



Council of the  
European Union

Brussels, 11 November 2022  
(OR. en)

---

---

Interinstitutional File:  
2022/0196(COD)

---

---

14000/22  
ADD 11

LIMITE

AGRI 578  
PESTICIDE 37  
SEMENCES 27  
AGRILEG 158  
ENV 1064  
PHYTOSAN 44  
CODEC 1590

#### WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION ON THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 - comments on "sensitive areas" from Lithuania

Delegations will find in annex additional comments from Lithuania on the above subject.

## Comments from Lithuania

	Sensitive area category	Ban all PPPs	Allow biocontrol <sup>10</sup>	Allow low risk PPPs <sup>11</sup>	Allow PPPs authorised for organic farming <sup>12</sup>	Ban more hazardous PPPs <sup>13</sup>	Ban use of emergency authorisations <sup>14</sup>	Derogations - new conditions/length	Any other comments?
Art 3(16)(a) <sup>1</sup>	Used by the general public (general category) Public parks or gardens					ban in the territories of sports grounds			delete from the category of sensitive areas. There is no definition „used by general public“ delete from the category of sensitive areas
	Recreation or sports grounds Public path	Don't ban							prohibition to use PPP for professional use in recreational territories there is no need for special ban or restriction of PPP in public paths.
Art 3(16)(b) <sup>2</sup>	Used predominantly by vulnerable group (general)								Due to the fact that restrictions to use plant protection products in certain territories, it is not appropriate to establish restrictions to use certain plant protection products to certain groups of people. Risk assessment to certain groups of people is performed during the registration of plant protection products. The „vulnerable group (general)“ defined in the Regulation No 1107/2009 is used for the purpose of registration PPP.
	Pregnant and nursing women								Due to the fact that restrictions to use plant protection products in certain territories, it is not appropriate to establish restrictions to use certain plant protection products to certain groups of people. Risk assessment to certain groups of people is performed during the registration of plant protection products. The „vulnerable group (general)“ defined in the Regulation No 1107/2009 is used for the purpose of registration PPP.
	Unborn, infants and children								Due to the fact that restrictions to use plant protection products in certain territories, it is not appropriate to establish restrictions to use certain plant protection products to certain groups of people. Risk assessment to certain groups of people is performed during the registration of plant protection products. The „vulnerable group (general)“ defined in the Regulation No 1107/2009 is used for the purpose of registration PPP.
	Elderly								Due to the fact that restrictions to use plant protection products in certain territories, it is not appropriate to establish restrictions to use certain plant protection products to certain groups of people. Risk assessment to certain groups of people is performed during the registration of plant protection products. The „vulnerable group (general)“ defined in the Regulation No 1107/2009 is used for the purpose of registration PPP.
	Workers subject to high long-term PPP exposure								Due to the fact that restrictions to use plant protection products in certain territories, it is not appropriate to establish restrictions to use certain plant protection products to certain groups of people. Risk assessment to certain groups of people is performed during the registration of plant protection products. The „vulnerable group (general)“ defined in the Regulation No 1107/2009 is used for the purpose of registration PPP.
	Residents subject to high long-term PPP exposure								Due to the fact that restrictions to use plant protection products in certain territories, it is not appropriate to establish restrictions to use certain plant protection products to certain groups of people. Risk assessment to certain groups of people is performed during the registration of plant protection products. The „vulnerable group (general)“ defined in the Regulation No 1107/2009 is used for the purpose of registration PPP.
Art 3(16)(c) <sup>3</sup>	Human settlements - continuous urban fabric	Don't ban		allow in the areas of public service buildings					areas of Multi-dwelling residential buildings, commercial buildings areas PPP for non professional use
	Human settlements - discontinuous urban fabric	Don't ban		allow in the territories of cement areas, areas of buildings with educational, health care functions, allow in the territories of parks, squares, zoological gardens, cemeteries.					areas of multi-dwelling residential buildings, commercial areas, recreational territories, areas of recreational use allow PPP for non professional use.
	Human settlements - green urban areas	Don't ban				ban in the areas of sport compounds with the corresponding infrastructure			there is no need to prohibit or restrict the use of plant protection products for professional use in botanical gardens. To small sport grounds and facilities <25 ha inside city parks applies the same criteria as to the parks and squares
Art 3(16)(d) <sup>4</sup>	Human settlements - sports and leisure facilities	Don't ban							recreational territories, areas of recreational use allow the use PPP for non professional use
Art 3(16)(e) <sup>5</sup>	Urban area covered by a water course/ water feature	Don't ban							
Art 3(16)(f) <sup>6</sup>	Non productive areas - GAECS	Don't ban							
Art 3(16)(f)(i) <sup>7</sup>	WFD: abstraction of drinking water	Don't ban, but some restrictions might be considered (applying risk mitigation measures)							
	WFD: safeguard zones as modified by Dir 2002/21/EEC	Don't ban, but some restrictions might be considered (applying risk mitigation measures)							
	WFD: economically significant aquatic species	Don't ban							
	WFD: recreational/ bathing waters	Don't ban							
	(WFD: nutrient sensitive/nitrate vulnerable/LAVWT) <sup>9</sup>	Don't ban							Delete from the category of sensitive area. Nitrate vulnerable territory is established for the different purpose, other than use of PPP.
Art 3(16)(f)(ii) <sup>8</sup>	WFD: protection of habitats/ species incl Natura 2000	Don't ban							
	Special areas of conservation Birds Directive	Don't ban							
	Special areas of conservation Birds Directive	Don't ban							
	Special areas of conservation Birds Directive	Don't ban							
Art 3(16)(f)(iii) <sup>10</sup>	Areas to be defined by future monitoring of pollinator species	Don't ban							Risk assessment to pollinators is assessed during the registration process of PPP. Risk mitigation measures and certain legal requirements are established in order to protect pollinators.
Explanatory notes:									
1	Article 3(16)(a) 'area used by the general public' includes a non-exhaustive list, meaning it is broader than the examples given (public park/ garden, recreation/ sports ground, public path)								
2	Term 'vulnerable group' defined in Art 3(16) of Reg 1107/2009 This is a non-exhaustive list and may concern groups other than those listed in that definition.								
3	These are Artificial Surfaces at Levels 1, 3 and 4 of CORINE Land cover classification system.								
4	Urban is understood by the Commission as local administrative units.								
5	GAECS standard 8 listed in Annex III to Regulation (EU) 2017/2151								
6	See Articles 6 and 7 and Annex IV of the Water Framework Directive								
7	The Presidency understands that Member States wish these areas listed in point (iv) of Annex IV to be removed from the definition and that the Commission is carefully considering this.								
8	See hyperlinks to consolidated versions of Directive 92/43/EEC and Directive 2009/147/EC and to the Nationally designated protected areas inventory (CDDA) above.								
9	Area for which monitoring of pollinators under Art 17(1)(f) of proposed Nature Restoration Law shows sustains pollinator species European Red Lists classify as threatened with extinction								
10	Biological control is defined in Article 3(23) of the SUE proposal								
11	low risk PPPs are listed in Part D of the Annex in the consolidated version of Commission Implementing Regulation (EU) No 540/2011 on the list of approved active substances under Regulation 1107/2009								
12	Authorised substances listed in Annex I to Commission Implementing Regulation (EU) 2017/166 of 15 July 2017 authorising certain products and substances for use in organic production as long as they are also approved under Reg 1107/2009								
13	These are chemical active substances approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or listed in the Annex to Implementing Regulation (EU) 2015/408								
14	Emergency authorisations under Article 53 of Regulation 1107/2009 on the placing of plant protection products on the market.								
1. Which areas need to be protected by a complete/partial PPP ban, including those not listed in the Commission proposal?									
There are no areas to be protected by a complete/partial PPP ban and not listed in the Commission proposal.									
2. In which areas is the complete/partial ban not necessary/feasible, or they are already sufficiently protected by another EU legislation?									
It is sufficient restriction/ban to use PPP covered in the Article 12 of the Directive 2009/128. The extension of territories it is not feasible.									
3. In which areas might the partial ban of PPPs be needed but further assessment is necessary (e.g. assessment of each individual PPP or PPP group, based on risk criteria established for the exclusion/inclusion from/in that specific area)?									
Territories of Human settlements are needed for further assessment.									
4. Based on your answers to the questionnaire, would you have enough information to clearly determine which areas in the territory of your Member State would be covered by the definition of 'sensitive areas'?									
Territories listed in the Article 12 of the Directive 2009/128 are feasible to cover definition of sensitive area									