



Council of the  
European Union

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From: General Secretariat of the Council  
To: Delegations

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Subject: 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 - comments from France

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

**Comments from France**

**Objet :** Commentaires de la France sur le projet de décision du Conseil demandant à la Commission une étude complétant l'étude d'impact du projet de règlement du Parlement et du Conseil concernant une utilisation des produits phytopharmaceutiques compatible avec le développement durable et modifiant le règlement (UE) 2021/2115.

**PJ :** propositions d'amendements au projet de décision

Les autorités françaises remercient la présidence pour l'élaboration et la transmission d'un projet de décision (14497/22) qui fait suite au débat du COREPER du 16 novembre 2022.

Diffusé aux délégations et commenté en première intention le 25 novembre à l'occasion du groupe de travail du Conseil, ce projet appelle des autorités françaises les commentaires suivants.

- En premier lieu, si l'étude d'impact mérite d'être complétée par des analyses plus précises sur certains aspects, il importe pour autant de ne pas interrompre la négociation du règlement. Cette préoccupation mériterait d'être explicitement indiquée dans les considérants. Aussi les autorités françaises demandent l'ajout d'un 6<sup>e</sup> considérant indiquant :

*(6) « The preparation of this study complementing the impact assessment is without prejudice to the further examination by the Council of the draft regulation, ».*

- Par ailleurs, il apparaît nécessaire de rappeler l'ensemble des paragraphes relatifs à l'étude d'impact de l'accord inter-institutionnel « Mieux légiférer ». A cet égard, la référence au point 16 du III permet de souligner que lorsqu'une étude d'impact est complétée, ce travail ne doit pas entraîner de retard indu dans le processus législatif. En outre, la référence au point 10 ne semble pas utile car il fait référence à la présentation par la Commission d'une nouvelle proposition législative à la demande du Parlement ou du Conseil, ce qui n'est pas le cas. Il est donc proposé de modifier le considérant 5 de la manière suivante (modifications proposées en gras) :

(5) « The Council considers that a study is necessary in order to complement the existing impact assessment of the proposal, in accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law Making, notably paragraphs ~~10~~, 12 ~~and~~, 13 ~~and~~ 16 on the compulsory content of impact assessments, and on the application of Article 241 of the Treaty on the Functioning of the European Union, ».

- L'étude d'impact doit être complétée en ciblant une liste resserrée d'items prioritaires, afin que la Commission puisse être en mesure de les analyser de manière approfondie et dans un délai raisonnable. Les priorités pour la France concernent les zones sensibles, l'impact sur les importations en provenance des pays tiers, la charge administrative découlant du projet de règlement, tant pour les agriculteurs que pour les Etats, et l'identification des alternatives disponibles. Pour ce faire, les autorités françaises souhaitent, remplacer le point e) par :

« e) the availability of alternatives to plant protection products in relation to the reduction target set in the Farm to Fork strategy and regarding the potential increased risk of introduction and spreading of harmful organisms in the Union, ».

- S'agissant des zones sensibles, qui constituent un point clef de la négociation, il convient que l'étude complémentaire prenne en compte les options proposées par la Commission dans le non-papier auquel il est fait référence au considérant 4. Le f) serait complété de la sorte (modifications proposées en gras) :

« f) quantification of the impact in each Member State and on Union level of banning, totally or partially, of the use of plant protection products in the following sensitive and forest areas **on the basis of the Commission non-paper on sensitive areas ~~÷ list to be added~~** ».

Au-delà des commentaires relatifs aux données complémentaires à l'étude d'impact, les autorités françaises profitent de cette note pour réaffirmer leur position sur le besoin d'accompagnement financier : si la politique agricole commune doit contribuer à l'atteinte des objectifs de réduction de l'utilisation des produits phytopharmaceutiques, elle ne peut constituer le seul instrument permettant d'accompagner les agriculteurs pour atteindre les objectifs fixés par la proposition de règlement « SUR ».

Les autorités françaises remercient par avance la présidence de la prise en compte de ces propositions qui sont reprises en annexe dans le projet de décision amendé.

**DRAFT COUNCIL DECISION (EU) 2022/...**

**of ...**

**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, and to propose follow-up actions, if appropriate in view of the outcomes of the study**

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 241 thereof,

Whereas:

(1) In its Conclusions on the Farm to Fork Strategy from 19 October 2020, the Council took note of the reduction targets for pesticides proposed by the Strategy and highlighted the need for effort and intensive collaboration of all stakeholders involved in achieving such target.

(2) On 23 June 2022, the Commission submitted to the European Parliament and to the Council a proposal for a Regulation on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115. The proposal aims to provide an ambitious approach to addressing growing societal concerns around the use and risk of pesticides and its impact on environment and human health. It includes provisions on the use of pesticides, alternative non-chemical pest control techniques and Integrated Pest Management. The proposal introduces legally binding Union reduction targets of 50% of pesticide use and risk, while obliging the Member States to set national reduction targets to achieve this overall target. These national targets may deviate from the 50% Union targets only within the parameters of a binding formula.

(3) 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. The Council therefore considers that additional quantitative analysis on a number of indicators needs to be conducted in order to determine whether the assessment of the economic and social effects of the proposal needs to be adjusted. In particular, the Council considers that an additional analysis reflecting the EU's agricultural production, the expected decrease in yields in the EU and the potential dependence on food imports should be carried out. The Council also considers that a more in-depth analysis of the situation of small and medium enterprises and the profitability along their supply chain would be necessary.

(4) The Council takes note of the Commission non-paper on sensitive areas and its proposal to reduce the extent of these areas to ensure feasibility of a ban or partial-ban on the use of chemical pesticides in these areas. However, the Council is of the opinion that further data and an analysis of such measures in the areas that could potentially be considered sensitive as well as in forest areas would still be necessary.

(5) The Council considers that a study is necessary in order to complement the existing impact assessment of the proposal, in accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law Making, notably paragraphs **12, 13 and 16** on the compulsory content of impact assessments, and on the application of Article 241 of the Treaty on the Functioning of the European Union,

**(6) The preparation of this study complementing the impact assessment is without prejudice to the further examination by the Council of the draft regulation,**

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Council requests the Commission to submit, by *[3/6 months]* at the latest, a study complementing the existing 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 on the following aspects:

- a) the quantitative impacts on food production in the Union, in particular by quantifying the impact on agricultural yields for the main type of relevant crops and plant products individually, while taking into account the specific conditions in each Member State, including the different climate regions;
- b) the analysis of the consequences on the food availability in the Union, assessed on the basis of the main types of basic food products;
- c) the potential increase in food prices in general and in particular for staple food products;
- d) the possibility of increased dependence on food imports for the main types of crops;
- e) the availability of alternatives to plant protection products in relation to the reduction target set in the Farm to Fork strategy and regarding the potential increased risk of introduction and spreading of harmful organisms in the Union ;**
- f) quantification of the impact in each Member State and on Union level of banning, totally or partially, of the use of plant protection products in the following sensitive and forest areas on the basis of the Commission non-paper on sensitive areas ;**
- g) quantification of the impacts of the proposed restriction concerning the use of plant protection products on forest stands and forests dependent biodiversity;
- h) the quantified the impacts on competitiveness and profitability of small and medium-sized farms.

2. The Council requests the Commission to propose any follow-up action justified in light of the outcome of the study.

#### *Article 2*

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.