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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 Finland

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

Comments from Finland

Important points to observe in the preparation of the provision:

1. It is already today possible to ban or restrict the use of any plant protection product for example on ground water areas (groundwater bodies based on WFD) or close to watercourses, based on risk assessment in 1107/2009. If there is a need for stronger restrictions, also this is possible based on 1107/2009. This is the goal for the development work started by the COM (SANTE E3) on the harmonization of risk management methods.
2. It is not appropriate to ban the use of all plant protection products in the protected areas under WFD. It could be considered to limit a ban to protected areas, which actually are sensitive to pesticides. The proposed provision would ban the use of all plant protection products in the whole of Finland, because of the provision referring to protected areas under NID or UWWTD. This cannot be considered appropriate.
3. It is more important to examine which use of products should be restricted and in which areas rather than to define certain sensitive areas. Different areas are sensitive to different factors. It is important to focus the restriction correctly.

Comments on the excel table:

4. No general ban on low-risk products or on biological products. The use of these products should be promoted as alternatives to products with a higher risk profile.
5. To differentiate products for organic farming from other products in the preparatory work is not needed, as they belong to many different groups (low-risk/biologicals/normal/candidates for substitution) and should be treated as other products in those groups. The products for organic production have undergone a double authorization as they are authorized for use in organic farming both based on 1107/2009 and the organic legislation. This means they are strictly scrutinized.

In the following cases however, a ban or a restriction on the use of a product/products could be considered:

6. Products with an emergency authorization could be banned from use in urban areas (most probably they will never even be authorized for use in such areas). This is probably also more efficiently handled under 1107/2009 than under SUR.
7. MS could establish safeguard zones referred to in article 7.3 in WFD for water bodies used for the abstraction of drinking water. Consideration should be given to if the zones should be set for mobile substances or for all plant protection products.
8. Uniform safeguard zones or buffer zones could be set to protect wells and springs. A uniform safeguard or buffer zone around wells and springs would ease the work of the authorization system and reduce the need for information and guidance to farmers as to where and when there is need for a safety distances around wells and springs and when not. Such zones need to be well prepared and adjusted to national circumstances.

Based on experience, the current provision (article 12 *Reduction of pesticide use or risks in specific areas* of 2009/128) is found relevant and well-functioning.
