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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 Austria on IPM

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

Member State:	Austria
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Commission proposal (SUR)	Drafting Suggestions	Comments AUSTRIA
<i>Article 15</i> Implementation of integrated pest management using crop-specific rules		
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.	1. Member States shall adopt agronomic requirements based on integrated pest management controls principles 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 considered exhausted and when a threshold for intervention is reached ('crop-specific rules guidelines '). The crop-specific rules guidelines 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.	To establish the guidelines by means of a legal act would call into question the necessary flexibility in the creation and adaptation of the guidelines and would facilitate an excessive administrative process.

<p>2. Each Member State shall designate a competent authority responsible for ensuring that the crop-specific rules are scientifically robust and comply with this Article.</p>	<p>2. Each Member State shall designate a competent authority responsible for ensuring that the crop-specific rules guidelines scientifically robust and comply with this Article.</p>	
<p>3. By ... [OP: please insert the date = the first day in the month following 24 months after the date of entry into force of this Regulation] 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>3. By ... [OP: please insert the date = the first day in the month following 24 months after the date of entry into force of this Regulation] each Member State shall have in place effective and enforceable feasible crop-specific rules guidelines, for crops covering an area that accounts for at least 9075 % of its utilised agricultural area (excluding kitchen gardens). Member States shall determine the geographic scope of those rules guidelines taking account of relevant agronomic conditions, including, the type of soil and crops and the prevailing climatic conditions.</p>	<p>Even on a small scale, there are sometimes considerable differences in local conditions, which in turn require a different plant protection management. Excessively detailed solutions in the elaboration of crop-specific regulations would result in a disproportionate amount of work and thus hardly seem practical. A clear framework for “relevant agronomic conditions” shall be established.</p> <p>We recommend the coverage of at least 75 % of the utilised agricultural area in accordance with Regulation 2022/2379 on Agricultural Input and Output (SAIO).</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>(a) publish a draft for public consultation;</p>	<p>4. At least 96 months prior to the point in time when a crop-specific rule guideline becomes applicable under national law, the Member State shall perform all of the following actions:</p> <p>(a) the competent authority shall publish a draft</p>	<p>The provisions of this Article create enormous administrative burdens, which are hardly feasible, especially in the course of the deadlines set. This is especially true in the context of the annual revision of the guidelines as specified in Article 15 (7).</p>

<p>(b) take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</p> <p>(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.</p>	<p>on a website for public consultation;</p> <p>(b) take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</p> <p>(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.</p> <p>(b) shall notify the commission of it's publication</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</p>	<p>5. Where the Commission is notified of a draft in accordance with paragraph 4, point (c), it may within 6-3 months of receipt the notification of the draft object to its adoption by a Member State submit a proposal for amendment to the Member State., if it considers that the draft does not comply with the criteria set out in paragraph 6. If the Commission objects-submits a recommendation, the Member State may amend the draft as appropriate. 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</p>	<p>It is important to ensure that the Commission's recommendations take sufficient account of national circumstances and the expertise of national experts. Local and regional circumstances and interests must remain respected in accordance with the principle of subsidiarity.</p>

<p>under other Union acts.</p>	<p>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>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>(b) 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>(c) 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>6. The crop-specific guidelines 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>(b) 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>(c) the low-risk plant protection products or alternatives to chemical plant protection products which are effective authorised against the harmful organisms referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;</p>	<p>Particularly in connection with the form of a binding legal act required under Article 15(1), as well as the evaluations required under Article 15 (7) through the annual revision of the Guidelines, consideration must be given to potentially enormous bureaucratic efforts and excessive administrative burdens. Under Article 15 (6) (c), the term "authorised" should be used instead of the current wording "effective".</p> <p>Plant protection products containing active substances classified as candidates for substitution fulfil all the requirements for authorisation of plant protection products. The point in Article 15 (6) lit. f should be deleted as this is covered by lit. e anyway.</p>

<p>(d) 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>(e) 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>(f) the measurable criteria or conditions under which 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>(d) chemical plant protection products that are not low-risk plant protection products and that are effective authorised against the harmful organisms referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;</p> <p>(e) 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 considered-exhausted;</p> <p>(f) the measurable criteria or conditions under which 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 considered.</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,</p>		

<p>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>(a) publish a draft of the updated rules for public consultation;</p> <p>(b) take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</p> <p>(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.</p>	<p>8. A Member State that is planning to update a crop-specific guideline-rule shall, at least 6 months before the update becomes applicable under national law perform all of the following actions:</p> <p>(a) the competent authority shall publish a draft on a website for public consultation;</p> <p>(b) notify the commission of its publication</p>	
<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</p>	<p>9. Where the Commission is notified of a draft under paragraph 8, it may within 3 months of receipt of the draft submit a proposal for amendment to the Member State regarding 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</p>	<p>See article 16 (5).</p>

<p>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>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>10.-A Member State with significant climatic or agronomic differences between regions, shall may adopt the crop-specific guidelines rules for each of those regions accordingly.</p>	<p>Depending on the definition of “significant climatic or agronomic” differences between regions and in the light of the need to create and continuously evaluate the crop specific guidelines, the administrative burden for the member states, as well as for the commission appears excessive. Member states may address the significant differences in the guidelines considering local and regional interests.</p>
<p>11. Each Member State shall publish all of its crop-specific rules on a single website.</p>	<p>11. Each Member State shall publish all of its crop-specific guidelines 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 Member States.</p>		
<p>13. By ... [<i>OP: please insert the date = the first</i></p>	<p>13. By ... [<i>OP: please insert the date = the first</i></p>	

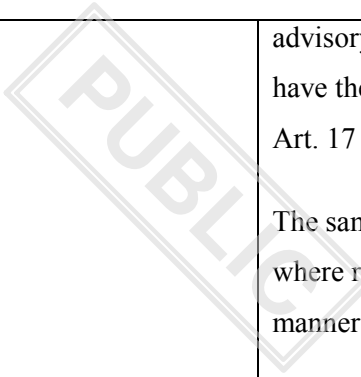
<p><i>day of the month following 7 years after the date of entry into force of this Regulation</i>], the Commission shall submit a report to the European Parliament and the Council on the adoption and enforcement of crop-specific rules in the Member States and the compliance of those rules with Article 15.</p>	<p><i>day of the month following 7 years 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 implementation adoption and enforcement of crop-specific guidelines rules in the Member States and the compliance of those guidelines rules with Article 15.</p>	
<p>Article 16</p> <p>Electronic integrated pest management and plant protection product use 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>(a) any preventative measure or intervention and</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>We take a critical view of the establishment of an electronic register on integrated pest management. Both the technical implementation and the evaluation of the required data hardly seem possible at this point in time. Integrated pest management in its entirety includes crop rotation planning, soil cultivation, fertilisation and much more besides the use of plant protection products. The highest level of education and training should focus on the education and knowledge of farmers in order to create the best possible conditions for the application of integrated</p>

<p>the reasons for that preventative measure or intervention entered in accordance with Article 14(1);</p> <p>(b) the name of the advisor and dates and content of advice entered in accordance with Article 14(2);</p> <p>(c) 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>(a) any preventative measure or intervention and the reasons for that preventative measure or intervention entered in accordance with Article 14(1);</p> <p>(b) the name of the advisor and dates and content of advice entered in accordance with Article 14(2);</p> <p>(c) 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>pest management.</p> <p>Concrete information is needed from the Commission on the degree of detail in which the recording of preventive measures or interventions and their reasons, and in particular the verification of compliance with Article 14, is to be carried out via the electronic register. In the Commission's view, should all entries made by professional users be checked for accuracy? It is essential that a potential collection of data allows it to be analysed.</p> <p>We further want to highlight that the necessity to creation of a central electronic register would not take into account the federal structures and responsibilities of the Austrian regions.</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>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</p>	<p>3. Competent authorities referred to in</p>	

<p>shall verify compliance of professional users with Article 14.</p>	<p>paragraph 1 shall verify compliance of professional users with Article 14.</p>	
<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.</p>	<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.</p>	<p>Along the lines of the comments on Article 16 (1-3), reference must again be made to the enormous volume of data to be collected. Is it within the Commission's expectation that the annual summary will include all entries in the system? What should an evaluation and subsequent summary of the collected data look like in concrete terms and how should the implementation of a sound evaluation and evaluation of a conclusive interpretation be ensured?</p>
<p>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.</p>	<p>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</p>	<p>An in-depth assessment is required in order to avoid possible data protection problems.</p>

	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.	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).	
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		

<p>1. A plant protection product authorised for professional use may only be used by a professional user who:</p> <p>(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</p> <p>(b) uses the services of an independent advisor in accordance with Article 26(3).</p>	<p>1. A plant protection product authorised for professional use may only be used by a professional user who:</p> <p>(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</p> <p>(b) uses the services of an independent advisor in accordance with Article 26(3).</p>	<p>In accordance with Article 5 of Directive 2009/128/EC, structures for education, training and further training of distributors, advisors and professional users of plant protection products as well as concerning the control of equipment in use have already been established and implemented in national law.</p> <p>Due to Austria's federal structure, training records are stored in a decentralised manner at the provincial chambers of agriculture or rural training institutes. The existing system already fulfils the purpose of providing training certificates according to the current legal situation. In any case, the creation and administration of a central electronic database would be opposed by enormous additional bureaucratic efforts. It is not foreseeable that the electronic and central collection of evidence of training will generate significant added value in relation to the additional workload for professional users and authorities. In addition, there must be sufficient leeway to take national structures into account. In addition, there is already a high workload of the</p>
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		<p>advisory and administrative bodies, which do not have the capacity to fulfil the requirements set by Art. 17 (1).</p> <p>The same principle applies to application equipment, where relevant data is stored in a decentralised manner to accommodate for the national structures.</p> <p>Furthermore, we see the necessity for a clear definition of the term “independent advisor”</p>
2. More hazardous plant protection products may only be used and purchased by professional users.	2. More hazardous P plant protection products containing active substances identified as candidates for substitution may only be used and purchased by professional users.	
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).	
4. Within 3 years starting from date of first purchase, and every 3 years thereafter, a	4. Within 3 years starting from date of first purchase, and every 3 years thereafter, a	

<p>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>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),</p>	
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	point (b).	
5. A professional user shall inspect and operate application equipment in accordance with the manufacturer’s manual of instructions.	5. A professional user shall inspect and operate application equipment in accordance with the manufacturer’s manual of instructions.	
Article 3 Definitions		
<i>Relevant definitions</i> <i>Please comment on definitions linked to Article 15-17 and 20-23</i> <i>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</i>		Article 17 (1) (b) “independent advisor”: We see the need to clearly define who qualifies as an independent advisor. Article 17 (2) “more hazardous plant protection products”: The use of the definition “plant protection products containing candidates for substitution” orienting from regulation 1107/2009 is preferred.