Council of the European Union



Brussels, 28 October 2022
(OR. en)

**Interinstitutional File:**
**2022/0196(COD)**

**14000/22**
**ADD 2**

**LIMITE**

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

**WORKING DOCUMENT**

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| 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 Latvia |

With a view to the Working Party on Plant and Plant Health Questions on 3 November 2022, delegations will find in annex comments from Latvia on the above subject.

**Comments from Latvia**

***16) 'sensitive area' means any of the following:***

General comment - There is an overlap in areas (human settlements, areas used by a vulnerable group, areas used by the general public, parks, sidewalks, parking areas) defined in **3.16.a-e.**

Q-Please specify in more detail which point applies to which territories.

Proposal: Redefine points 3.16.a-e. to prevent overlap.

**(f) an ecologically sensitive area, which means any of the following:**

***(i) any protected area under Directive 2000/60/EC, including possible safeguard zones as well as modifications of those areas following the risk assessment results for drinking water abstraction points under Directive (EU) 2020/2184 of the European Parliament and of the Council;***

General comment – based on preliminary assessment this definition covers 24% of agricultural land in Latvia. The impacted area is the agricultural center of the country, with the most fertile soils and long history of crop production. The region is major source of field crop, particularly, cereal production. The proposed ban would disregard the knowledge base and technologies accumulated by the farmers without providing realistic solution to continue farming.

Q-We request data-based justification why plant protection product use shall be banned in any particular region.

Q-When will the European Commission present the findings of its analysis of the areas affected by the proposed ban?

Proposal: Delete point f (i).

***(ii) sites of Community importance in the list referred to in Article 4(2) of Directive 92/43/EEC and the special areas of conservation designated in accordance with Article 4(4) of that Directive, and special protection areas classified pursuant to Article 4 of Directive 2009/147/EC, and any other national, regional, or local protected area reported by the Member States to the Nationally designated protected areas inventory (CDDA);***

Q-When will the Commission present the findings of its analysis of the areas affected by the proposed ban?

Proposal: Delete point f (ii).

***(iii) any area for which the monitoring of pollinator species carried out in accordance with Article 16 (1), point (f), of Regulation xxx/xxx [reference to adopted act to be inserted] establishes that it sustains one or more pollinator species which the European Red Lists classify as being threatened with extinction.***

General comment - this provision will impact different MS in different ways. It is very likely that countries with diverse natural territories, protected and forest areas (forests cover 54% and wetlands 3% of territory of Latvia) will have more chance of rare or threatened species being detected. Therefore, it seems that point f(iii) is punitive to countries or regions where farming and natural preservation is more balanced.

Pollinators can fly up to 8 km even 10 km in search of food, if the farmer grows crops attractive to bees, such as oilseed rape, pollinators can also fly from further areas. Furthermore, pollinators are likely to migrate their habitat over time. Therefore the areal extent of the ban could be very large.

The EU authorization system for plant protection products is among the most stringent systems, if not the most stringent, in the world. The system includes detailed in-depth risk assessment, based on which the risk managers decide on where and how a product may be used. The restriction of use of a plant protection product in specific areas is already possible according to the current Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market.

Q-How large is “any area” intended?

Q-How would the Member States implement the ban in practice and how will farmers know the exact boundaries of the ban?

Q-Will the farmers be financially supported for adopting restrictions on land use?

Latvia has a scrutiny reservation on point f (iii) as the Regulation on pollinators has not been adopted yet.