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#### WORKING DOCUMENT

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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 Belgium on IPM

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

**BE positions/questions on articles 3 (15)& 15- 17****General observation**

We reiterate our request for a timetable of the obligations that each Member State would have to fulfil if the SUR were to be adopted as it stands. This timetable should also include information on the related obligations of electronic recording of usage data (Regulation 1107/2009; art 67) as well as the obligations regarding sales and usage statistics of the SAIO Regulation.

**Article 15 and article 3 (15)**

Article 15 : In BE we already have IPM sector specific rules for, as examples, greenhouse vegetables, ornamental crops, fruit crops, forage crops, etc. In these sector guides, where necessary and possible, the specific rules for certain crops in the sector concerned are specified. More explanation about these IPM sector specific rules is available in [Annex](#).

The current proposal will increase the administrative burden for the competent authorities in Belgium, even though a well-developed IPM system is already in place today. An annual revision is not feasible if we need to have a separate document for each single crop and need to conduct a public consultation for each of these documents each year.

Therefore, it is necessary to modify this article in order to find a more flexible system with a feasible administrative burden for the competent authorities.

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Art. 3.15 : the definition of IPM should mention that measures should be prioritised so that prophylactic methods without the use of plant protection products should be preferred and the use of such products should be the last resort. In this case, low risk PPPs should be used as a priority.

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Art. 15.1 : It should be possible to group rules for similar crops in a sector-specific document, for example one document for ornamental crops, another for greenhouse vegetables,...

Does COM confirm this is feasible with article 15.1 as it is ?

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Art. 15.4 and 15.8 : A public consultation for such a technical matter isn't pertinent. The sector-specific documents can be revised annually by a technical committee in which stakeholders are

gathered, without the need for a public consultation.

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Art. 15.5 : Commission should send comments within three months, or if this is not feasible, commission comments can be taken into account at the next annual revision.

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Art. 15.9 : Commission should send comments within one month, or if this is not feasible, commission comments can be taken into account at the next annual revision.

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Art.15.11: publishing all crop-specific rules on a single website is nonsense in Belgium where this competence is regional. "On a single website" should be replaced by "on the most relevant websites".

## **Article 16**

Control on IPM : Belgium points out that the registration of IPM data for each crop is a disproportionate measure in view of its added value for both the professional user and the authority. In order to reduce the administrative burden and yet allow the authorities to control the correct implementation of IPM, we propose the following approach, that is already in place in Belgium for the agricultural sector:

IPM should be seen as a strategy that must be implemented at the level of the whole farm/company. The IPM register (art. 14) should be seen as a kind of checklist that farmers and other professional users must fill out at least once a year. This should not be a separate register for each crop but one register/checklist for their whole company or per crop group.

We propose that the large structure of this register/checklist is defined at EU level (in order to allow comparison of results between Member States), but that Member States can refine the questions according to their own needs.

Control of the IPM and PPP use registers should be performed by either the competent authorities in the Member States or by independent control organisms, that have been approved by the competent authority. Control should take place in the form of audits on a regular basis, e.g. every three years. During these audits, the IPM checklists and the PPP use register are checked and discussed with the farmer/professional user. The approved control organisms report regularly to the competent authority in the Member State.

This approach has the advantage that IPM is considered at farm-scale and not crop by crop. Moreover, the audit based on the checklist allows a constructive discussion and reflexion with the

farmer, which would not take place when there is only an administrative control of an IPM register.

We therefore propose the following :

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Art. 16.5 or 6: Data must also be shared with the competent authorities referred to in Art. 28.1. This is a first step towards comprehensive monitoring of population exposure to PPPs.

The same access for environmental exposure monitoring should also be provided.

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Art. 16.7 : proposed amendment "In order to **standardise** the structure of the summary and analysis referred to in paragraph 4, the Commission **shall adopt**, by means of implementing acts, a **model** summary and analysis...".

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Art. 16.x to add : It is requested to EU to design a general mandatory model for the IPM register at the farm/ company level. Nevertheless, enough flexibility should be given to MS or regions in order to adapt the model to their needs.

A European initiative in this area would be more effective, faster and ensure greater equality of constraint among European citizens.

## **Article 17**

Art. 17.3 : Irrigation/fertilisation equipment that is not used to apply PPPs should be excluded from this obligation.

Such equipment can be used without training certificate and should not be submitted to triannual inspection.

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Art. 17.5: As it is impossible to control this obligation, it should be removed from Article 17 and could instead be included as an example in the knowledge to be acquired in Article 25.1.b.

## **Annex: Belgian proposal alternative approach for ‘Electronic integrated pest management register’**

Article 16 paragraph 1 of the SUR-proposal states :

*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.*

*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:*

- a) any preventative measure or intervention and the reasons for that preventative measure or intervention entered in accordance with Article 14(1);*
- b) the name of the advisor and dates and content of advice entered in accordance with Article 14(2);*
- 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).*

To our point of view, as almost each crop handling (from soil preparation to fertilization, variety choice, seedling rates,...) and treatment can be considered as IPM relevant, this kind of approach will result in an important increase of administrative burden and workload, both for the professional users as for the competent authority(ies) which will be responsible to gather, process and evaluate this enormous amount of data. This cannot be the objective / result of an improved Regulation on the sustainable use of pesticides (in the age of administrative simplification!).

Our opinion is that IPM should be seen as a strategy that must be implemented at the level of the whole farm/company. Separate registers for each single crop are not feasible, but our experience demonstrates that an IPM register (or checklist) can be a useful tool for both farmer and competent authority, if it is considered at farm-level.

Therefore, we would like to explain the current Belgian approach, because we believe that we already have an appropriate IPM system in place, and we do not agree to move backwards to a system with a higher administrative workload and that is more difficult to control.

We hope that this information may inspire Commission and other Member States and may help to modify the SUR proposal to obtain an efficient IPM system at EU level.

In implementing the Directive on sustainable use of pesticides (EC/2009/128) the Belgian regional authorities competent for agriculture developed specific legislation (Flanders : [Besluit van de Vlaamse Regering houdende de toepassing van geïntegreerde gewasbescherming door professionele gebruikers van gewasbeschermingsmiddelen \(vlaanderen.be\)](#), Wallonia :

<https://agriculture.wallonie.be/documents/20182/21888/AGW+lutte+int%C3%A9gr%C3%A9e.pdf/f3b77d8d-20e0-43a7-b4f8-9ae452cd088d> and

<https://agriculture.wallonie.be/documents/20182/21846/AM+26+janvier+2017.pdf/d25a4394-5844-4ed3-92b2-3c11db0577a8>) to enhance the implementation of IPM requirements by Belgian farmers.

These legislations includes provisions about several relevant topics through mandatory requirements about :

1. defining and keeping up to date of crop/sector specific IPM guidelines as a task of the agriculture competent administration, in consultation with relevant stakeholders. These crop specific IPM guidelines are published yearly and available for consultation on the website of the competent administration;
2. all professional users of PPP's must apply the general principles of IPM listed in the crop/sector specific IPM guidelines. These guidelines comprise control points at crop level but also at farm level control points are imposed (e.g. measures to enhance biodiversity). A professional user who follows those guidelines complies with the general principles;
3. in Flanders, each professional user (i.e. farmer) of PPP's must register with a recognized 'control body'. The latter ones are recognized by the Minister of agriculture and monitor the application of the general principles of IPM by professional users active in agricultural production ([Geïntegreerde gewasbescherming | Landbouw en Visserij \(vlaanderen.be\)](#)); in Wallonia, the registering with a recognized 'control body' is not obliged and non registered farmers are subject to random controls operated by the competent authority

4. a 'control body' carries out the following tasks :

- keeping a list of the professional users of PPP's who are registered with the control body. This list contains at least the following identification data :
  - the first and last name of the professional user of the responsible person in the case of a legal person, his address and, where applicable, his telephone number and e-mail address
  - where applicable, the company number
  - where applicable, the 'phytolicence' P2 of P3, stated in the Royal Decree of 19 March 2013 to achieve the sustainable use of PPP's and additives
- submit to the competent authority annually before 31 March of the year following the list of registered professional users with the results of the audits carried out for each control point in the checklist
- inform the competent authority immediately of infringements
- provide annual refresher training to the personnel who carry out the audits by participating in a refresher course organized by the competent authority (this last point only in Flanders).

In practice, these legal provisions result in :

- Belgian farmers having a clear, detailed up to date check list of crop/sector specific IPM guidelines at their disposal
  - Flanders : <https://lv.vlaanderen.be/plant/gewasbescherming/geintegreerde-gewasbescherming>, the checklist February 2022:  
<https://lv.vlaanderen.be/media/7609/download?attachment>
  - Wallonia :  
<https://agriculture.wallonie.be/documents/20182/21888/Lutte+int%C3%A9gr%C3%A9e.pdf/6d7f203d-dcdd-4e5a-beee-a90280e3ab72>  
<https://agriculture.wallonie.be/documents/20182/21846/cahiers+des+charges+2019++tout+sauf+ornement.docx/269560b2-3de0-42fa-a5d7-56a8c6d0e37f>  
or <https://agriculture.wallonie.be/productions-integrees>
    - Extension services also provide paper templates to farmers to enable them to register IPM related operations (e.g. CePiCOP template)

- a framework of enforcement and control if farmers comply with the crop/sector specific IPM rules
  - control body audits at least every three years a farm for respecting IPM guidelines ( in Wallonia, in addition to the three-yearly audits 10 % random audits are performed annually )
  - in preparation for this audit, each farmer should annually complete the IPM checklist and keep it available for the control body ([Checklists \(vegaplan.be\)](http://vegaplan.be)). For the moment, farmers have the choice to do this preparation on paper or by using a digital application (including backup of data registered). During the audit, the inspector discusses the checklist with the farmer, which allows a direct feedback and sharing of experience.
  - The control organisms also report to the Walloon and Flemish competent authorities annually and provide a synthesis of all non-conformities found during audits and the frequency of their occurrence.

For the moment, about 85% of the Flemish farmers and 50 % of Walloon farmers have an IPM certificate which states that they comply with the requirements set out in the IPM legislation and crop/sector specific IPM guidelines applying to their farm/activities. Actions are currently undertaken to enforce IPM legislation to all farmers in Flanders.

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