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WORKING DOCUMENT		
From:	General Secretariat of the Council	
То:	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 Estonia on IPM	

Delegations will find in annex comments from Estonia on articles 15-17.

Member State:

Estonia

Commission proposal (SUR)	Drafting Suggestions	Comments
<i>Article 15</i> Implementation of integrated pest management using crop-specific rules	<i>Article 15</i> Implementation of integrated pest management using crop-specific <del>rules</del> <u>guidelines</u>	The provisions related to record keeping (and submission), should be covered by additional study supplementing impact assessment, as regards administrative burden. This is why we maintain our reservation on whole chapter, at least until the submission of requested data.
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	<ol> <li>Member States shall adopt agronomic</li> <li>requirements based crop-specific guidelines 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-considered and when a threshold for intervention is reached – in case such threshold has been established ('crop-specific rules-guidelines'). The crop-specific rules</li> </ol>	Estonia agrees that Member States should be obliged to develop crop-specific guidelines for integrated pest management as they are an important tool to ensure better implementation of the general principles of integrated pest management. Paragraph 1 must therefore be amended accordingly. According to the proposal, Member States will have to make binding requirements from these guidelines and farmers will have to comply with these



crop and be set out in a binding legal act.	guidelines shall implement the principles of	requirements when growing a particular crop.
	integrated pest management, set out in Article 13,	Estonia is of the opinion that what is described in the
	for the relevant crop and be set out in a binding legal	proposal contradicts the concept of integrated pest
	act.	management, which requires flexibility in
		responding to different situations and not all aspects
		of which can be written into legislation. IPM
		guidelines should provide a useful toolbox for
		farmers for combating pests and securing quality of
		crop not a straight-jacket that excludes necessary
		flexibility to choose between suitable measures.
		We have to acknowledge that developing thresholds
		and updating these for all pest/crop combination is
		long and continuous process, meaning also that these
		don't exist for all combinations. This has to be
		reflected in provisions.
2. Each Member State shall designate a competent	2. Each Member State shall designate a competent	In terms of content, the guidelines are a
authority responsible for ensuring that the crop-	authority responsible for ensuring that the crop-	comprehensive set of practical agrotechnical
specific rules are scientifically robust and comply	specific rules are scientifically robust and comply	recommendations drawn up on the basis of scientific
with this Article.	with this Article up to date.	data for the cultivation of a particular crop, taking
		into account regional specificities. Therefore, there
		has to be enough flexibility also for the content of
		guidelines.



<i>in the month following 24 months after the date of</i> <i>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.	<ul> <li>3. By [OP: please insert the date = the first day in the month following 5 years after the date of entry into force of this Regulation] each Member</li> <li>State shall have in place effective and enforceable crop-specific guidelined rules, for crops covering an area that accounts for at least 90 % of its utilised agricultural area (excluding kitchen gardens).</li> <li>Member States shall may determine the geographic scope of those rules guidelines when applicable, taking account of relevant agronomic conditions, including, the type of soil and crops and the prevailing climatic conditions.</li> </ul>	specific quidlines is not applicable because the development of guidelines is a scientific technical task and for excample field tests must be carried out for at least three years to ensure comparability and plausibility of thresholds. It is therefore not acceptable for the Commission, for its part, to endorse or amend the rules or guidelines for integrated pest management developed by researchers in a Member State for local conditions and needs.
<ul> <li>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:</li> <li>(a) publish a draft for public consultation;</li> <li>(b) take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</li> </ul>	<ul> <li>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:</li> <li>(a) publish a draft for public consultation;</li> <li>(b) take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</li> </ul>	Paragraph 4 stipulates detailed procedure for the adoption of the guidelines (deadline for adoption, public consultation, coordination with the European Commission), while giving the Commission and the public the power to decide which crops and how can be grown in the future. Given that, the development of guidelines is a science-based task as these are to be developed based on the region specific field experiments, the



(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.	(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.	public consultation and submission to Commission for approval of guidelines is in not justified.
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.	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 erop-specific rule shall not prejudice any action or decision which might be taken by the Commission under other Union acts.	Proposed procedure is not appropriate and has to be deleted. See comments above.
6. The crop-specific rules shall convert the requirements of integrated pest management laid down in Article 13 into verifiable criteria by, among	6. The crop-specific rules shall convert the requirements of integrated pest management laid down in Article 13 into verifiable criteria by, among	Proposed procedure is not appropriate and has to be deleted. See comments above. A further step towards the harmonisation of guidelines could be a
others, specifying the following:	others, specifying the following:	set of minimum requirements of the content of IPM



guidelines in a separate annex. (a) the most economically significant harmful (a) the most economically significant harmful organisms affecting the crop; organisms affecting the crop; (b) the non-chemical interventions involving (b) the non-chemical interventions involving cultural, physical and biological control which are cultural, physical and biological control which are effective against the harmful organisms referred to effective against the harmful organisms referred to in point (a) and qualitative criteria or conditions in point (a) and qualitative criteria or conditions under which these interventions are to be made; under which these interventions are to be made; (c) the low-risk plant protection products or (c) the low-risk plant protection products or alternatives to chemical plant protection products alternatives to chemical plant protection products which are effective against the harmful organisms which are effective against the harmful organisms referred to in point (a) and qualitative criteria or referred to in point (a) and qualitative criteria or conditions under which these interventions are to be conditions under which these interventions are to be made; made: (d) chemical plant protection products that are not (d) chemical plant protection products that are not low-risk plant protection products and that are low-risk plant protection products and that are effective against the harmful organisms referred to effective against the harmful organisms referred to in point (a) and qualitative criteria or conditions in point (a) and qualitative criteria or conditions under which these interventions are to be made; under which these interventions are to be made; (e) the quantitative criteria or conditions under (e) the quantitative criteria or conditions under which chemical plant protection products may be which chemical plant protection products may be used after all other means of control that do not used after all other means of control that do not require the use of chemical plant protection products require the use of chemical plant protection products



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have been exhausted;	have been exhausted;	
(f) the measurable criteria or conditions under which	(f) the measurable criteria or conditions under which	
more hazardous plant protection products may be	more hazardous plant protection products may be	
used after all other means of control that do not	used after all other means of control that do not	
require the use of chemical plant protection products	require the use of chemical plant protection products	
have been exhausted.	have been exhausted.	
(g) the obligation to record observations	(g) the obligation to record observations	
demonstrating that the relevant threshold value has	demonstrating that the relevant threshold value has	
been reached.	been reached.	
7. Each Member State shall review its crop-specific	7. Each Member State shall review ensure that its	In order to align this paragraph to amenemdents in
rules annually and update them where necessary,	crop-specific rules guidelines are annually and	pargaraph 2.
including when it is needed to reflect changes in the	scientifically up to date and update them where	
availability of harmful organism control tools.	necessary, including when it is needed to reflect	
	changes in the availability of harmful organism	
	control tools.	
Q A Manchen Class that is alwaying to an late a	Q A Manula of Class that is alwaying to an late of	Proposed procedure is not appropriate and has to be
8. A Member State that is planning to update a	8. A Member State that is planning to update a	deleted. See comments above.
crop-specific rule shall, at least 6 months before	erop-specific rule shall, at least 6 months before	
the update becomes applicable under national law:	the update becomes applicable under national law:	
(a) publish a draft of the updated rules for public consultation;	(a) publish a draft of the updated rules for public	





<ul><li>(b) take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</li><li>(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.</li></ul>	<ul> <li>consultation;</li> <li>(b) take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</li> <li>(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.</li> </ul>	
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.	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.	Proposed procedure is not appropriate and has to be deleted. See comments above.



10. A Member State with significant climatic or agronomic differences between regions, shall adopt crop-specific rules for each of those regions.	10. A Member State with significant climatic or agronomic differences between regions, shall adopt crop-specific <del>rules</del> <b>guidelines</b> for each of those regions.	
11. Each Member State shall publish all of its crop- specific rules on a single website.	11. Each Member State shall publish all of its crop- specific <del>rules</del> <b>guidelines</b> on a single website.	
12. The Commission shall publish on a website links to the websites referred to in paragraph 11 of the Member States.		
13. By [ <i>OP: please insert the date = the first day of the month following</i> 7 years <i>after the date of entry into force of this Regulation</i> ], the 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.	13. By [OP: please insert the date = the first day of the month following 7 years after the date of entry into force of this Regulation], the Commission shall submit a report to the European Parliament and the Council on the adoption and enforcement of crop-specific rules guidelines in the Member States and the compliance of those rules with Article 15.	
<i>Article 16</i> Electronic integrated pest management and plant protection product use register		<u>The provisions related to record keeping (and submission), should be covered by additional study supplementing impact assessment, as regards administrative burden. This is why we</u>



		maintain our reservation on whole chapter, at least until the submission of requested data.
1. Each Member State shall designate a competent	1. Each Member State shall designate a competent	In principle, we agree that the professional user of
authority or competent authorities to establish and	authority or competent authorities to establish and	the plant protection product must keep records of the
maintain an electronic integrated pest	maintain an electronic integrated pest management	operations carried out on the field, including
management and plant protection product use	and plant protection product use register or registers.	information on the implementation of the principles
register or registers.		of the IPM. While setting new obligations we must
	The electronic integrated pest management and plant	bare in mind the burden which is occurring from
The electronic integrated pest management and	protection product use register or registers shall	these new rules. As regards the reporting and data
plant protection product use register or registers	contain all of the following information for a period	submission obligations (also in article 14) the
shall contain all of the following information for a	of at least 3 years from date of entry:	baseline has to be that only this information should
period of at least 3 years from date of entry:		be recorded/collected which has added value. As
(a) any preventative measure or intervention and	(a) any preventative measure or intervention and the	discussions on article 14 are not finalised, we
	reasons for that <del>preventative measure or</del> intervention	maintain our reservations on this chapter.
the reasons for that preventative measure or	entered in accordance with Article 14(1);	*
intervention entered in accordance with Article	(b) the name of the advisor and dates and content of	In order to reduce the burden, the register should
14(1);		consist only information about applied measures and
(b) the name of the advisor and dates and content	advice entered in accordance with Article 14(2);	their reasons.
of advice entered in accordance with Article	(c) an electronic record of each application of a	The rule of mandatory advice itself is also
14(2);	plant protection product under Article 67 of	questionable and clearly keeping records of the
(c) an electronic record of each application of a	Regulation (EC) No 1107/2009 and a report on	content of advice has no added value to the
plant protection product under Article 67 of	any aerial application carried out under Article 20,	reduction of risks arising from PPP use. The user
Regulation (EC) No 1107/2009 and a report on	as required by Article 14(3).	remains responsible for applied measures.



any aerial application carried out under Article 20, as required by Article 14(3).		As term "intervention" in point a) includes all kinds of interventions including the use of plant protection products, point c) can be deleted.
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.		We maintain our reservation on the exact wording of this paragraph until the content of article 14 is decided.
3. Competent authorities referred to in paragraph 1 shall verify compliance of professional users with Article 14.	3. Competent authorities referred to in paragraph 1 shall verify compliance of professional users with Article 14.	This paragraph should be deleted, because according to article 1 paragraph 2 of OCR this is already part of the official controls.
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.	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.	The main problem with the proposed requirement is that it puts an obligation to Member States authorities to verify the correctness of data and quite clearly the inspector is not in a position to assess ex post the appropriateness of the applied measures. This is why the records to be kept based on article 14 should consist only information about applied measures and their reasons.
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	5. Competent authorities referred to in paragraph 1 shall <b>provide access to the data</b> share the data gathered under paragraph 1, points (a) <del>and (c)</del> , of	In the light of comments above ie to reduce the administrative burden, it is more appropriate to provide access to the data than oblige MS to submit



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.	this Article to 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.	the same dataset to different authorities. In order to align the article to the amendments in paragraph 1, reference to para 1 point c) should be deleted.
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).	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).	In order to align the article to the amendments in paragraph 4, this part should be deleted.
CHAPTER V USE, STORAGE AND DISPOSAL OF PLANT PROTECTION PRODUCTS		



<i>Article 17</i> General requirements for the use of plant protection products for professional use and of application equipment in professional use		
<ol> <li>A plant protection product authorised for professional use may only be used by a professional user who:</li> <li>(a) 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</li> <li>(b) uses the services of an independent advisor in accordance with Article 26(3).</li> </ol>	<ol> <li>A plant protection product authorised for professional use may only be used by a professional user who ÷</li> <li>(a) 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)<del>, and</del></li> <li>(b) uses the services of an independent advisor in accordance with Article 26(3).</li> </ol>	In principle, the general requirements for use are appropriate. Paragraph 1(a) should be adjusted in light of the discussions and possible amendments in article 25, therefore we are not proposing any amendments at this point. However, the mandatory requirement for the use of advisory services as set out in paragraph 1(b) is not justified in our opinion. This does not bring added value and, in our opinion, does not lead to changes in production practice, while at the same time is creating the artificial need for advisory services. In our opinion, it is enough for at least one person to work for the farmer, who is involved in planning, solving unexpected situations, consults various partners. Mandatory advisory services do not ensure better results, neither from the point of view of the environment nor the manufacturer, and can lead to fictitious advisory services and an increased administrative burden.



2. More hazardous plant protection products may only be used and purchased by professional users.	2. More hazardous plant protection product Candidates for substitution may only be used and purchased by professional users.	The term used in paragraph 2 has the same problem as in Article 3(5) with the term — this wording leads to a misconception as if dangerous plant protection products are used in the EU. These are products containing substitutes that have undergone the normal risk assessment procedure for placing on the market and therefore the relevant term should be used
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).	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).	Paragraph 3 seems superfluous, paragraph 1 is sufficient — in order to use a plant protection product a person must have a plant protection application equipment (PAE), if the plant protection product cannot be used due to the restriction in paragraph 1, there is no PPP use and purpose is achieved. The problem is that such a requirement in para 3 does not allow a person who has not completed the training to spray, for example, liquid fertilisers with the PAE and this is not justified.
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	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	This provision belongs to the chapter VIII and it should be moved to the relevant part of proposal.



have passed from the date of first purchase of	have passed from the date of first purchase of	
application equipment in professional use, a	application equipment in professional use, a	
professional user may only use it for the	professional user may only use it for the	
application of plant protection products, if that	application of plant protection products, if that	
equipment meets any of the following conditions:	equipment meets any of the following conditions:	
(a) the equipment has successfully passed	(a) the equipment has successfully passed	
inspection and the results have been recorded in	inspection and the results have been recorded in	
the electronic register of application equipment in	the electronic register of application equipment in	
professional use in accordance with Article 31(6);	professional use in accordance with Article 31(6);	
<ul><li>(b) a derogation under Article 32(1), or Article 32(3) applies to that equipment.</li><li>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).</li></ul>	<ul> <li>(b) a derogation under Article 32(1), or Article 32(3) applies to that equipment.</li> <li>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).</li> </ul>	
5. A professional user shall inspect and operate application equipment in accordance with the manufacturer's manual of instructions.		



Article 3			
Definitions			
Relevant definitions			
Please comment on definitions linked to Article 15-			
17 and 20-23			
Please insert rows below for the relevant definitions			
you want to comment on, and indicate clearly in this			
column which definition you are commenting on			
(5) 'more hazardous plant protection product'	(5) 'more hazardous plant protection product	See the comment on paragraph 2 of article 17.	
means a plant protection product containing one or	candidates for substitution' means a plant		
more active substances approved as candidates for substitution in accordance with Article 24 of	protection product containing one or more active		
Regulation (EC) No 1107/2009 and listed in Part E	substances approved as candidates for substitution in		
of the Annex to Implementing Regulation (EU) No	accordance with Article 24 of Regulation (EC) No 1107/2009 and listed in Part E of the Annex to		
540/2011, or containing one or more active	Implementing Regulation (EU) No 540/2011, or		
substances listed in the Annex to Implementing	containing one or more active substances listed in		
Regulation (EU) 2015/408;	the Annex to Implementing Regulation (EU)		
	2015/408;		



(10) 'application equipment' means any equipment	'application equipment' means any equipment the	The definition of plant protection equipment (Article
the use of which for the application of a plant	use of which for the application of a plant protection	3(10)) is not sufficiently clear and does not provide
protection product is reasonably foreseeable at the	product is reasonably foreseeable at the time of	sufficient clarity from the point of view of
time of manufacture and accessories that are	manufacture which according to manufacturer's	implementation (for the devices covered by the
essential for the effective operation of such	manual is intended for the application of plant	definition). What exactly does it mean "any
equipment, with the exception of equipment	protection product and accessories that are	equipment the use of which for the application of a
designed for the sowing or planting of propagating	essential for the effective operation of such	plant protection product is reasonably foreseeable
material treated with plant protection products;	equipment, with the exception of equipment	at the time of manufacture". This is why the wording
	designed for the sowing or planting of propagating	has to be adapted.
	material treated with plant protection products;	
(15) 'integrated pest management' means careful	(15) 'integrated pest management' means careful	In the light of the discussions of definitions in
consideration of all available means that discourage	consideration of all available means plant	Working Party, it is justified to keep the current
the development of populations of harmful	protection methods and subsequent integration of	definition as it standis in SUD.
organisms, while keeping the use of chemical plant	appropriate measures that discourage the	
protection products to levels that are economically	development of populations of harmful organisms,	
and ecologically justified and minimise risks to	while and keeping the use of chemical plant	
human health and the environment;	protection products and other forms of	
	intervention to levels that are economically and	
	ecologically justified and reduce or minimise risks	
	to human health and the environment;	

