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From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal on a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation 2021/2115 - comments from delegations on the National Action Plans (NAP) and the support under CAP

Delegations will find in annex comments from Cyprus and Estonia on Articles 8 and 9 related to “National Action Plans” and Article 43 on support under the CAP.

Comments from Cyprus**Article 8 and 9 and Annex II**

Article 8 - Regarding (c), we would like to clarify, what the planned progress would be about in relation to the elements that will concern the implementation of the regulation (part 2 par. II). Will it concern, for example, a description of measures that will be taken to improve each percentage or point that shows low compliance with the regulation? In relation to (d) we agree with the inclusion of a link to the CAP Strategic Plans but not with the requirement to record how the plans contribute to the increase in organic farming. We consider that this goes beyond the scope and purpose of the specific legal framework and that such an obligation would be more appropriate to be included in the relevant organic farming legislation. NAPs should only provide reference to this information. Regarding (f), we believe that a specific way of estimating the amounts of PPPs that were used illegally should be specified so that it can be measured in a uniform way. For example, an indicator could be defined that measures, not quantities, but the percentage of non-approved active substances in relation to approved ones that are detected in inspections. In relation to (h) and (i) we would like to clarify in which national legislations these elements should be defined.

We consider that 3 years is a short period of time, both for the process of collecting and evaluating the data that the NAPs will contain and the requirement for public consultation, as well as for assessing the progress achieved. We consider that 5 years is a more reasonable period.

Article 9 - We consider it generally useful to collect some information in the NAPs and we understand the need to collect such data for appropriate targeting by the MS and the Commission. However, we consider that the elements required in paragraphs 2 and 3 increase substantially the administrative burden and largely concern objectives and measures which largely do not depend on the competent authorities but on research and development for market availability and dissemination in the trade of these non-chemical methods. It would be preferable in our view to set **one of two national indicative targets to increase the use of non-chemical methods**, for example one for main crops, but not for pests, or a combination of the two, for example main crops and main pests for these crops. In relation to (4) a national indicator could be defined as the percentage of non-chemical PPP sales relative to chemical and an indicative percentage increase target set. This is data that is already collected on PPP sales by the statistical services and using such an index would be easy.

Comments from Estonia**Articles 8 and 9 of the proposal**

We support the Member States obligation to draw up National Action Plans (NAP), but the administrative burden on Member States must not be significantly increased. We do not consider that the burden arising from the current vision of NAP lined out in the draft proposal is acceptable. The content of the action plans and the annual reporting should be less detailed and the interval for renewing the action plans must be longer than 3 years. We consider the burden on public authorities of the NAP and their reporting under the new regulation proposal to be unjustifiably high.

The wording of Article 8 will depend to a large extent on what is achieved in the chapter on objectives, but Member States should certainly describe in their NAP the measures that contribute to the EU reduction targets. The interval between renewals of the action plan is too short to ascertain the appropriateness of the measures chosen, especially considering that the NAP is primarily a strategic document and that the 3 years proposed in the draft is too short a period to achieve the desired results in the context of the procedures foreseen in the draft. Regarding the content of the action plans, annual reporting and the interval between renewal of the action plan, we prefer to maintain the *status quo*. Member States must be able to set their own measures and targets in their NAP to contribute to the EU objectives of reducing the use of plant protection products and to promote the sustainable use of plant protection products.

For the above reasons Article 9 should be deleted.

As with the content of the NAP, we prefer to maintain the *status quo* for annual reporting, with Articles 10 and 11 to be amended accordingly. As an alternative to the reporting format, consideration should be given to establishing an indicative but non-binding list of topics to be reported in Annex II. As we do not support Article 9 we do not agree with the powers given to the Commission in Article 11.

Concerning environmentally friendly alternatives to current plant protection products with a high or moderate risk: at the beginning of this year there were only 36 low-risk active substances registered in the EU, the largest group being fungicides used predominantly on vegetables and fruit and berry crops. The situation on the Estonian market is similar, i.e. there are no alternative low-risk active substances for the most widely used herbicides. According to the initial calculation method described in the proposal the quantities of plant protection products currently used in Estonia should be reduced by 53%. It is not feasible to reduce the use of plant protection products to this extent without significant impact on yields, because there are currently no usable alternatives for most crops or pests. The Member States themselves can't do much to change that situation.

Thus hereby Estonia makes a proposal to add to the Chapter III of National Action Plans an additional article describing COM activities to help introducing new alternatives of environmentally friendly plant protection products to EU market.

Article 43 of the proposal

The Estonian government's position on the "Farm to fork" strategy was that sufficient resources must be allocated to achieve the objectives, bearing in mind that the European Union's Common Agricultural Policy (CAP) also does have economic and social policy objectives.

The discussed amendment allows Member States, by way of derogation, to grant aid under the CAP for a period of five years to cover the costs incurred by farmers in complying with all the legal requirements laid down in this proposal. Member States, including Estonia, have discussed the CAP strategy plans with the sector at national level as well as with the European Commission and they have been submitted for final approval. The financial allocation for the 2023-2027 budget period has therefore already been decided. This resolution proposal is only at the beginning of the negotiations

and it has not yet been decided what the requirements for the sector will be. Considering the time still needed to negotiate the proposal it is quite clear that the timeframe is also not appropriate, as the payment of the proposed derogation will mostly fall outside the observed CAP period.

We do not believe that in practice the proposed changes will provide the expected and much needed help to farmers.