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NOTE

From: Presidency

To: Permanent Representatives Committee/Council

Subject: Use of biological control agents (macro-organisms) against plant pests
- *Policy debate*

Delegations will find in Annex a Presidency background note for the policy debate on the above-mentioned subject at the Council ("Agriculture and Fisheries") meeting on 22 and 23 March 2021.

BACKGROUND NOTE ON THE**‘Use of biological control agents (macroorganisms) against plant pests’**

1. The European Green Deal, presented by the European Commission in December 2019, is a new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy. It includes key policies and measures needed to transform the EU economy and put it on a more sustainable path. The Farm to Fork strategy is at the heart of the European Green Deal. It addresses comprehensively the challenges of sustainable food systems. In particular it aims at significantly reducing the dependency, risk and use of chemical pesticides, fertilizers and antibiotics.
2. According to the European Green Deal, support should be given for investments in green technologies, sustainable solutions and new business opportunities that can leverage the transition. In that respect, plant protection has become increasingly important due to the multiplication of emerging pests and diseases, and the greater impacts of established pests and diseases as a result of globalization and movements of goods and passengers, climate change and the reduced availability of active substances on the European market.
3. The importance of plant health and the availability of effective, environmentally-friendly and safe means of combating plant pests both for consumers and users, are central issues in a common policy on protecting agriculture, forestry and the natural areas of the European Union. It is therefore important to consider alternative approaches to reduce dependency on chemicals. In that context, the use of biological control agents (BCA) as part of bioprotection is a fundamental component of Integrated Pest Management (IPM).

4. Member States are asked to promote the use of IPM or low pesticide-input pest management, the principles of which are enshrined in Directive 2009/128/EC of the European Parliament and of the Council of 21 October, laying down a framework for Community action to achieve a sustainable use of pesticides. The EU has harmonised the legal framework regarding placing on the market of plant protection products (Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October concerning the placing of plant protection products on the market). However, the EU does not have a harmonised framework for the placing on the market of macroorganisms to be used for the biological control of plant pests, which are excluded from the scope of that Regulation.
5. It is also recognised that the deliberate release into the environment of a living macroorganism in the Union territory constitutes, from a biological point of view, a potential release throughout the entire territory of the Union, given its natural or induced potential to spread. Thus any decision should therefore be supported by harmonised standards. Several international organisations, such as the European and Mediterranean Plant Protection Organization (EPPO) or the International Plant Protection Convention (IPPC), have made available international standards for the risk assessment and safe use of BCA.
6. Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spreading of invasive alien species, sets out rules to prevent, minimize and mitigate the adverse impact on biodiversity of the introduction and spread within the Union, both intentional and unintentional, of invasive alien species. This regulation does not apply either to plant pests, or to indigenous species or non-invasive alien species, and was not drawn up to regulate natural enemies, antagonists or competitors, or any other organisms used for pest control (BCA).

7. To speed up the availability of these BCA to farmers, the mutual recognition between Member States of risk assessments performed by one Member State can avoid duplication of work, as long as the relevant climatic, environmental and agricultural conditions are sufficiently similar providing also similar conditions for the BCA to thrive and adapt. This can encourage the development of new products based on BCA and safeguard the added value of the BCA in crop protection, including for the control of quarantine and regulated pests. In this sense, the Union can benefit from a harmonised approach that is applicable to the assessment and placing on the market of macroorganisms intended to act as BCA in crop protection, thereby reducing the possible risks associated with the introduction of living species into the environment and boosting the sustainable growth of this form of plant protection, encouraging research, innovation and investment. However, a harmonised approach should be fit for purpose and focus on the goal of creating opportunities for BCA use by farmers, while maintaining high standards of safety and hygiene, so no additional hurdles to market entry that do not add to the safety of humans or the environment should be imposed.

8. The presidency launched a survey to the Member States via the members of the working party of Chief Plant Health Officers, and the results were already presented and discussed at a working party on 12 February 2021. All Member States replied. The main conclusions show that whilst a number of Member States (18) have in place national legislation related to BCA, there are significant differences in approach. Only 5 Member States systematically promote the exchange of information on import requests and BCA releases with neighbouring countries. The majority of the Member States answered that they are in favour of harmonisation at EU level for the criteria to be applied on imports or release of BCA in general (17) or for phytophagous BCA only (4). In addition, a large majority (18) considered that an EU definition of bioprotection including BCA is needed to encourage the adoption of bioprotection by farmers, and to reduce the use of pesticides.

9. In this context, and in accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, and in particular paragraph 10 thereof on the application of Articles 225 and 241 of the Treaty on the Functioning of the European Union, the Presidency will propose that the Council asks the Commission to submit a study on the situation in the Union and the options regarding the import, evaluation, production and marketing of biological control agents within the territory of the Union, and to submit a proposal, if appropriate, in view of the outcomes of the study.
10. We invite ministers at the **Agriculture and Fisheries Council** meeting on 22 and 23 March 2021 to take part in the policy debate on the basis of the following questions:
- a) *Do you agree that the use of BCA should be supported and promoted as a way to reduce the use of chemical plant protection products?*
 - b) *Do you believe that harmonisation at EU level could provide an incentive to increase the availability of safe BCA as a useful alternative to chemical plant protection products?*
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