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#### NOTE

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From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB item for the meeting of the "Agriculture and Fisheries" Council of 22 and 23 September 2025 : Securing basic substances in plant protection <i>- Information from Germany, supported by Austria, Czechia, France, Hungary, Luxembourg, Slovakia and Slovenia</i>

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Germany, with the support of Austria, Czech Republic, France, Hungary, Luxembourg, Romania, Slovakia and Slovenia, would appreciate if the Commission would amend Article 23 of Regulation (EC) No 1107/2009 concerning approval criteria for basic substances with an omnibus regulation later this year.

Basic substances are currently issued approval for an unlimited period of time if not challenged. Conditions for approving a basic substance include the lack of any plant protection product available on the EU market that has the same substances as an approved active ingredient. In consequence, if a basic substance is later additionally approved as an active substance and then a plant protection product containing this active substance is then authorised for use, the basic substance can no longer be used for those initial authorised uses. This issue has occurred with sodium hydrogen carbonate, with the result that winegrowers in Austria and Germany cannot use baking soda as a basic substance, but have to rely instead on the expensive plant protection product authorised for winegrowing in both countries, one which ultimately uses the same basic substance as its active substance.

This example clearly shows the need for a reevaluation of the provisions on basic substances for plant protection and the need to create an equal playing field. Once a substance is approved as a basic substance, it should remain one. If the same substance is later approved as an active substance, then all previously approved uses of that basic substance should retain their approved status regardless of potential authorised plant protection products that use the same substance as an active substance.

This could promote innovation, as formulated plant protection products could improve the properties and/or efficacy of the active substance. This would give farmers a real choice in whether to use the cheaper basic substance in its pure form, or the potentially more expensive plant protection product with enhanced properties.

As applications for basic substances can be brought forward by public bodies, research institutions or farmer associations, ensuring long-term approval for all relevant uses would also protect these organisations' efforts and potentially better reward the financial and intellectual resources they expend in the registration. We also ask the Commission to carefully consider whether the required changes to Article 23 (1) d) of Regulation (EC) No 1107/2009 would mean that approval for a substance which is already approved as an active substance could later also be applied for as a basic substance. This may in turn harm the intellectual property of the original applicants who received approval for use of a substance as an active substance.

Substances which were first authorised as basic substances – and all of their approved uses – need to be protected. The envisioned changes to Article 23 should also serve to mend the issue of uneven approved uses of sodium hydrogen carbonate as a basic substance.