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Subject:	Proposal on a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation 2021/2115 - Comments from Slovakia

Delegations will find in annexes the Slovak preliminary general comments and comments on Chapters I-III of the above proposal.

Council Working Party on Plants and Plant Health Questions

(Pesticides/Plant Protection Products)

Proposal on a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation 2021/2115 (SUR)

Preliminary General Comments from the Slovak Republic

(Meeting 13 July 2022)

The Slovak Republic expresses its thanks to the European Commission for the efforts made in the preparation of the proposal, but on the other hand expresses certain doubts about some provisions.

First of all, according to the opinion of the Slovak Republic, the proposal does not sufficiently take into account the principle of proportionality and subsidiarity, the differences between member states and the progress achieved.

In the proposal, there are provisions referring to the support of implementation through financial instruments allocated according to the national Strategic Plans, but these funds are already distributed, and it is not possible to fundamentally interfere with them at this stage.

The proposal does not take into account the needs of food safety and the current lack of chemical active substances as well as their non-chemical alternatives.

The entire proposal introduces an enormous amount of reporting obligations, their evaluation, comments, which disproportionately increases the administrative burden both on the part of the member states and on the side of the Commission, which is associated with disproportionately increased financial demands but also disproportionately increased demands for personnel resources.

Council Working Party on Plants and Plant Health Questions

(Pesticides/Plant Protection Products)

Proposal on a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation 2021/2115 (SUR)

Comments from the Slovak Republic

(Meeting 12 – 13 September 2022)

Chapter I

General Provisions

Article 1

The wording of Art. 1 states that the regulation lays down rules for the sustainable use of plant protection products through provisions on setting targets for reducing the use of chemical plant protection products and the resulting risk and on achieving them until 2030. The Slovak Republic is of the opinion that the rules for the sustainable use of preparations are established by the rules of safe use, storage and handling and not by setting the goal of reducing use. The rules are not established through the goal.

Article 2

Given that the scope of the regulation concerns plant protection products as defined in Regulation (EC) No. 1107/2009, we propose the relevant definition of the preparation for plant protection only with reference to the relevant Article 2 of Regulation (EC) No. 1107/2009.

Article 3

The Slovak Republic considers the interpretation of some terms from Art. 3 for insufficient or problematic, e.g. the definition of a chemical preparation does not include the concept of invertebrate macro-organisms, as these are not regulated according to the legislation on plant protection preparations and their regulation is not harmonized within the EU. Special attention must be paid to the definition of the terms "sensitive areas" and "ecologically sensitive areas" with regard to the effects of the proposed restrictions in relation to the activities carried out in the defined areas. It is necessary to re-evaluate the definition of a professional user in the context of the definitions in the CAP.

Chapter II

Reduction targets regarding chemical preparations for plant protection

Article 5

Slovak Republic considers paragraph 4 to be irrelevant in the context of paragraphs 5 to 8. In addition, the Slovak Republic does not agree with the methodologies for calculating the national goals listed in para. 5 and 6 of Art. 5 and considers the HU methodology to be a suitable alternative to the EC proposal. The Slovak Republic does not consider the value of 35% to be a suitable minimum reduction target for all member states and therefore does not agree with the provision of para. 8 Art. 5.

At the end of par. 6 Art. 5, we propose to delete the word "chemical", since goal 2 refers to more dangerous preparations with regard to their risk and not because they are chemical substances, as is the case in goal 1.

Para. 2 of Article 6 introduces legal uncertainty, as it is not clear from the provision, on the basis of which the EC reaches the conclusion that the national reduction targets of the respective Member State must be more ambitious. A similarly high level of legal uncertainty is represented by para. 7 Art. 6, since the approach is not clear from the proposed provision, according to which the EC will select the relevant member state in order to increase the national reduction target. Therefore, the Slovak Republic does not agree with the approach that the EC should have a mandate to issue recommendations to member states to change and supplement their national goals, the Slovak Republic has not yet commented on Art. 7.

Chapter III

National action plans

The Slovak Republic has reservations about the draft provisions of this chapter regarding the inclusion of the third goal of the Strategy F2F, concerning the management of 25% of the area in the organic farming regime, in addition, in par. 1 letter f) Art. 8, we propose simplifying the text and deleting the part of the text "information on the estimated annual amount of plant protection products that were used illegally" as redundant without real value.

Rather than the three-year frequency of the NAP revision, we prefer to maintain the current 5 years.

The Slovak Republic has a reservation on the frequency of progress reporting referred to in Art. 10, because due to the real conditions in practice, the frequency is too short to achieve significant progress and thus annual reporting appears to be an excessive administrative burden without added value. The Slovak Republic has the reservation to the EC mandate established in Art. 11.