



Council of the
European Union

Brussels, 22 February 2023
(OR. en)

**Interinstitutional File:
2022/0196(COD)**

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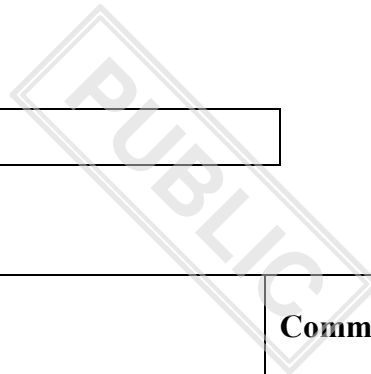
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WORKING DOCUMENT

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 Slovakia on IPM

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



Member State:	Slovakia
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Commission proposal (SUR)	Drafting Suggestions	Comments
<p><i>Article 15</i></p> <p>Implementation of integrated pest management using crop-specific rules</p>		<p>General comment:</p> <p>The Slovak Republic does not agree with the proposed provisions for the elaboration and legal binding of crop-specific manuals and especially their frequent updating and reporting to the Commission, which would represent an enormous administrative burden and require a significant increase in human and financial resources without added value. SR does not support the proposed provisions of this chapter in the proposed wording. The proposed provisions are not proportionate to the stated objective of the draft regulation.</p>
<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</p>	<p>Member States shall adopt agronomic crop-specific guidelines requirements based on principles of integrated pest management controls that must be adhered to when growing or storing a particular crop</p>	<p>We propose reword the wording "all other non-chemical methods" to "all available relevant non-chemical methods".</p>

<p>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>and are designed to ensure that chemical crop protection is only used after all relevant 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>We consider the term all others to be a vague but also an unreasonably strict approach for application in practice, which may result in confusion when fulfilling the IPM conditions. General comment stated above is relevant too for this par.</p>
<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>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 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>We have a basic question about the existing developed crop-specific manuals, what is their validity within the proposed SUR?</p>

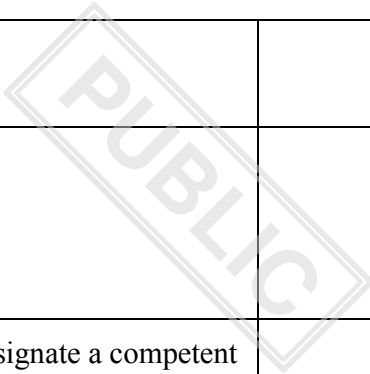
<p>4. At least 9 months prior to the point in time when a crop-specific rule becomes applicable under national law, the Member State shall perform all of the following actions:</p> <p>(a) publish a draft for public consultation;</p> <p>(b) take into account comments received from stakeholders and members 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>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>(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 the one hand, we have an obligation to develop crop-specific manuals so that they are scientifically based, then why are public consultations necessary? It is appropriate in the case of the elaboration of strategic documents, concepts, what is the added value of public consultation in this case?</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-</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-</p>	<p>This proposed provision is not feasible in practice without an enormous increase in the EC's professional capacities for the actual assessment of manuals. Does the EC have such professional capacities, which, among other things, have knowledge about specific agro-climatic conditions in individual member states? This provision has no added value for the quality of the required manuals and represents an unnecessary administrative burden both on the side of the Member States and on the side of the EC.</p>

<p>specific rule shall not prejudice any action or decision which might be taken by the Commission under other Union acts.</p>	<p>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>(d) chemical plant protection products that are not</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>(d) chemical plant protection products that are not</p>	<p>In Art. 15 in par. 6 a) we suggest deleting the phrase "most economically significant " and replacing it with the following phrase "harmful organisms affecting the crop".</p> <p>In crop-specific manuals, it is important to list not only the most significant harmful organisms affecting the crop, but also exceptional harmful organisms that may occur once every few decades (eg pests - Ramularia in sugar beet).</p> <p>We do not support the concept of provisions in para. 6 c), d), f), since the authorization of PPPs is a live process and it is not appropriate to list specific PPPs. We propose the concept of introducing a procedure for selecting PPPs according to their risk, pest pressure and development stage of pests..</p>

<p>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>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 and procedure for selecting plant protection products according to their risk, pest pressure and development stage;</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>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</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</p>	

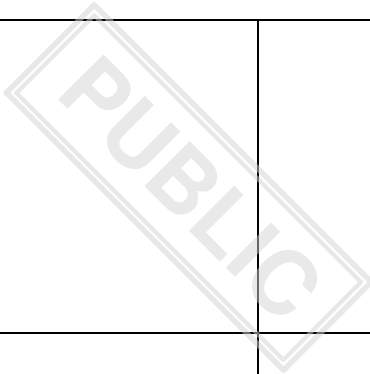
availability of harmful organism control tools.	availability of harmful organism control tools.	
<p>8. A Member State that is planning to update a crop-specific rule shall, at least 6 months before the update becomes applicable under national law:</p> <p>(a) publish a draft of the updated rules for public 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 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>The same comments as above to par. 4 - unreasonable administrative burden, prolongation of the process and high demands on the number of professional staff.</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 shortcomings identified in the Commission's</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 shortcomings identified in the Commission's</p>	<p>The same comments as above to par. 5 - unreasonable administrative burden, prolongation of the process and high demands on the number of professional staff.</p>

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.	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.	
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 rules for each of those regions.	It's up to MS to decide if it is necessary to adopt crop specific rules for each of those regions. In one manual could be specific parts dedicated to differences between regions, there is no need to have separate rules in separate document. Principle of subsidiarity should be kept.
11. Each Member State shall publish all of its crop-specific rules 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 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		



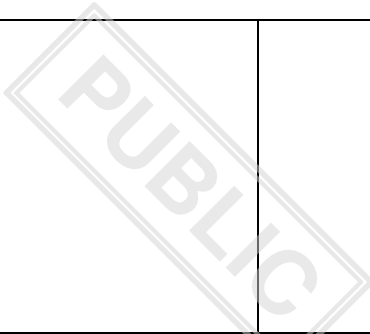
<p>States and the compliance of those rules with Article 15.</p>		
<p>Article 16 Electronic integrated pest management and plant protection product use register</p>		
<p>1. Each Member State shall designate a competent authority or competent authorities to establish and maintain an electronic integrated 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 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>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 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>(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, or article 21 as required by Article 14(3).</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>		
<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>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</p>		

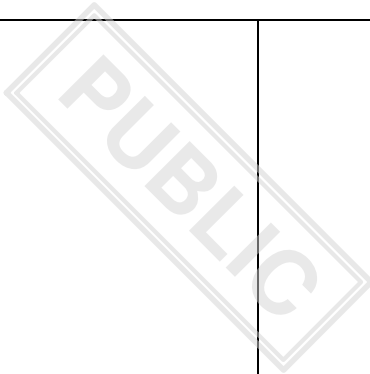


<p>implementation of Directives 2000/60/EC and (EU) 2020/2184 for cross-linking that data, in anonymised form, with environmental, groundwater and water quality monitoring data, to enhance the identification, measuring and reduction of risks from the use of plant protection products.</p>		
<p>6. Competent 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.</p>		
<p>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).</p>		
<p>CHAPTER V</p> <p>USE, STORAGE AND DISPOSAL OF PLANT PROTECTION PRODUCTS</p>		
<p><i>Article 17</i></p>		

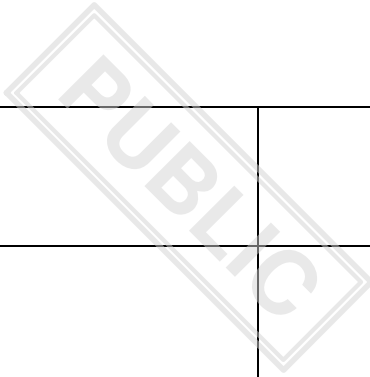
<p>General requirements for the use of plant protection products for professional use and of application equipment in professional use</p>		
<p>1. A plant protection product authorised for professional use may only be used by a professional user who:</p> <p>(a) has been issued with a training certificate 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>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 Art. 17 par. 1 b) we do not agree with the condition of using the services of an independent advisor in accordance with Art. 26 par. 3, since professional users mostly have an agricultural education, they must complete vocational training, and therefore we do not consider the use of advisory services to be clearly necessary. The capacity of advisory services and their quality level must also be taken into account, this comment was also discussed at previous meetings of the WP.</p>
<p>2. More hazardous plant protection products may only be used and purchased by professional users.</p>	<p>2. More hazardous plant protection products may only be used and purchased by professional users.</p>	<p>In Art. 17 par. 2, we do not support the proposed wording, it is not clearly defined what is a more dangerous PPP, and moreover pPPPs are authorized for professional and non-professional users based on the application of Regulation (EC) No. 1107/2009. At the same time, we see here a contradiction with par. 1</p>
<p>3. Application equipment in professional use may</p>		



<p>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>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>In Art. 17 par. 4, the requirement to register the application equipment into the register of application equipment immediately after its acquisition, pursuant to Art. 29 par. 1 is missing.</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>This provision is questionable, there is no requirement for regular calibration (?), proper cleaning and maintenance (?), the proposed provision is vague (what is meant by control of the application device?). Perhaps it would be sufficient to stipulate that the professional user uses the application device according to the instructions for its use? In the Slovak Republic, we have the principles of the correct use of application equipment also stated in the implementing decree as general requirements.... We don't propose alternative text, further discussion is needed.</p>



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>		
7. “ <i>professional user</i> ”		The modification of this definition is needed. We need to distinguish between a professional user farming on land and a professional user without land performing only agricultural services, this is important for assigning individual responsibilities and obligations to the professional user, also with regard to liability for possible incidents, and with regard to preventing duplicate collection of statistical data