



Council of the  
European Union

Brussels, 17 February 2023  
(OR. en)

---

---

Interinstitutional File:  
2022/0196(COD)

---

---

5826/23  
ADD 10

LIMITE

AGRI 34  
PESTICIDE 7  
SEMENCES 4  
AGRILEG 15  
ENV 74  
PHYTOSAN 5  
CODEC 92

#### WORKING DOCUMENT

---

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 - Follow up to the Working Party on Plants and Plant Health Questions (Pesticides/Plant Protection Products) on 27 January 2023 – comments from Ireland on IPM

---

Delegations will find in annex comments from Ireland on articles 15-18.

**ANNEX**

PUBLIC

<b>Member State:</b>	<b>Ireland</b>
----------------------	----------------

<b>Commission proposal (SUR)</b>	<b>Drafting Suggestions</b>	<b>Comments</b>
<i>Article 15</i>  <b>Implementation of integrated pest management using crop-specific rules</b>		As indicated, some crop guides (advisory) are currently in existence in most member states including Ireland. It would be appropriate to incorporate exiting systems.

<p>1. Member States shall adopt agronomic requirements based on integrated pest management controls that must be adhered to when growing or storing a particular crop and are designed to ensure that chemical crop protection is only used after all other non-chemical methods have been exhausted and when a threshold for intervention is reached ('crop-specific rules'). The crop-specific rules shall implement the principles of integrated pest management, set out in Article 13, for the relevant crop and be set out in a binding legal act.</p>	<p>Member States shall adopt agronomic requirements based on integrated pest management controls that must be adhered to when growing or storing a particular crop and are designed to ensure that chemical crop protection is only used after <b>consideration of</b> all other non-chemical methods have been exhausted and when <b>if appropriate</b> a threshold for intervention is reached ('crop-specific rules'). The crop-specific rules shall implement the principles of integrated pest management, set out in Article 13, for the relevant crop <del>and be set out in a binding legal act.</del></p>	<p>It would be useful to have some examples of crop specific rules</p>
<p>2. Each Member State shall designate a competent</p>		

<p>authority responsible for ensuring that the crops specific rules are scientifically robust and comply with this Article.</p>		
---	--	--

<p>3. By ... <i>[OP: please insert the date = the first day in the month following 24 months after the date of entry into force of this Regulation]</i> each Member State shall have in place effective and enforceable crop-specific rules, for crops covering an area that accounts for at least 90 % of its utilised agricultural area (excluding kitchen gardens). Member States shall determine the geographic scope of those rules taking account of relevant agronomic conditions, including, the type of soil and crops and the prevailing climatic conditions.</p>		<p>If 9mths prior is stated in section 4, an extension will be required on the 24 mths point 3</p>
<p>4. At least 9 months prior to the point in time when a crop-specific rule becomes applicable under national law, the Member State shall perform all of the following actions:</p> <p>publish a draft for public consultation;</p> <p>take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</p>	<p>4. At least 9 months prior to the point in time when a crop-specific rule becomes applicable under national law, the Member State shall</p> <p><del>perform all of the following actions:</del></p> <p><del>publish a draft for public consultation;</del></p> <p><del>take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</del></p> <p>submit the draft to the Commission.</p>	<p>Member States working with the national authority as per paragraph 2 and with stakeholders will prepare the appropriate scientific robust rules, therefore we do not see the need for paragraph 4(a) and (b).</p> <p>Consultation is already carried out as part of the NAP.</p>

<p>5. Where the Commission is notified of a draft in accordance with paragraph 4, point (c), it may within 6 months of receipt of the draft object to its adoption by a Member State, if it considers that the draft does not comply with the criteria set out in paragraph 6. If the Commission objects, the Member State shall refrain from adopting the draft until it has amended the text so as to remedy the shortcomings identified in the Commission's objections. The absence of a reaction from the Commission in accordance with this paragraph to a draft crop-specific rule shall not prejudice any action or decision which might be taken by the Commission under other Union acts.</p>	<p>Where the Commission is notified of a draft in accordance with paragraph 4 point (c), it may within 6 months of receipt of the draft object to its adoption by a Member State, if it considers that the draft does not comply with the criteria set out in paragraph 6. If the Commission objects, the Member State shall refrain from adopting the draft until it has amended the text so as to remedy the shortcomings identified in the Commission's objections. The absence of a reaction from the Commission in accordance with this paragraph to a draft crop-specific rule shall not prejudice any action or decision which might be taken by the Commission under other Union acts.</p>	<p>It is not clear how this process will work in practice and how rules developed by the member state based on science and climatic condition within that member state.</p>

<p>6. The crop-specific rules shall convert the requirements of integrated pest management laid down in Article 13 into verifiable criteria by, among others, specifying the following:</p> <p>(a) the most economically significant harmful organisms affecting the crop;</p>		
--	--	--

<p>the non-chemical interventions involving cultural, physical and biological control which are effective against the harmful organisms referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;</p> <p>the low-risk plant protection products or alternatives to chemical plant protection products which are effective against the harmful organisms referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;</p> <p>chemical plant protection products that are not low-risk plant protection products and that are effective against the harmful organisms referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;</p> <p>the quantitative criteria or conditions under which chemical plant protection products may be used after all other means of control that do not require the use of chemical plant protection products have been exhausted;</p> <p>the measurable criteria or conditions under which</p>		
---	--	--

<p>more hazardous plant protection products may be used after all other means of control that do not require the use of chemical plant protection products have been exhausted.</p> <p>(g) the obligation to record observations demonstrating that the relevant threshold value has been reached.</p>		
<p>7. Each Member State shall review its crop-specific rules annually and update them where necessary, including when it is needed to reflect changes in the availability of harmful organism control tools.</p>		



<p>8. A Member State that is planning to update a crop-specific rule shall, at least 6 months before the update becomes applicable under national law:</p> <p>publish a draft of the updated rules for public consultation;</p> <p>take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</p> <p>submit the draft that takes into account the comments as referred to in point (b) to the</p>		
--	--	--

Commission.		
-------------	--	--

<p>9. Where the Commission is notified of a draft under paragraph 8, it may within 3 months of receipt of the draft object to the updating of the crop-specific rule by a Member State, if it considers that the draft does not comply with the criteria set out in paragraph 6. If the Commission objects, the Member State shall refrain from updating the crop-specific rule until it has amended the text so as to remedy the shortcomings identified in the Commission's objections. The absence of a reaction from the Commission in accordance with this paragraph to a draft crop-specific rule shall not prejudice any action or decision which might be taken by the Commission under other Union acts.</p>		
<p>10. A Member State with significant climatic or agronomic differences between regions, shall adopt crop-specific rules for each of those regions.</p>		
<p>11. Each Member State shall publish all of its cropspecific rules on a single website.</p>		
<p>12. The Commission shall publish on a website links to the websites referred to in paragraph 11 of the</p>		

Member States.		
<p>13. By ... [<i>OP: please insert the date = the first day of the month following 7 years after the date of entry into force of this Regulation</i>], the</p> <p>Commission shall submit a report to the European Parliament and the Council on the adoption and enforcement of crop-specific rules in the Member States and the compliance of those rules with Article 15.</p>		
<p><b>Article 16</b></p> <p><b>Electronic integrated pest management and plant protection product use register</b></p>		<p>It is important that there is clarify on how the requirements of Art 67 of Regulation 1107 of 2009 and SAIO, align. We welcome the Commissions explanation at the meeting on 6<sup>th</sup> February.</p> <p>It may need to be considered if there is a requirement for certain holding size/cropped area to be exempted from the register.</p>

<p>1. Each Member State shall designate a competent authority or competent authorities to establish and maintain an electronic integrated pest management and plant protection product use register or registers.</p> <p>The electronic integrated pest management and plant protection product use register or registers shall contain all of the following information for a period of at least 3 years from date of entry:</p>		
---	--	--

<p>any preventative measure or intervention and the reasons for that preventative measure or intervention entered in accordance with Article 14(1);</p> <p>the name of the advisor and dates and content of advice entered in accordance with Article 14(2);</p> <p>an electronic record of each application of a plant protection product under Article 67 of Regulation (EC) No 1107/2009 and a report on any aerial application carried out under Article 20, as required by Article 14(3).</p>		<p>Where the professional user is also a professional advisor, they should be able to reference this.</p>
<p>2. The register(s) referred to in paragraph 1 shall be accessible to professional users so that they are able to enter the electronic records in accordance with Article 14.</p>		
<p>3. Competent authorities referred to in paragraph 1 shall verify compliance of professional users with Article 14.</p>		

4. Competent authorities referred to in paragraph 1 shall, once a year submit to the Commission a		
---	--	--

summary and analysis of the information collected under Article 14 and of any additional data on use of plant protection products gathered in accordance with Article 67 of Regulation (EC) No 1107/2009.		
5. Competent authorities referred to in paragraph 1 shall share the data gathered under paragraph 1, points (a) and (c), of this Article with the national competent authorities in charge of the implementation of Directives 2000/60/EC and (EU) 2020/2184 for cross-linking that data, in anonymised form, with environmental, groundwater and water quality monitoring data, to enhance the identification, measuring and reduction of risks from the use of plant protection products.		

6. Competent authorities referred to in paragraph 1 shall ensure access to the register(s) referred to in paragraph 1 to national statistical authorities for the development, production and dissemination of official statistics.		
7. In order to ensure a uniform structure of the summary and analysis referred to in paragraph 4, the Commission may, by means of implementing acts, adopt a standard template for such summary and		

analysis. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(2).		
<b>CHAPTER V</b>  <b>USE, STORAGE AND DISPOSAL OF PLANT PROTECTION PRODUCTS</b>		

<p><i>Article 17</i></p> <p><b>General requirements for the use of plant protection products for professional use and of application equipment in professional use</b></p>		
<p>1. A plant protection product authorised for professional use may only be used by a professional user who:</p> <p>has been issued with a training certificate for following courses for professional users in accordance with Article 25, or has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5), and uses the services of an independent advisor in accordance with Article 26(3).</p>		<p>The wording of 1(b) may need to be amended based</p>



		on the discussions under article 26..
2. More hazardous plant protection products may		
only be used and purchased by professional users.		

<p>3. Application equipment in professional use may only be used by professional users that hold a training certificate issued to them for following courses for professional users in accordance with Article 25 or have a proof of entry in a central electronic register for following such courses in accordance with Article 25(5).</p>		<p>Paragraph 3 &amp; 4 might be best moved to Chapter VIII Application Equipment</p>
<p>4. Within 3 years starting from date of first purchase, and every 3 years thereafter, a professional user shall submit his or her application equipment in professional use for inspection pursuant to Article 31. Where 3 years have passed from the date of first purchase of application equipment in professional use, a professional user may only use it for the application of plant protection products, if that equipment meets any of the following conditions:</p> <p>(a) the equipment has successfully passed inspection and the results have been recorded in the electronic register of application equipment in professional use in accordance with Article 31(6);</p>		

<p>(b) a derogation under Article 32(1), or Article 32(3) applies to that equipment.</p> <p>At the time of submitting the equipment for inspection, the owner of the equipment or his or her representative shall provide to the competent authority or body carrying out the inspection, the information necessary for the competent authority to comply with its record-keeping obligations pursuant to Article 30(1), point (b).</p>		
<p>5. A professional user shall inspect and operate application equipment in accordance with the manufacturer's manual of instructions.</p>	<p><b>5. A professional user shall inspect and operate application equipment in accordance with professional user training requirements.</b></p>	<p>The statement to operate application equipment in accordance with the manufacturer's manual of instructions may cause confusion on the testing of sprayers used for fertiliser application.</p>
<p><b>Article 3</b></p> <p><b>Definitions</b></p>		

<p><i>Relevant definitions</i></p> <p><i>Please comment on definitions linked to Article 15-17 and 20-23</i></p> <p><i>Please insert rows below for the relevant definitions you want to comment on, and indicate clearly in this</i></p>		
<i>column which definition you are commenting on</i>		

PUBLIC