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To: Delegations

Subject: 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
- European Economic and Social Committee's Opinion

Delegations will find attached the Opinion of the European Economic and Social Committee concerning 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.

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OPINION

European Economic and Social Committee

Revision of the Directive on the Sustainable Use of Pesticides

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
[COM(2022) 305 final – 2022/0196 (COD)]

NAT/862

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| Referral | European Parliament, 14/07/2022 Council, 06/07/2022 |
| Legal basis | Articles 192(1) and 304 of the Treaty on the Functioning of the European Union |
| Plenary Assembly decision | 22/02/2022 |
| Section responsible | Section for Agriculture, Rural Development and the Environment |
| Adopted in section | 24/11/2022 |
| Adopted at plenary | 14/12/2022 |
| Plenary session No | 574 |
| Outcome of vote (for/against/abstentions) | 158/01/04 |

1. Conclusions and recommendations

- 1.1 The proposal for a Regulation on the sustainable use of plant protection products introduces a range of new developments and measures to address certain deficiencies identified in the application and implementation of the Directive on the Sustainable Use of Pesticides.
- 1.2 The EESC acknowledges the need for this revision and is pleased that many of the limitations identified in the current Directive and many of the initiatives planned under this new proposal had already been mentioned in the observations and recommendations made in its evaluation report¹. Some examples of issues this Regulation seeks to address include: the need to better harmonise the implementation of national action plans, the differences in circumstances between the Member States, suitable training for users and the importance of promoting new technologies such as precision farming.
- 1.3 In line with the objectives set out in the Farm to Fork and 2030 Biodiversity strategies, the proposal for a Regulation on the sustainable use of pesticides aims to improve the environmental, economic and social sustainability of food systems. In this connection, the EESC welcomes the inclusion of these objectives, while recognising the benefits this brings in improving the health of citizens and consumers as well as the environment.
- 1.4 The new EU strategy introduces quantitative targets to reduce the use and risk of pesticides by 2030. These targets are certainly ambitious, making it necessary to establish reasonable transition periods that take into account² historical reduction in use and the geographical, agronomic and socio-economic circumstances of the various Member States, and during which farmers are able to access new alternative products. Bearing in mind that current low-risk tools have taken an average of ten years to arrive on the market, the legislators should be especially careful when setting the timetable for achieving these targets, leaving enough flexibility to ensure that "no one is left behind". Moreover, the Commission proposal provides for far-reaching restrictions on the use of plant protection products in "sensitive areas". The EESC points out that large swathes of the EU's agricultural production areas are covered by the proposed definition and the scope of the provisions for "sensitive areas". Such a requirement has far-reaching consequences and should therefore only be implemented on the basis of a sound scientific and agronomic impact assessment.
- 1.5 The harmonised risk indicators (HRIs) require clear guidelines and suitable indicators. As only limited data are currently available, especially on the use of chemical pesticides, extreme care must be taken with regard to the method used. This is particularly important when it comes to using commercial sales as a baseline (HRI 1). Equally, special attention must be paid to the time period used to calculate it. In this respect, pesticide marketing estimates could be improved, for example by distinguishing between authorisations for commercial use and for "domestic and garden use" (i.e. for agricultural and non-agricultural purposes respectively).

¹ [EESC information report *Evaluation of the Sustainable Use of Pesticides Directive*](#).

² Eurostat, [Pesticides sales in the EU](#).

- 1.6 The negative effects of the most recent crises – from the pandemic to the invasion of Ukraine and the subsequent war, through to the sharp increase in the effects of climate change (droughts, fires, floods, new pests, heat waves, etc.) – make food production and food security one of the top priorities on the EU's political agenda.
- 1.7 However, the EU should continue to develop the roadmap in order to achieve its commitments on climate action and sustainability. Bearing in mind that Europe must continue to deliver on the actions set out under the 2030 Agenda and the SDGs, the impacts and effects of the current context on agri-food systems also need to be taken into account. In this regard, and in view of the current crisis scenario, consideration should be given to the possibility of applying certain derogations on a purely ad hoc and time-limited basis³.
- 1.8 This crisis should also be seized as an opportunity to address the structural causes of global instability and reshape the dynamics of supply chains, bringing lasting improvements for people and the planet. In particular, there is an urgent need to launch an in-depth debate and reflection on the agri-food system that the EU needs to establish for the decades to come.
- 1.9 At the same time, the EU has an obligation and a responsibility to include food production and food security as a major strategic objective. In this regard, the objectives of the Green Deal and the Farm to Fork Strategy, which include this proposal, must always be based on scientific evidence that is accompanied by corresponding impact assessments to ensure that the objectives are properly aligned, respecting the principle of proportionality.
- 1.10 In this respect, various studies⁴ have warned of the possible adverse effects that a drastic increase in food prices – caused by reduced harvests and lower yields – would cause at global level. Reducing agricultural production could make the European Union more dependent on food imports from third countries, resulting in environmental, social and economic damage.
- 1.11 The proposal's ultimate aim must therefore be to focus on alternative solutions (toolbox), prioritising better implementation and enforcement of integrated pest management (IPM), which must continue to be the cornerstone of the proposal, increasing and supporting the use of alternative pest controls such as low-risk or bio-based plant protection products. For now, however, these solutions cannot replace the use of chemical pesticides. The Member States must promote the use of this toolbox as soon as possible, while ensuring that they have suitable systems of incentives.
- 1.12 This toolbox should focus on the use of various solutions and measures based on science and innovation. The use of more resistant varieties, certified seed, conservation agriculture, integrated production, new breeding techniques (NBTs), organic farming, crop rotation, digital techniques and the use of minor crops must serve as a guide for successfully moving towards a model based on reduced use of plant protection products.

³ [EESC resolution *The war in Ukraine and its economic, social and environmental impact*](#).

⁴ [FAO, *Hunger Hotspots – FAO-WFP early warnings on acute food insecurity*](#).

- 1.13 This requires sustainable, science-based, efficient, safe and affordable plant protection systems that can give farmers the tools they need to stay competitive. In this regard, the Commission must demand reciprocity of rules so that imports of products from third countries that are treated with products that are not allowed on the EU market are subject to rules that are at least equivalent to those applicable in the EU.
- 1.14 At the same time, it is essential to avoid a disproportionate increase in the bureaucratic burden on farmers, which would have an even greater impact on small and medium-sized farms, which are less resistant to this type of situation due to economies of scale.
- 1.15 Moreover, the managing bodies in charge of disseminating statistical data need to be very scrupulous in the way they process these data and, in particular, need to fully respect people's privacy rights and data ownership as the information is often confidential.
- 1.16 The EESC welcomes the decision to opt for an impartial, professional and independent advisory model, which will enable farmers to continue implementing sustainable practices in their fields. The role that agricultural organisations and cooperatives can play in this regard will be key in ensuring that farmers benefit as much as possible in terms of both production and, potentially, collective marketing (e.g. agricultural cooperatives).
- 1.17 The EESC also welcomes the introduction of a specific measure to provide financial support to compensate farmers for the costs incurred. However, it believes that it is still necessary to more fully explain how this fits in with the common agricultural policy (CAP), in particular with regard to the timetable and implementation, bearing in mind that the new CAP and corresponding strategic plans from the Member States need to be approved by 1 January 2023 and should enter into force on this date.

2. **Background**

- 2.1 Originally scheduled for 23 March 2022 and postponed due to the consequences of Russia's invasion of Ukraine, on 22 June 2022, the European Commission published its proposal for a Regulation on the sustainable use of plant protection products as part of the revision of the Directive on the Sustainable Use of Pesticides. The Regulation was published in the "Nature protection package" together with the Nature Restoration Regulation. The package is a decisive step in the implementation of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy.
- 2.2 In line with the Farm to Fork Strategy, the main objectives of the Commission proposal are to:
- reduce the overall use and risk of chemical pesticides by 50% by 2030 (reduction target 1) and reduce the use of more hazardous pesticides by 50% by 2030 (reduction target 2) compared to the average for the years 2015, 2016 and 2017;
 - increase the implementation and enforcement of integrated pest management;
 - increase the use of less hazardous and non-chemical alternatives to chemical pesticides for pest control;
 - improve the availability of monitoring data on the application, use and risk of pesticides for health and the environment;

- improve the implementation and enforcement of legal provisions in all Member States to improve the effectiveness and efficiency of policies; and
 - promote the adoption of new technologies such as precision farming in order to reduce the overall use of pesticides and the risk they entail.
- 2.3 Member States may reduce their national target for the use and risk of plant protection chemicals by means of a weighting system that takes into account the figure for intensity of use and the figure for use and risk. In no case may this percentage reduction be less than 35% or more than 70% by 2030.
- 2.4 To achieve these results, the proposal put forward by the Commission sets reduction targets that are legally binding in the EU. The new rules also state that Member States must adopt binding targets to help achieve the overall EU target. The Regulation states that Member States will have the flexibility to take account of their national situation. In particular, attention should be paid to historical developments and the intensity of pesticide use in each Member State.
- 2.5 Each year, the Commission will measure the use and risk of chemical pesticides on the basis of the sales data for plant protection products reported by the Member States to the Commission. The baseline for calculating the 50% reduction will be sales for the years 2015, 2016 and 2017.
- 2.6 All active substances placed on the market in the form of plant protection products will be classified in one of the four groups and will be given a weighting, with the more dangerous groups being given a higher weighting.
- 2.7 In short, the main new developments set out in the revision are as follows:
- the adoption of a Regulation that is directly binding and uniformly applicable in all Member States;
 - legally binding targets: a 50% reduction in the use and risk of chemical pesticides and in the use of more hazardous pesticides by 2030;
 - streamlined National Action Plans (NAPs) and annual reports supporting the legally binding targets;
 - environmentally friendly pest control, ensuring that all farmers practise integrated pest management where chemical pesticides are used only as a last resort;
 - a new register to support the inspection of pesticide application equipment;
 - a commitment to revise harmonised risk indicators (HRI) in the light of statistics on agricultural inputs and outputs (SAIO);
 - incentives for farmers to reduce pesticides under the new common agricultural policy (CAP): exceptional funding to support compliance for five years;
 - new periods of validity for training certificates and proof of training required for certain activities;
 - a ban on all use of pesticides in sensitive areas and within three metres of such areas;
 - stricter criteria for exemptions for aerial spraying.
- 2.8 A package of key policies will support farmers and other users in the transition to more sustainable food production systems, in particular: i) an increase in the range of organic and

low-risk alternatives on the market; ii) incentives for farmers to reduce pesticide use under the new CAP; iii) research and development under Horizon 2030; and iv) the Organic Action Plan.

3. General comments

- 3.1 The current crisis scenario, from the pandemic to the invasion of Ukraine and the subsequent war, through to the sharp increase in the effects of climate change (droughts, fires, floods, new pests, heat waves, etc.), is putting significant pressure on European and global agri-food systems. Nevertheless, these barriers should not constitute an impediment to the EU's determined commitment to further developing actions aimed at achieving a just transition, as set out in the 2030 Agenda⁵.
- 3.2 In many of its opinions, the EESC has called for a comprehensive EU food policy that provides: i) economic, environmental and social and cultural sustainability; ii) integration across sectors, policy areas and levels of governance; iii) inclusive decision-making processes; and iv) a combination of mandatory measures (such as regulations and taxes) and incentives (such as price premiums and access to credit, resources and insurance) to speed up the transition to sustainable food systems⁶.
- 3.3 In order to achieve these objectives, there is a need for greater harmonisation and coherence across the various EU policies and pieces of legislation: the European Green Deal, the Farm to Fork Strategy, the Biodiversity Strategy, the Zero Pollution Action Plan, the sustainable use of plant protection products, etc.
- 3.4 Furthermore, the CAP budget should not be reduced or kept at the current level, but should be increased and support the transition. Approval of CAP Strategic Plans should also be conditional on Member States adopting comprehensive plans to reshape the food environment and link incentives for healthy and sustainable food production with the creation of new markets for those products⁷.
- 3.5 In this respect, the Committee welcomes the decision to prioritise funding under the new CAP for voluntary practices aimed at complying with the sustainable use of plant protection products, without the way such aid is allocated ever penalising or harming income from the use of alternative practices that are equally legal and authorised under European legislation. Generally, funding such as environmental plans and rural development initiatives has only been accessible for initiatives that go beyond the legal requirements. The new framework will allow all Member States to fund farmers to meet all their obligations concerning the sustainable use of plant protection products for five years.

⁵ [EESC resolution *The war in Ukraine and its economic, social and environmental impact*](#).

⁶ EESC opinion *A From Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, [OJ C 429, 11.12.2020, p. 268](#).

⁷ EESC opinion *A From Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, [OJ C 429, 11.12.2020, p. 268](#).

- 3.6 In the same vein, the Committee appreciates the efforts made to increase the efficiency of the NAPs for the sustainable use of plant protection products. While these NAPs could be quite varied and the objectives were voluntary and could cover different areas of interest, they have more streamlined content, including a detailed list of initiatives and their links to the objectives of the Farm to Fork Strategy. All Member States will be asked to list financial and other measures to promote integrated pest management and non-chemical alternatives. They will have to summarise trends in the annual progress and implementation reports across all objectives, streamlining quantitative data on compliance with the sustainable use of plant protection products. The Commission will produce an analysis of the annual progress and implementation reports every two years.
- 3.7 However, it is essential that this new governance model "leaves no one behind": this means ensuring that all Member States can implement the sustainable use of plant protection products as well as possible, despite their different starting points.
- 3.8 To achieve this goal, organised civil society, and in particular organisations with expertise in the area of pesticides, should be closely involved in the design, monitoring and future evaluation of the new Regulation. The quality of information to the general public, and especially to consumers, on the role of pesticides, as well as training and information for pesticide users, must be improved⁸.
- 3.9 Fair food prices (reflecting the true cost of production for the environment and society) are crucial to achieving sustainable food systems in the long term. It is essential that, even during the current crisis, the EU ensures genuine reciprocity of rules in preferential trade agreements⁹.

4. **Specific comments**

- 4.1 Improving access to, as well as the availability and cost-effectiveness of, alternative solutions and new technologies is essential for the sustainable use of plant protection products. Integrated pest management, as well as other low pesticide input pest management practices, which form part of integrated production and organic farming, was one of the key components of the Directive and is at the core of the new Regulation¹⁰.
- 4.2 The proposal for a Regulation provides as a general rule that professional users, including farmers, use non-chemical measures before resorting to the use of chemical plant protection products. This includes actions such as crop rotation, pest surveys, integrated pest management and the application of non-chemical pest control methods and other lower-risk pesticides¹¹.
- 4.3 This does not mean that the use of pesticides is not possible or necessary under certain circumstances. On the contrary, in some cases it is only possible to control pests satisfactorily –

⁸ [EESC information report *Evaluation of the Sustainable Use of Pesticides Directive*](#).

⁹ EESC opinion *A From Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, [OJ C 429, 11.12.2020, p. 268](#).

¹⁰ EESC own-initiative opinion *Integrated production in the European Union*, [OJ C 214, 8.7.2014, p. 8](#).

¹¹ [EESC information report *Evaluation of the Sustainable Use of Pesticides Directive*](#).

in commercial food production – by using pesticides, in accordance with the key principle of integrated pest management, as a last resort. By way of example, the importance of its application for small-scale uses should be highlighted.

- 4.4 Climate change is accelerating the spread of pests that require the availability of pesticides when all other control tools have been exhausted. This need is becoming even clearer at a time when all estimates suggest that the world's population will increase by more than two billion over the next 30 years. This scenario should be properly taken into account to ensure a stable food production system capable of supplying an ever-growing world population.
- 4.5 Furthermore, the increasing occurrence of droughts, floods and heat waves and the dramatic temperature changes that have been seen in recent years are damaging farmers' food production capacity and harvests. Against the current backdrop of crises caused first by the pandemic, then by the invasion of Ukraine, and by the aforementioned effects of climate change, stable yields in agricultural production must therefore be maintained in order to supply the world with high-quality products in sufficient quantities to safeguard food security.
- 4.6 The Regulation also highlights the key role that must be played by independent advisers, who will provide professional advice in line with the applicable crop-specific rules and with the principles of integrated pest management. In this regard, it is essential to strengthen and promote the advisory role of professional agricultural organisations and cooperatives who have been providing direct support as field agents on the ground. In Spain, for example, it is mandatory to have the opinion of an adviser on the vast majority of crops, which has boosted the number of officially certified advisers to over 20 000.
- 4.7 In its previous evaluation of the Sustainable Use of Pesticides Directive, the EESC highlighted the importance of improving the monitoring system and of ensuring compliance between the Directive and the NAPs. With regard to the sustainable use of pesticides, professional users will have to record the reasons for any intervention (chemical, biological, physical or cultural, etc.).
- 4.8 In this respect, particular importance should be given to the concept of protected or sensitive areas in the proposal for a Regulation. The use of plant protection products will no longer be possible in certain protected or sensitive areas (urban green areas, including public parks and gardens, playgrounds, recreational and sporting areas, paths for public use, Natura 2000 protected areas and any ecologically sensitive areas that may be preserved for endangered pollinators) unless certain conditions are met and only once the professional using the products provides detailed justification of the products to be used, and how, when and for how long they will be used. To this end, it is essential that the competent approval authorities have sufficient qualified staff to avoid delays resulting in the late application of pest control and preventing timely action against the emergence of pests.
- 4.9 On the other hand, specific geographical and climatic conditions in the Member States should be taken into account, to ensure that there will not be too excessive restriction of use of plant protection products imposed on agricultural land in ecologically sensitive areas that would otherwise not be able to cope with the emergence of new pests. For example, the Natura network covers 27% of the territory of Spain, which includes thousands of hectares of

agricultural crops and land for livestock management. A good strategy may involve zoning the different areas by demarcating and distinguishing those areas that constitute an integral reserve from other areas. Ultimately, the decision to limit use in sensitive areas should be determined by sound scientific and agronomic evidence to support the classification of a given area as protected.

- 4.10 The threshold to be reached prior to chemical intervention will be set out in detail in crop-specific rules and the competent authorities of the Member States will be responsible for establishing an electronic Integrated Pest and Plant Protection Product Management register, ensuring that professional users enter their data.
- 4.11 Furthermore, given that lack of knowledge of the optimal use of pesticides was one of the main obstacles to implementation of the Directive on the Sustainable Use of Pesticides¹², the EESC is pleased to note that the Commission has taken on board many of its recommendations on training and capacity building.
- 4.12 A new central electronic register for training certification will be created. It will contain detailed information on the period of validity of training certificates (five years for an adviser and ten years for a distributor or professional user). A training test will be required before users can purchase or use plant protection products authorised for application equipment for professional use and before an adviser can give advice. Distributors will have to have a sufficient number of trained staff.
- 4.13 Privacy in the use of agricultural data by the administration must be guaranteed and, above all, resources for digital skills and broadband must be made much more accessible to farmers to avoid greater burdens and work for farmers, who often lack the technical and human resources to send the required information to the electronic register.
- 4.14 Greater awareness on the part of the general public, and in particular consumers, of the role and use of pesticides, in line with national and European legislation, would benefit implementation of the Regulation. Awareness-raising and publicity campaigns aimed at better informing the general public and policy-makers would be essential. Information should be disseminated, for example, on the factors involved in food pricing, and on issues more closely related to product labelling or certification¹³.
- 4.15 A level playing field for international trade must also be maintained. Consistency between different EU policies means that great care must be taken to ban the import of food products treated with products that are banned in the EU.

¹² [EESC information report *Evaluation of the Sustainable Use of Pesticides Directive*](#).

¹³ [EESC information report *Evaluation of the Sustainable Use of Pesticides Directive*](#).

Brussels, 14 December 2022

Christa SCHWENG

The president of the European Economic and Social Committee
