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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 Netherlands

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

**Comments from the Netherlands****DRAFT COUNCIL DECISION (EU) 2022/...**

of ...

**requesting the Commission to submit PHASED STUDIES ~~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 STUDIES~~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<sup>1</sup>, 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 targets.

**The Council also welcomes in its Conclusions the Commission's objective to reduce the adverse effects of the use of plant protection products on the environment, such as supporting the development of more comprehensive plant protection approaches based on the principles of integrated pest management and highlights in this regard the importance of ensuring adequate and scientifically-sound integrated pest management measures and the promotion of the use of sustainable alternative plant protection products and methods. (see paragraph (25) of the Council Conclusions)**

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<sup>1</sup> ST-12099-2020-INIT

- (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<sup>2</sup> 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, **after taking into account the deletion of nitrate- sensitive areas as proposed in the non-paper**, could potentially be considered sensitive as well as in forest areas would still be necessary.

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- (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<sup>3</sup>, 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,
- (6) **The Council also invites the Commission, in accordance with paragraph 16 of the Interinstitutional Agreement of 13 April 2016 on Better Law Making, to complement the existing impact assessment for this proposal or to undertake other analytical work. When doing so, undue delays in the law making process should be avoided.**

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Council requests the Commission to submit, by *[3/6 months]* at the latest, **phased studies to facilitate the ongoing law making process and discussion in the Council by 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 **or to undertake other analytic work** on the following aspects:
  - a) the quantitative impacts **of reduced use of plant protections products according to the proposal of the Commission** 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, **where possible and data are available**, taking into account the specific conditions in each Member State, including the different climate regions;
  - b) the analysis of the consequences **of the proposal of the Commission** on the food availability in the Union, assessed on the basis of the main types of basic food products;

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<sup>3</sup> OJ L 123, 12.5.2016, p. 1

- c) the potential increase in food prices in general and in particular for staple food products, **related to the impacts under a)**;
- 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;~~ *(This risk is more related to the number of approved and authorised substances and plant protection products and therefore related to Regulation (EU) 1107 -2009)*
- 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 **according to the Commission' non-paper on agriculture and forestry, including the contributions of these restrictions to standards and targets on water quality and biodiversity:** *[list to be added]*
- 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.~~ *(competitiveness and profitability of small and medium-sized farms is related to many other factors than only a reduced use of plant protection products. What is considered as small or medium-sized or its competitiveness related to bigger farms, differs between Member States, so it's better that Member States undertake these studies by themselves)*

2. The Council requests the Commission to propose any follow-up action justified in light of the outcome of the **studies or other analytical work 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*