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From:	General Secretariat of the Council
To:	Working Party on Plants and Plant Health Questions (Pesticides/Plant Protection Products) Working Party on Food and Food Systems (Pesticide Residues)
Subject:	Commission Response to Council Decision (EU) 2022/2572 of 19 December 2022 requesting that the Commission submit a study complementing the impact assessment of the proposal for a regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115

Delegations will find in Annex the Letter of 5 July 2023 from the European Commission to the Minister of Foreign Affairs of Spain on the Commission Response to Council Decision (EU) 2022/2572 of 19 December 2022 requesting that the Commission submit a study complementing the impact assessment of the proposal for a regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115.

The study attached to the letter has been published under WK 9761/23 and is also available to the public on the Commission website: https://food.ec.europa.eu/plants/pesticides/sustainable-use-pesticides_en.



EUROPEAN COMMISSION

Maroš Šefčovič
Vice-President

Brussels, 05/07/2023

Dear Minister Albares,

In December 2022, the Council requested the Commission¹ to complement the impact assessment of the proposal for a Regulation on the sustainable use of plant protection products (hereinafter 'SUR proposal').

In preparing this additional input, the Commission considered a number of reports, data and studies that have been produced since the impact assessment was finalised. It also took account of recent developments in relation to alternatives to pesticides, the recent Commission non-paper on sensitive areas² and Member State contributions and submission of additional data for the analysis. The Commission would like to thank Member States for their cooperation in this regard.

This additional analysis confirms the need to reduce the use and risk of chemical pesticides in the Union. It further confirms that in the long-term the cost of inaction is higher than the cost of action. Combined with the impact assessment, this comprehensive package now reflects all evidence available to the Commission at this stage.

Mr José Manuel Albares Bueno
Minister of Foreign Affairs
Spain

¹Council Decision (EU) 2022/2572 of 19 December 2022 requesting the Commission to submit a study complementing the impact assessment of the proposal for a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 of the European Parliament and of the Council, and to propose follow up actions, if appropriate in view of the outcomes of the study (OJ L 331, 27.12.2022, p. 6).

²Commission Non-Paper on the Definition and Scope of Provisions on Sensitive Areas in the Proposal for a Regulation on the Sustainable Use of Plant Protection Products, available at https://food.ec.europa.eu/document/download/98addd16-a88a-4e9e-a654-db84e21c0da8_en?filename=pesticides_sud_sur-non-paper_en.pdf

At the same time, as already indicated in the letter of 22 March 2023, it is important to underline that the Commission does not possess fully comparable data at EU level on pesticide use broken down by area, crop or individual active substance. The study in annex also shows that there are also limitations on data regarding the impact on small and medium farms.

Based on the available data, the study concludes that:

- **The need for reduction in pesticide use and risk remains. This conclusion is not changed by the negative shorter-term impacts of the Russia's war of aggression against Ukraine.**
- **The pesticide reduction goals envisaged in the SUR proposal would not threaten food security. On the contrary, they would safeguard food security in the longer term.** Analysis shows that the crops with yields most directly affected by pesticide reductions have limited relevance for food security. Member States have great flexibility to determine how to approach pesticide reduction in ways that do not impact on food security. The restoration of nature and the protection of pollinators, partly through pesticide reduction, will help guarantee the EU's long-term food and feed security.
- **Member States have already made substantial progress** towards the targets without notable effects on yield or on food security, with the SUR proposal target 1 for 2021 showing a very significant 33% decrease at EU level in only 4 years. The Commission confirms that there is no target for individual sectors or farmers.
- **Reduced scope of restrictions in sensitive areas can help protect human health and the environment, whilst having a limited impact on agriculture.** In its non-paper of November 2022, the Commission suggested to the European Parliament and Council as an option for consideration to differentiate between agricultural and non-agricultural land. All but the more hazardous pesticides would be allowed in agriculture in ecologically sensitive areas. Low-risk pesticides and biological control would be allowed in other sensitive areas – in particular urban and public areas. Many cities in the EU are already successfully pesticide-free. Pesticide-free forestry is also widespread throughout the Union, with some limited exceptions that could be catered for during the ongoing negotiations.
- **The SUR proposal places a relatively low financial cost through administrative burden on farmers.** Nonetheless, the Commission suggests possible options for consideration on how the European Parliament and Council could reduce further this administrative burden, particularly for very small farms. Therefore, many elements and options for reducing the administrative burden and improving implementation and coherence with related policies are included in the attached study for the European Parliament and Council to consider.
- **There will be sufficient tools to achieve the SUR proposal's overall objectives given current and planned actions which aim to provide a timely transition to alternatives.** Many actions have been taken to enhance the uptake of integrated pest management which has huge potential to reduce pesticide use. Many actions have already been taken to speed up bringing alternatives to the market. Several more

actions are planned, including further actions included in this study to be taken by the Commission, as well as setting out possibilities for further action by Member States and industry to accelerate bringing alternatives to the market.

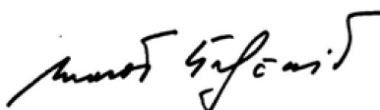
Ensuring the availability of sufficient alternatives to chemical pesticides is an issue which has been consistently raised in discussions with Member States, the European Parliament, and stakeholders. To further accelerate the transition towards lower risk active substances and biological control products, the Commission outlines possible options that co-legislators could consider in the context of the SUR negotiations, so that even more alternatives can reach farmers almost immediately. These measures contain notably:

- Setting shorter timelines for Member States to deliver draft assessment reports for new biocontrol active substances.
- Allowing provisional authorisations at Member State level for biocontrol products.
- Allowing unlimited approvals at EU level for biocontrol active substances.

The Commission will share the study attached with the European Parliament and publish it.

The Commission reiterates that the information compiled in the impact assessment and complemented with the study attached to this letter represents all existing evidence available to the Commission on the topic at this stage. The Commission remains committed to continuing to work constructively with and support fully the co-legislators to deliver on this important proposal, with a view to achieving our common objectives of protecting the health of our citizens and the environment.

Yours sincerely,



Maroš Šefčovič