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From: General Secretariat of the Council
To: Delegations

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 Portugal

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

Portuguese Comments/drafting suggestions to the Draft Council Decision proposal

30 Nov 2022

ANNEX

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 impacts 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 targetgoal. 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 areasⁱ 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 Makingⁱⁱ, notably paragraphs 10, 12 and 13 on the compulsory

content of impact assessments, and on the application of Article 241 of the Treaty on the Functioning of the European Union;

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 and exports from 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-influence 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 potential increased risk of introduction and spreading of harmful organisms in the Union due to the lack of availability of alternative means to mitigate it;
- 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:
{list to be added}
 - i) areas used by the general public, such as a public parks or gardens, recreation or sports grounds;

- ii) 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 Surfaces) (excluding Level 2 – 1.2: Industrial, commercial and transport units and Level 2 – 1.3: Mine, dump and construction sites);
- iii) 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;
- iv) protected areas 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 Council;
- v) 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;
- vi) special protection areas classified pursuant to Article 4 of Directive 2009/147/EC;
- vii) national, regional, or local protected areas reported by the Member States to the Nationally designated protected areas inventory (CDDA);

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~~quantification on -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*.

Done at ...,

For the Council

The President

¹ ST 14000/22 ADD 14

² OJ L 123, 12.5.2016, p. 1