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European Union

Brussels, 17 February 2023  
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LIMITE

AGRI 34  
PESTICIDE 7  
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AGRILEG 15  
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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 Greece on IPM

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Delegations will find in annex comments from Greece on articles 15-18.

<b>Member State:</b>	<b>GREECE</b>
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<b>Commission proposal (SUR)</b>	<b>Drafting Suggestions</b>	<b>Comments</b>
<i>Article 15</i> <b>Implementation of integrated pest management using crop-specific rules</b>		
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 that must be adhered to when growing a <b>particular crop</b> or storing a particular <b>plant product</b> <del>crop</del> 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/ <b>plant product</b> -specific <b>guidance rules</b> <sup>2</sup> ). The crop/ <b>plant product</b> -specific <b>guidance rules</b> shall implement the principles of integrated pest management, set out in Article 13, for the relevant	1. Plant product as defined by art. 3.6 of reg. (EU) 1107/2009. 2. The end user has to perform a comparative assessment of all agronomic measures included in a crop/plant product-specific guidance, before making an educated selection of those best fitting its needs, so the term can not be 'rules' but 'guidance'. 3. IPM is already obligatory for end users by art. 55 of re. (EU) 1107/2009, no need to publish legally binding act for every crop-specific guidance.

	crop or <b>plant product</b> and be set out in a binding legal act.	
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.	2. Each Member State shall designate a competent authority responsible for ensuring that <del>the any</del> crop/ <b>plant product</b> -specific <b>guidance</b> rules are is scientifically robust and comply with this Article.	
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.	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 <del>effective and enforceable</del> crop/ <b>plant product</b> -specific <b>guidance</b> rules, for crops/ <b>plant products</b> covering <del>an area that accounts for at least 70 90 % of its</del> <b>national plant production value</b> <del>utilised agricultural area (excluding kitchen gardens).</del> Member States shall <del>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.</del>	4. Financial sustainability limits the spending for any input, including plant protection, to a % of the produced value. So the value of plant production is a more relevant factor than UAA, for measuring the efficient application of any component of plant protection: IPM or chemical.
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	4. <del>At least 9 months p</del> Prior to the point in time <del>when adoption of a crop/plant product-specific guidance becomes applicable under national law,</del>	5. Only scientific comments, without regard to who makes them, should be considered. 6. There's no reason to submit any draft to the

<p>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>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 <b>scientific</b> comments received from stakeholders and members of the public on the draft in a transparent manner;</p> <p><del>(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.</del></p>	<p>Commission. If Commission considers that the draft published for public consultation does not comply with the criteria set out in paragraph 6, there's the possibility to also submit its comments in a transparent manner.</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 under other Union acts.</p>	<p><del>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</del> <b>for an adopted crop/plant product-specific guidance a Member State hasn't effectively taken into account the comments that the Commission submitted, in a transparent manner, during the public consultation and that in doing so the Member State adopted a crop/plant product-specific guidance that the draft</b> does not comply with the criteria set out in paragraph 6, <b>a decision shall be taken, in accordance with the regulatory</b></p>	<p>7. The proposed procedure is not transparent, public consultation and official discussions in SCOPAFF are transparent and require reasoned documentation.</p> <p>TO BE INSERTED, MAYBE THIS: &lt;&lt; in accordance with the examination procedure referred to in Article 41(2).&gt;&gt;</p>

	<p><b>procedure (to be inserted), as to how the specific guidance should be amended.</b> If the Commission objects, the Member State shall refrain from adopting the draft until it has amended the text so as to remedy the shortcomings identified in the Commission's objections. The absence of a reaction from the Commission in accordance with this paragraph to a draft crop-specific rule shall not prejudice any action or decision which might be taken by the Commission under other Union acts.</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</p>	<p>6. The crop/<b>plant product</b>-specific <b>guidance rules</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 <del>harmful organisms</del> <b>uses mentioned in art. 2 of reg. (EU) 1107/2009 that are</b> affecting the crop;</p> <p>(b) the non-chemical interventions <del>involving cultural, physical and biological control</del> which are effective against the <del>harmful organisms</del> <b>uses</b> referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;</p>	<p>8. There are plant protection uses other than controlling a pest, disease or weeds.</p> <p>9. There's no need to invent a new definition for non-chemical control out of context.</p> <p>10. There's no need to list all authorized PPP in every guidance, also that will require unnecessary constant amendments.</p> <p>11. 'Threshold' is an established term for this use.</p> <p>12. f &amp; g are unnecessary</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) 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</p>	<p><del>(e) 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;</del></p> <p><del>(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;</del></p> <p><del>(ec) the quantitative criteria or conditions thresholds 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;</del></p> <p><del>(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.</del></p> <p><del>(g) the obligation to record observations</del></p>	
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been reached.	<del>demonstrating that the relevant threshold value has been reached.</del>	
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.	<del>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.</del>	13. Unnecessary since the ppp list will not be included in every guidance
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; (b) take into account comments received from stakeholders and members of the public on the draft in a transparent manner; (c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.	8. A Member State that is planning to update a crop/ <b>plant product-specific guidance</b> shall <b>beforehand</b> , <del>at least 6 months before the update becomes applicable under national law:</del> (a) publish a draft of the updated <b>guidance rules</b> for public consultation; (b) take into account <b>scientific</b> comments <del>received from stakeholders and members of the public</del> on the draft in a transparent manner; <del>(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.</del>	14. Look previous 5&6

<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 Commission under other Union acts.</p>	<p><del>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 for a draft</del>  <b>update a Member State hasn't effectively taken into account the comments that the Commission submitted, in a transparent manner, during the public consultation and that in doing so the Member State updated a crop/plant product-specific guidance in a way that no longer</b> comply with the criteria set out in paragraph 6, <b>a decision shall be taken, in accordance with the regulatory procedure (to be inserted), as to how the specific guidance should be amended.</b><del> If the Commission objects, the Member State shall refrain from updating the crop-specific rule until it has amended the text so as to remedy the shortcomings identified in the Commission's objections. The absence of a reaction from the Commission in accordance with this paragraph to a draft crop-specific rule shall not prejudice any action or decision which might be taken by the Commission under other Union acts.</del></p>	<p>15. Look previous 7</p>
<p>10. A Member State with significant climatic or</p>		



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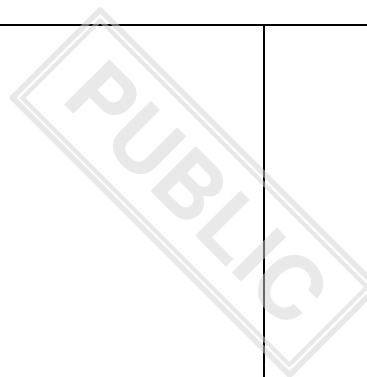
agronomic differences between regions, shall adopt crop-specific rules for each of those regions.		
11. Each Member State shall publish all of its crop-specific rules on a single website.		
12. The Commission shall publish on a website links to the websites referred to in paragraph 11 of the Member States.		
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 States 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>		
1. Each Member State shall designate a competent authority or competent authorities to establish and maintain an electronic integrated pest	1. Each Member State shall designate a competent authority or competent authorities to establish and maintain an electronic integrated	16. It is very complicated and with no added value to develop and keep more than one registry for almost the same purpose (data) e.g. the art 67 requirements

<p>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>pest management and plant protection product use register <del>or registers.</del></p> <p>The electronic integrated pest management and plant protection product use register <del>or registers</del> 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) <b>where relevant</b>;</p> <p>(b) the name of the advisor and dates <del>and content</del> of advice entered in accordance with Article 14(2);</p> <p>(c) <del>an the</del> electronic record of each application of a plant protection product <b>us kept according to the provisions of Regulation (EC)...../2023</b> <del>under Article 67 of Regulation (EC) No 1107/2009</del> and a report on any aerial application carried out under Article 20, as required by Article 14(3).</p>	<p>and the ones of the present article.</p> <p>17. A reference to the name of the advisor and the dates that the advice was given could be enough as any preventive measure taken is registered in accordance to art 14.</p> <p>18. Ref to the newly voted regulation for the implementation of Article 67 of the Regulation (EC) 1107/2009</p>
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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 plant protection products gathered in accordance with Article 67 of Regulation (EC) No 1107/2009.	<del>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.</del>	19. This is a very vague text: What will be the purpose of this report? According to what format will it be drafted? What's the meaning of 'any additional data'?
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	<del>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</del>	20. The new regulation concerning Art. 67 of reg. (EU) 1107/2009 already provides for the sharing of ppp use data info, no need to repeat the requirement.

the use of plant protection products.	<del>the use of plant protection products.</del>	
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.	<del>64.</del> 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).	<del>75.</del> 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).	
<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	1. A plant protection product authorised for	21. How the professional user attains the certificate is a MS competence.

<p>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>professional use may only be used by a professional user who:</p> <p>(a) has been issued with a training certificate <del>for following courses</del> for professional users in accordance with Article 25, or has a <b>relevant</b> proof of entry in a central electronic register <del>for following such courses in accordance with Article 25(5), and</del></p> <p>(b) uses the services of an <b>nationally designated independent</b> advisor <del>in accordance with Article 26(3).</del></p>	<p>22. The idea of an advisor that may only advice once a year demonstrates a very low level of ambition and may jeopardise the existing prescription system for all PPP uses that already exist in Greece.</p>
<p>2. More hazardous plant protection products may only be used and purchased by professional users.</p>	<p><del>2. More hazardous plant protection products may only be used and purchased by professional users.</del></p>	<p>23. If CFS a.s. will not be permitted for amateur users, then amateur organic farming is banned! (due to copper being a CFS)</p>
<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>3. Application equipment in professional use may only be used by professional users that hold a training certificate <del>issued to them for following courses for professional users</del> in accordance with Article 25 or have a <b>relevant</b> proof of entry in a central electronic register <del>for following such courses in accordance with Article 25(5).</del></p>	<p>24. Look previous 21</p>



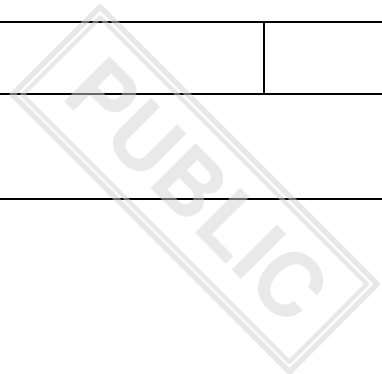
4. Within 3 years starting from date of first purchase, and every 3 years thereafter, a professional user shall submit his or her application equipment in professional use for inspection pursuant to Article 31. Where 3 years have passed from the date of first purchase of application equipment in professional use, a professional user may only use it for the application of plant protection products, if that equipment meets any of the following conditions:

(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);

(b) a derogation under Article 32(1), or Article 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.	<del>5. A professional user shall inspect and operate application equipment in accordance with the manufacturer's manual of instructions.</del>	25. Specific requirements are set in the SUR, no need to include manufacturer's manual of instructions in the regulation.
<b>Article 3</b> <b>Definitions</b>		
<p><i>Relevant definitions</i></p> <p><i>Please comment on definitions linked to Article 15-17 and 20-23</i></p> <p><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></p>	<ol style="list-style-type: none"> <li>1. <del>'more hazardous</del> plant protection product <b>containing a Candidate for Substitution (CfS) active substance'</b></li> <li>2. 'advisor' means any person who <b>is proven to be qualified to</b> advises on integrated pest management and the safe use of plant protection products, in the context of a professional capacity or commercial service, including private and public advisory services;</li> </ol>	<ol style="list-style-type: none"> <li>1. Greece disagrees with this term, instead we propose a self explanatory rewording</li> <li>2. Greece regrets the low ambition level of the proposal regrading advisors and reiterates its belief that they must hold a relevant third grade education degree, also that distribution of PPP should only be possible from such highly educated advisors.</li> <li>3. <b>Comments on definitions linked to Articles 20-23 will follow the relevant comments on those Articles.</b></li> </ol>



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