STRESSES that in its evaluation of the National Action Plans, the Commission should ~~be~~ take into account that Member States (MS) did not start from the same position with regard to the structures in place and existing requirements;

⁷ Doc. 8268/20 + ADD 1

4. REITERATES the importance of taking more into account the diversity of agriculture and farming practices across the EU and of recognising the challenges the Member States are facing in the development of their National Action Plans;
5. CONSIDERS 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, and STRESSES that additional policies and measures, strongly related to the SUD, should also be taken into account;
- 5a. ENCOURAGES the Member States to include in their National Action Plans measures to protect bees and other pollinators;
6. BELIEVES that a close cooperation between the Commission and the MS is key to a successful implementation of the SUD;
- 6a. [...] (*moved to para 2a*)

Integrated Pest Management

7. AGREES with the Commission's assessment that Integrated Pest Management (IPM) is one of the cornerstones and at the same time one of the biggest challenges of the SUD, requiring more attention by the MS;

8. However, STRESSES that variations in climate, agriculture and farming systems and practices among the MS are considerable. Therefore, POINTS OUT that it may not be achievable to harmonise IPM across all crops and all MS and consequently ENCOURAGES MS to establish crop specific guidelines for each MS to best fit local circumstances;
9. AGREES WITH the Commission's finding that low-risk PPPs, pest monitoring systems, financial supports, and non-chemical control methods including the use of biological control agents are important tools to improve the implementation of the IPM principles;
- 9a. UNDERLINES that farmers already reduce the risk from plant protection products through applying IPM principles (e.g. through preventive, non-chemical measures such as crop rotation, choice of plot, tillage techniques, choice of plant variety);
10. STRESSES that the introduction of alternative methods and technologies at farm level also requires adaptation and adequate investment while it should not lead to a-disproportionate 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 advisory systems to support farmers in considering alternatives to plant protection products;
11. In addition, REAFFIRMS that a fair income for farmers and food security should be adequately taken into account;
12. POINTS OUT that translating IPM principles into controllable criteria represents a challenge and CALLS ON the Commission to support MS to address this challenge;

Research and Innovation

13. RECOMMENDS further targeted research and innovation 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 including on the potential of plant breeding techniques, application equipment and information systems for the transfer of knowledge and experience into practice;
- 13a. ENCOURAGES researchers and research groups to share the results of their research to ensure their swift transition into practice and therefore EMPHASIZES the need to facilitate at the EU level the collection and dissemination of results of research projects on sustainable plant protection;

Harmonised risk indicators

14. RECOGNISES that the Commission has established harmonised risk indicators which have achieved support from the MS, as a starting point. However, POINTS OUT the difficulty to draw robust conclusions on their basis concerning the performance of a MS 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 further work in this area by taking into account previous efforts of MS;
15. REAFFIRMS that the indicators must accurately reflect the risks arising from the use of PPPs, taking into account their possible impact on health and the environment;

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 most hazardous active substances. However, EMPHASISES that the acceleration of procedures should not result in less thorough risk assessments with regard to possible effects of the corresponding substances and plant protection products on health and environment.

Better Training for Safer Food

17. HIGHLIGHTS that the Better Training for Safer Food (BTSF) training courses are useful tools for the sharing of ideas, experiences and evaluation of practices 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 strategies for sustainable use of PPPs and ENCOURAGES the Commission to reflect on broadening the themes discussed in the BTSF training courses;

SUD Working Group and SUD Web Portal

18. SUPPORTS the work conducted in the SUD working group as a useful mechanism to share practices and information on progress made in the implementation of the SUD with the Commission and HIGHLIGHTS that the SUD web portal is a useful repository for information.