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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 Luxembourg

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

Comments from Luxembourg

In answer to your request from the steering note ST14000/22 on sensitive areas, we have the following comments completed by the attached filled out Excel file:

- 1. Which areas need to be protected by a complete/partial PPP ban, including those not listed in the Commission proposal?
 - Areas used predominantly by vulnerable groups
 - Public spaces
- 2. In which areas is the complete/partial ban not necessary/feasible, or they are already sufficiently protected by another EU legislation?
 - Agricultural areas in general
 - Fields located in protected areas (e.g. in Natura 2000 and WFD) as they are sufficiently covered by respective legislation
- 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)?
 - On the national level, the general public is only allowed to used PPPs containing low-risk active substances or active substances allowed in organic production
- 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'?

No, as some definitions – relating to the areas included in the definition of 'sensitive areas' but also relating to the types of PPP to be banned/allowed - are not clear enough to be enforceable.

Art.3 (16) c: CORINE human settlements overlaps with most categories from the other points in Art.3 (16), this leads to confusion.

						12		
	Sensitive area category	Ban all PPPs	Allow biocontrol ¹⁰	Allow low-risk PPPs ¹¹	Allow PPPs authorised for organic farming ¹²	Ban more hazardous PPPs13	Ban use of emergency authorisations 14 Derogations - new	v conditions/ length Any other comments?
Art 3(16)(a) ¹	Used by the general public (general category)				Not clear enough to be enforced	able		LU national legislation has further defined "public spaces" and issued a complete ban (with possible deropations that have never been used) of PPPs in these areas. Hence we are in favour of such a ban but the definition used in the SUR is not clear enought to be enforceable. General comment regarding column H: Emergency authorisations are necessary for emergencies and should never be banned; General comment regarding column 1: derogations in case of human or animal health issues or to prevent damage to important infrastructure such as rail roads, dams or bridges should always be included; God days is too short to solve the problem and would only lead to repeated successive requests
	Public parks or gardens	Ban						
	Recreation or sports grounds	Don't ban in private facilites (i.e. golf courses)						
	Public path	Ban						
	Used predominantly by vulnerable group (general)				General PPP ban supp	orted, but "Used predominantly b	y vulnerable group (general)" not clear enough to be enforce	able
	Pregnant and nursing women	Ban					V V	
	Unborn, infants and children	Ban						
	Elderly Workers subject to high long-term PPP exposure	Ban		F-11	s under labour/employment legislation; not clea			Definition of "high" and "long-term" exposure would be necessary. Florists are exposed long term
	workers subject to night long-term PPP exposure			FdII				and to a high level to PPP residues when handling treated flowers, a ban of PPP in their work place
	Residents subject to high long-term PPP exposure				Not clear enough to be enforce	able		would not lead to a reduction of exposure
	Human settlements - continuous urban fabric		definition of biocontrol not clear enough	allow	allow			cf. comment in cell J2. General ban of PPPs except for low risk PPPs and organic farming PPPs, with
-u t 5(20)(c)	Human settlements - discontinuous urban fabric		definition of biocontrol not clear enough		allow			possible derogations and emergency authorisations. This would ban all other PPP use by the general
	Human settlements - green urban areas							public, which is supported and currently ongoing in LU at national level. Concerning a ban of other PPP categories used by professional users, more time is needed to discuss nationally
	Human settlements - sports and leisure facilities							this seems to be already partially covered under Art 3(16)(a)?
Art 3(16)(d) ⁴	Urban area covered by a watercourse/ w feature							
						Not clear en	ough to be enforceable	, , , , , , , , , , , , , , , , , , , ,
	Non-producive areas - GAEC 8				Already m		ough to be enforceable k it refers to, hence not to be managed under the SUR	
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