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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 from Poland

Delegations will find in annex questions from Poland on the above subject.

Poland's comments on Draft Council Decision requesting the Commission to submit a study complementing the impact assessment of the proposal for a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115

Poland in general supports the wording of the draft. It has included concerns and calls which were raised by Member States several times in the past months. Since they have not been addressed by the European Commission we would like to see this Decision takes effect as fast as possible. Our position is that the additional findings and data would be of high importance for both co-legislators to proceed with the negotiations in a responsible way.

Our comments are the following:

1. In **recital (3)** we would like to change the wording of the first sentence (*Since the impact assessment was prepared before the war in Ukraine and the energy and food price crises, the Council is concerned that it does not take into account the possible long-term impacts of these crises on the food security in the Union and the rest of the world.*) into the following: ***The Council is concerned that the impact assessment does not take into account the possible long-term impacts of the proposed regulation on the food security in the Union and the third countries. The fact that the impact assessment was performed before the war in Ukraine makes these concerns even more valid.***
2. In **art. 1 par. 1** we believe that the timeframe should be defined by the wording ***as soon as possible*** instead of indicating the number of months.
3. In **art. 1 par. 1 f)** the list should be equal to the list from art. 3 p. (16) of the draft regulation, ie.:
 - (a) **areas used by the general public, such as a public park or garden, recreation or sports grounds, or a public path;**
 - (b) **areas used predominantly by a vulnerable group as defined in Article 3(14) of Regulation (EC) No 1107/ 2009;**
 - (c) **human settlements (community in which people live and work), defined as the most up to date CORINE (Coordination of information on the Environment) system maintained by the EEA Land Cover Level 1 classification (Artificial EN 38 EN Surfaces) (excluding Level 2 – 1.2: Industrial, commercial and transport units and Level 2 – 1.3: Mine, dump and construction sites);**
 - (d) **urban areas covered by a watercourse or water feature;**
 - (e) **non-productive areas as defined under the EU standards on good agricultural and environmental condition of land (GAEC), GAEC standard 8 listed in Annex III to Regulation (EU) 2021/2115.**

(f) ecologically sensitive areas, 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 Council⁴⁷;

(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);

(iii) any area for which the monitoring of pollinator species carried out in accordance with Article 17(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.

The list is taken from the draft which was presented to the Council and the European Parliament. The draft (with this wording) is under scrutiny of the co-legislators. Notwithstanding the fact that lastly the EC issued a non-paper on sensitive areas, the draft has not been changed and the impact assessment should accompany the draft proposal. Therefore the study improving the impact assessment should deal with the sensitive areas as defined in the proposal.
