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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 Malta on IPM

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

Member State:	
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Commission proposal (SUR)	Drafting Suggestions	Comments
<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 that must be adhered to followed when growing or storing a particular crop and are designed to ensure that chemical crop protection is only used after all are reduced through the use of non-chemical methods have been exhausted available on the market of the Member State while taking into consideration any advisory, pest monitoring systems and when a threshold for intervention is reached ('crop-specific rules'). The crop-specific rules shall implement the principles of integrated	MT believes that the availability and viability of non-chemical methods is not sufficiently in place to mandate the use of chemical pesticides as a last resort.

	pest management, set out in Article 13, for the relevant crop 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.		
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 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.		
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: (a) publish a draft for public consultation.	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: (a) publish a draft for public consultation.	MT believes this is an excessive administrative burden and that crop specific rules should be based on an evidence-based approach. MS should carry out consultations as needed in a manner decided by the Member State.

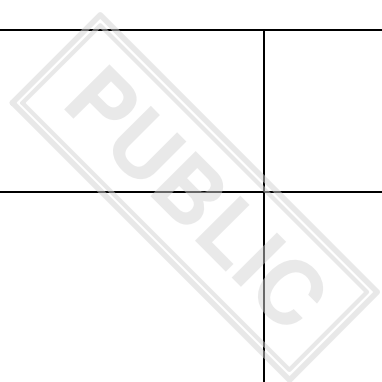
<p>(b) take into account comments received from stakeholders and members of the public on the draft in a transparent manner;</p> <p>(c) submit the draft that takes into account the comments as referred to in point (b) to the Commission.</p>	<p>(b) take into account comments received from stakeholders 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>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>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, and communicate 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, the Member State may be asked to amend the guidelines in accordance with scientific evidence available. 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>MT does not agree with paragraph 4 and prefers an evidence-based approach. The proposed approach in paragraph 5 is burdensome and will cause delays to the publication of application and publication of IPM.</p> <p>MT also questions how the procedure would be applied in the case of IPM guidelines already published by the MS.</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 low-risk plant protection products and that are effective against the harmful organisms referred to in point (a) and qualitative criteria or conditions</p>	<p>6. The crop-specific rules shall convert the requirements of integrated pest management laid down in Article 13 and should include 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 have been proven to be 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 available on the market of the Member State which are proven to be 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>MT has several issues with crop specific rules must mandate quantitative data as there is a lack of clarity on how this can be attained, the collection of such data would constitute a significant administrative burden and mandating interventions “as a last resort” removes a degree of flexibility from crop management.</p> <p>MT questions the burdens on small scale farmers when it comes to the collection of quantitative data and calls for more information in this regard, as part of a revised impact assessment.</p>
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<p>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;</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 availability of harmful organism control tools.</p>	<p>7. Each Member State shall review its crop-specific rules annually when needed in view of additional sustainable alternatives being placed on the Market of the Member States or to consider any advances made in IPM and update them where</p>	<p>MT believes that annual reviews are an excessive administrative burden. Crop specific rules should be updated based on the situation of the MS and authorities should have the flexibility to update them as needed.</p>

	necessary, including when it is needed to reflect changes in the availability of harmful organism control tools.	
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-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 to the comments as referred to in point (b) to the Commission.	MT has no issues with informing the Commission of changes to their crop specific rules and considering any feedback received but subjecting any amendments to public consultation would be an excessive administrative burden which will slow down, and hamper flexibility and the ability to update the guidelines in a timely manner. MT believes such guidelines need to be driven by science and evidence.
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	9. Where the Commission is notified of a draft under paragraph 8, it may within 3 months of receipt of the draft object provide comments related 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	

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.	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.	
10. A Member State with significant climatic or 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		



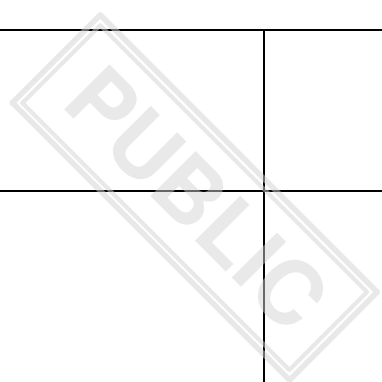
States and the compliance of those rules with Article 15.		
Article 16 Electronic integrated pest management and plant protection product use register		
<p>1. Each Member State shall designate a competent authority or competent authorities to establish and maintain an electronic integrated pest management 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</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 any advisory services being utilized, (c) an electronic record of each</p>	<p>MT's concerns are related to provisions laid out in Article 14 which deals with professional user records and the advice on use in relation to PPP use. The collection of such information will not represent any added benefit as it is difficult to do so in a standardised manner. Besides the vast amount of information which will need to be inputted by the farmers, the analysis of such information will create a great burden.</p> <p>The impact on small scale farmers is not yet fully known and the text, in conjunction with Article 14, constitutes an unviable administrative burden for farmers.</p> <p>Records on PPP use are viable but it is unclear how one would quantify preventative measures.</p>

<p>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>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>The engagement of advisers for all professional users is excessive and an added financial burden especially for small scale farmers.</p> <p>MT believes any reference to independent advisor should be changed to advisory services and obligations should be able to be fulfilled by CAP Advisory Services with funding obtained via Article 43.</p> <p>The establishment and use of a central electronic register is not supported by MT. The manner and type of registers maintained should be left at the discretion of the MS, given the different realities between different MS. A central electronic system will be an additional administrative burden on the CA especially those in smaller MS.</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>Article 14 constitutes an excessive administrative burden for farmers especially when farm holding sizes of under 10ha would be expected to comply with additional record keeping. There are also issues</p>

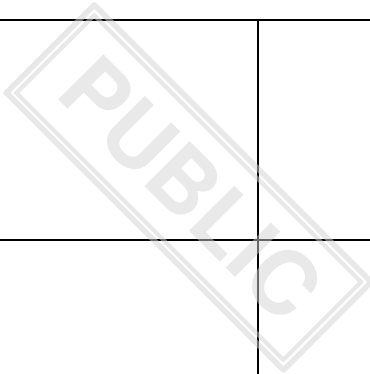
		related to training professional users in additional record keeping given their demographic, Additional impact assessment is needed in this regard which addresses small farms.
now3. Competent authorities referred to in paragraph 1 shall verify compliance of professional users with Article 14.	3. Competent authorities referred to in paragraph 1 shall verify compliance of professional users with Article 14.	Article 14 constitutes an excessive administrative burden for farmers especially when farm holding sizes of under 10ha would be expected to comply with additional record keeping.
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.	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.	Article 14 constitutes an excessive administrative burden for farmers especially when farm holding sizes of under 10ha would be expected to comply with additional record keeping. There are also issues related to training professional users in additional record keeping given their demographic. An annual reporting is a great burden on the CA and will not bring any added benefits, also considering that this information will already have been included in the report submitted in line with Regulation 1107/2009
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	5. Competent authorities referred to in paragraph 1 shall share the data ensure the gathered data under paragraph 1, points (a) and (c), of this Article with the national competent authorities in charge of the	MT believes access to data should be granted as needed, it is unclear how and when this should be shared in the text.

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.	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 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), (b) uses the services of an independent advisor in accordance with Article 26(3) and</p> <p>(b) uses the advisory services in accordance with Article 26(3).</p>	<p>MT is against the mandating of small farmers engaging independent advisors especially considering the socio-economic burdens which may be present.</p>
2. More hazardous plant protection products 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).		
<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>At the time of submitting the equipment for inspection, the owner of the equipment or his or her representative shall provide to the competent</p>		



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.		
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>		