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European Union

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From:	Presidency
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 - Presidency steering note - sensitive areas

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (08.12.2022)

In view of the discussions at the Council and the detailed discussions at the WP on 11 October which showed the variety of specific problems and points of view related to ‘sensitive areas’, the Presidency has prepared this steering to facilitate finding a compromise on this issue.

In this steering note, the Presidency is inviting the Member States to provide their view on four overarching questions on the articles linked to ‘sensitive areas’. As the definition of ‘sensitive areas’ is the crucial point of this discussion, to enable a detailed analysis, this steering note is accompanied by an Excel table in the form of a questionnaire.

Sensitive areas (Article 3(16), Article 18)

The delegations are kindly asked for a concise answer to the following questions:

1. Which areas need to be protected by a complete/partial PPP ban, including those 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?
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)?
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’?

Questionnaire on definitions in Article 3(16) - Excel table

In columns C to H, please use the verb mentioned in the column title – ‘Ban’ or ‘Don’t ban’, ‘Allow’ or ‘Don’t allow’ (rather than writing ‘Yes’ or ‘No’).

In column I on derogations, if you are suggesting new conditions, please be as precise as possible in formulating the conditions, including explaining whether:

- you want all the conditions suggested to be met **before** a derogation can be granted or whether you want a derogation to be granted **if any** of the conditions listed are met;
- the new conditions you list are to be **included along** those already set out in the Commission proposal, e.g. as an alternative reason for granting a derogation;
- your new proposed conditions should **replace** the conditions already set out in the Commission proposal.

In the column on ‘Any other comments’, please specify any other rules, exceptions or subcategory that you would like to be taken into account. This could also be elaborated in a separate document, if necessary.

Please note that since the **Excel table cannot be added in annex to this Note** (due to technical reasons), it will be **circulated separately in an email**. Please kindly provide answers to the above overarching questions, as well as to those listed in the Excel table by **10 November 2022 cob**, to the Presidency **DELETED** and the Council Secretariat **DELETED**.

The Presidency will provide its analysis of the received answers and comments at the WP on 25 November.
