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European Union

Brussels, 15 February 2023  
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LIMITE

AGRI 34  
PESTICIDE 7  
SEMENCES 4  
AGRILEG 15  
ENV 74  
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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 Portugal on IPM

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

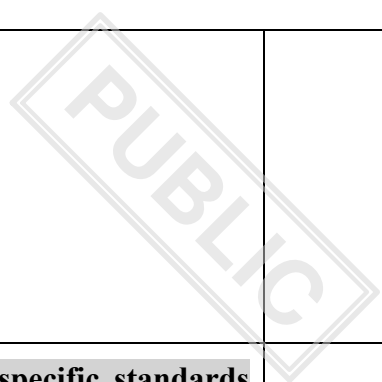
<b>Member State:</b>	<b>PORTUGAL</b>
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<b>Commission proposal (SUR)</b>	<b>Drafting Suggestions</b>	<b>Comments</b>
<p><i>Article 15</i></p> <p><b>Implementation of integrated pest management using crop-specific rules</b></p>	<p><i>Article 15</i></p> <p><b>Implementation of integrated pest management using crop or crop group specific standards</b></p>	<p>See below. We do not support legally binding crop specific rules. Thus, the term “standards” is considered most appropriate.</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 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</p>	<p>Member States shall adopt agronomic requirements based on integrated pest management controls that must be adhered to when growing or storing a particular crop and are designed to ensure that chemical crop protection is only used after all other non-chemical methods have been exhausted and when a threshold for intervention is reached (‘<b>crop-specific or crop group specific standards</b>’). The <b>crop or crop group specific standards</b> shall</p>	<p>We do not support the setting of the crop specific rules in a legal act as this procedure is too timely and not flexible enough to accommodate amendments in the crop-specific rules needed to keep up to date with scientific progress and new technologies and techniques available. This is a procedure of high administrative burden and not compatible to the</p>

management, set out in Article 13, for the relevant crop and be set out in a binding legal act.	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.	technicality of the production and amendment of the specific rules. PT has already more than 70 Crop Specific Rules. It would be extremely difficult to comply with this provision in a timely manner. We consider it sufficient that a national implementing Act addressing the obligation of professional users to comply with the crop specific rules is sufficient. In view of this comment the preferred terminology would be "crop-specific standards".
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.	Each Member State shall designate a competent authority responsible for ensuring that the <b>crop or crop group-specific standards</b> are scientifically robust and comply with this Article.	
3. By ... <i>[OP: please insert the date = the first day in the month following 24 months after the date of entry into force of this Regulation]</i> each Member	By ... <i>[OP: please insert the date = the first day in the month following 24 months after the date of entry into force of this Regulation]</i> each	

<p>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>Member State shall have in place effective and enforceable <b>crop or crop group-specific standards</b>, 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, <b>if relevant</b></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</p>	<p><del>At least 9 months prior to the point in time when a crop-specific rule becomes applicable under national law,</del> The Member State shall perform all of the following actions <b>prior to publishing a crop or crop group-specific standard:</b></p> <p>(a) publish a draft for public consultation;</p> <p>(b) take into account comments received from stakeholders on the draft in a transparent</p>	<p>This whole procedure is extremely heavy from an administrative point of view and would take up the little Human Resources available in the public administration to comply with this provision. In line with the previous comment, we propose to modify the text as indicated.</p> <p>Due to the highly technical nature of the crop-specific standards we do not see added value in a public consultation of the draft but rather from</p>

Commission.	<p>manner.</p> <p>(c) <del>submit the draft that takes into account the comments as referred to in point (b) to the Commission.</del></p>	<p>relevant interested parties.</p> <p>Due to the high technical content and specificity of the crop specific standards and relevance at regional/national level, we do not see the pertinence of submitting them for consideration of the Commission before being adopted. It would, nevertheless be possible that the documents may be made available in a web portal and shared at Union level and that the Commission may access the documents when needed or within audit exercises to MS implementation of IPM. Thus, indent c) should be deleted.</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</p>	<p><del>Where</del> <b>The Commission shall be notified by the Member state of a draft published crop or crop group specific standard and the web site where it can be consulted.</b></p>	<p>In line with previous comments. We don't see any reason to submit for approval of the EC the IPM national standards. This is a matter of subsidiarity based action, related to the specific crops and pests present in the national territory.</p>



<p>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>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</p>	<p>The <b>crop or crop group specific standards</b> 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</p>	

<p>made;</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>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 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) <b>when available</b>, 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) <b>when available</b>, the measurable criteria or conditions under which more hazardous plant protection products may be used</p>	
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	<p>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 <b>when available</b>, has been breached.</p>	
7. Each Member State shall review its crop-specific rules annually and update them where necessary, including when it is needed to reflect changes in the availability of harmful organism control tools.	Each Member State shall review its <b>crop or crop group-specific standards</b> <del>annually</del> and update them where necessary, including when it is needed to reflect changes in the availability of harmful organism control tools.	This obligation to revise the crop-specific rules (CSR) annually is too burdensome and not justified from a technical point of view. MS should be able to revise the CSR whenever needed.
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:  (a) publish a draft of the updated rules for public consultation;	A Member State that is planning to update a crop-specific <b>or crop group standard</b> shall, at least 6 months before the update becomes binding:	This point can be merged with point 4 so that the drafting and updating of the CSR follows the same procedure.



<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>(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>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</p>		<p>Same suggestions as made under point 5. It can also be merged with point 5</p>

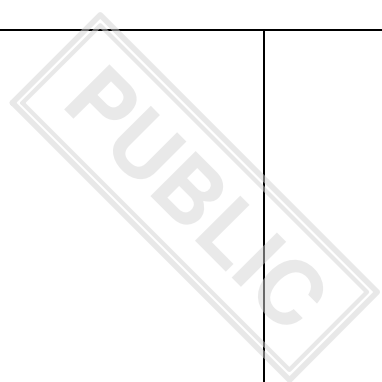
Commission under other Union acts.		
10. A Member State with significant climatic or agronomic differences between regions, shall adopt crop-specific rules for each of those regions.	A Member State with significant climatic or agronomic differences between regions, shall adopt <b>crop or crop group specific standards</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 <b>crop or crop group specific standards</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 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	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 <b>crop or crop group-specific standards</b> in the Member States	

Article 15.	and the compliance of those rules with Article 15.	
<b>Article 16</b> <b>Electronic integrated pest management and plant protection product use register</b>	<i>Article 16</i> <b>Electronic integrated pest management and plant protection product use register</b>	
<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>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:</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>We believe that when the professional user is proficient and competent in IPM or Integrated Crop Production (by appropriate specific training) he or she will not need to contract an advisor. This should be reflected in the relevant text.</p>

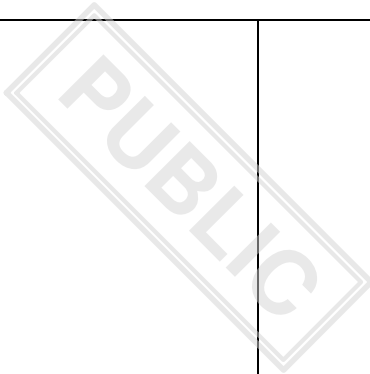
<p>(b) the name of the advisor and dates and content of advice entered in accordance with Article 14(2);</p> <p>(c) an electronic record of each application of a plant protection product under Article 67 of Regulation (EC) No 1107/2009 and a report on any aerial application carried out under Article 20, as required by Article 14(3).</p>	<p>(b) the name of the advisor <b>where applicable</b>, 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>	
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.	--	
3. Competent authorities referred to in paragraph 1 shall verify compliance of professional users with Article 14.	--	
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		Excessive administrative burden. The information requested refers to hundreds of thousands of records. Alternatively MS may share with the Commission services the link to the electronic register. Possibly

plant protection products gathered in accordance with Article 67 of Regulation (EC) No 1107/2009.		the National Institutes for statistics may be involved, particularly under the frame of SAIO Regulation.
5. Competent authorities referred to in paragraph 1 shall share the data gathered under paragraph 1, points (a) and (c), of this Article with the national competent authorities in charge of the implementation of Directives 2000/60/EC and (EU) 2020/2184 for cross-linking that data, in anonymised form, with environmental, groundwater and water quality monitoring data, to enhance the identification, measuring and reduction of risks from the use of plant protection products.	--	--
6. Competent authorities referred to in paragraph 1 shall ensure access to the register(s) referred to in paragraph 1 to national statistical authorities for the development, production and dissemination of official statistics.	--	--
7. In order to ensure a uniform structure of the summary and analysis referred to in paragraph 4, the Commission may, by means of implementing acts, adopt a standard template for such summary and analysis. Those implementing acts shall be adopted	<del>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</del>	This corresponds to an additional excessive administrative work and we cannot see the added value. See previous comments. Proposal to delete this point.

in accordance with the examination procedure referred to in Article 41(2).	<del>in accordance with the examination procedure referred to in Article 41(2).</del>	
<b>CHAPTER V</b> <b>USE, STORAGE AND DISPOSAL OF PLANT PROTECTION PRODUCTS</b>		
<i>Article 17</i> <b>General requirements for the use of plant protection products for professional use and of application equipment in professional use</b>		
1. A plant protection product authorised for professional use may only be used by a professional user who:  (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  (b) uses the services of an independent advisor in accordance with Article 26(3).		
2. More hazardous plant protection products may only be used and purchased by professional users.		



<p>3. Application equipment in professional use may only be used by professional users that hold a training certificate issued to them for following courses for professional users in accordance with Article 25 or have a proof of entry in a central electronic register for following such courses in accordance with Article 25(5).</p>		
<p>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</p>		



32(3) applies to that equipment.  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).		
5. A professional user shall inspect and operate application equipment in accordance with the manufacturer's manual of instructions.		