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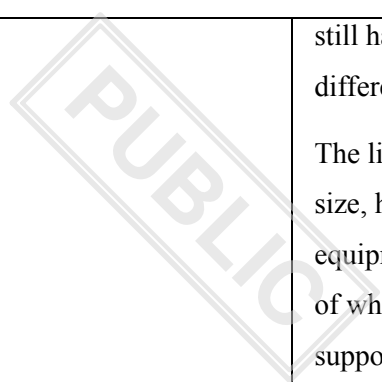
From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION ON THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 - Follow up to the Working Party on Plants and Plant Health Questions (Pesticides/Plant Protection Products) on 28 March 2023 – comments from Finland

Delegations will find in the Annex comments from Finland on articles 33, 37 - 45 (except 43) of the SUR proposal discussed at the informal videoconference of the members of the Working Party on Plants and Plant Health Questions (Pesticides/Plant Protection Products) on 28 March 2023.

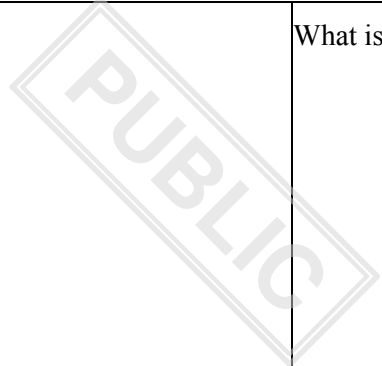
Member State: Finland	
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Commission proposal (SUR)	Drafting Suggestions	Comments
CHAPTER VIII APPLICATION EQUIPMENT		
<i>Article 33</i> Electronic register of application equipment in professional use		The title of the article has to be checked, as it is the same as for article 29.
1. Each competent authority designated by a Member State pursuant to Article 30 shall establish and maintain a central electronic register to record: (a) information entered by third parties pursuant to Article 20(2), point (b)(i), and Article 29; (b) records of inspections and certificates as set		The first paragraph of the Article repeats the provisions of Article 30(1)(a) and (b) and Article 31(6) and (7). Do you need this repetition or is it considered informative cross-referencing?

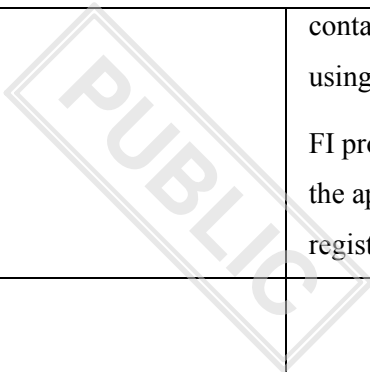
<p>out in Article 31(6) and (7)(b);</p> <p>(c) other information as set out in paragraph 2 on application equipment in professional use in its Member State that has not been exempted from inspection under Article 32(3).</p>		
<p>2. The competent authorities referred to in Article 30 shall, at the time of inspection, record the following information:</p> <p>(a) the name of the body carrying out the inspections;</p> <p>(b) the unique ID of the application equipment, if available;</p> <p>(c) the date of manufacture, if available;</p> <p>(d) the name and address of the current owner;</p> <p>(e) where there has been a transfer of ownership, the date of each transfer and the name and address of previous owners within the last five years;</p> <p>(f) the tank size;</p> <p>(g) the width of the horizontal spray boom, if applicable;</p>	<p>2. The competent authorities or the designated body referred to in Article 30 shall, at the time of inspection, record the following information:</p>	<p>Paragraph 2 refers to the authorities referred to in Article 30. Article 30(1), second subparagraph, states that where a designated competent authority does not carry out inspections, it shall designate a body to carry out such inspections. Article 33(2) should therefore state that the information is recorded by the authority or the designated body.</p> <p>The data content to be registered in the electronic register at the time of inspection is defined in this article. Article 29 refers to the form in Annex V that also asks for data on the application equipment. The data on the application equipment in Annexes V and Article 33 differ and we do not see why. The explanation by the Commission is that the form in Annex V is used for registering the owner of the equipment in the electronic register. This could be done at the time of inspection of the sprayer, so we</p>



		<p>still have problems to understand the need for two different sets of data collection on the sprayer.</p> <p>The list in Article 33, paragraph 2, under (f)-(i) (tank size, horizontal boom width, nozzle types on the equipment and GPS technology) raises the question of what the data are needed for? Subpoints a-e are supported, with a question on the timeline in (e), is all owners during five years needed?</p> <p>Nozzles may be changed depending on what product is to be applied, so registering the nozzles on the equipment during inspection does not give a full picture of the different possibilities.</p> <p>Paragraph 2 also requires that failed tests and reasons for failure be recorded. Many inspections in Finland currently lead to the suspension of the inspection, and no test record is usually drawn up on these cases. Mostly the test is interrupted only for the repair of the equipment and then the test is continued.</p>
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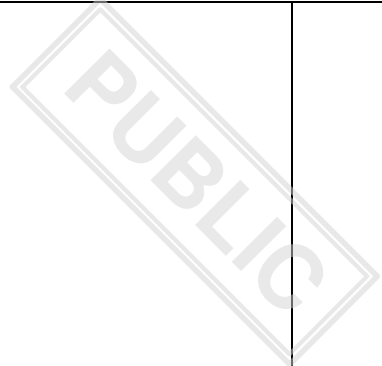
<p>(h) the nozzle type(s) present on the application equipment at the time of inspection;</p> <p>(i) in the case of boom sprayers, whether section and/or nozzle control through geospatial localisation technology is present or absent on the application equipment;</p> <p>(j) for equipment older than three years, the date of each inspection carried out in accordance with Article 31;</p> <p>(k) whether the application equipment passed or failed each inspection carried out under Article 31;</p> <p>(l) the reasons for any failed inspection.</p>		What is all these collected data aimed for?
3. Where application equipment does not bear a unique ID as referred to in paragraph 2, point (b), the competent authorities referred to in Article 30 shall supply a unique ID.		
		When implementing the register and its user interface, the usability of the system for the inspector must be taken into account. (There is a European study on the exposure of inspectors to secondary



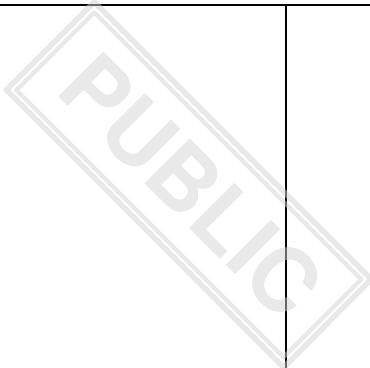
		<p>contamination of plant protection products when using IT-equipment).</p> <p>FI proposes to add to Article 16 a provision to ask for the application equipment used in connection with registering the use of a plant protection product.</p>
CHAPTER X ADMINISTRATIVE AND FINANCIAL		

PROVISIONS		
<p><i>Article 37</i></p> <p>Information on designated competent authorities</p>		
<p>By ... <i>[OP: please insert the date = the first day of the month following six months after the date of entry into force of this Regulation]</i>, each Member State shall inform the Commission of the competent authorities designated in accordance with this Regulation.</p>	<p>By ... <i>[OP: please insert the date = the first day of the month following twelve six months after the date of entry into force of this Regulation]</i>, each Member...</p>	<p>The proposed timeline is too short. FI proposes a change to at least 12 months.</p>
<p><i>Article 38</i></p> <p>Penalties</p>		
<p>Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take the measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those measures and shall notify it, without delay, of any</p>		

subsequent amendment affecting them.		
<i>Article 39</i> Fees and charges		
Member States may recover the costs related to carrying out their obligations under this Regulation by means of fees or charges.		
CHAPTER XI DELEGATED POWERS AND COMMITTEE PROCEDURE		
<i>Article 40</i> Exercise of the delegation		
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		
2. The power to adopt delegated acts referred to in Articles 10(6), 13(9), 21(3), 25(10), 29(5), 31(10) and 35(4) shall be conferred on the Commission for an indeterminate period.		All powers to adopt delegated acts need to be checked if/when the text of the concerned articles are changed.
3. The delegation of power referred to in Articles		

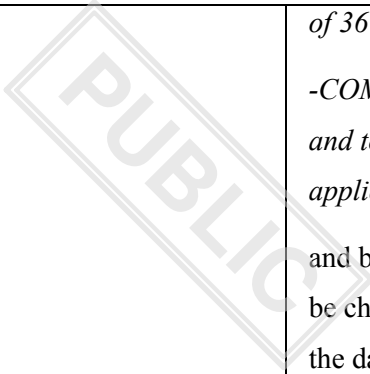


10(6), 13(9), 21(3), 25(10), 29(5), 31(10) and 35(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		
6. A delegated act adopted pursuant to Articles 10(6), 13(9), 21(3), 25(10), 29(5), 31(10) and		

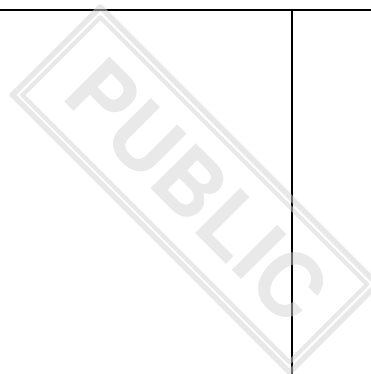


<p>35(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>		
<p><i>Article 41</i></p> <p>Committee procedure</p>		
<p>1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p>		
<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall</p>		

apply.		
3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.		All powers to adopt implementing acts need to be checked if/when the text of the concerned articles are changed.
CHAPTER XII TRANSITIONAL AND FINAL PROVISIONS		
<i>Article 42</i> Commission evaluation		
1. By ... <i>[OP: please insert the date = four years after the date of application of this Regulation]</i> , the Commission shall carry out an evaluation of this Regulation based on the following: (a) the trends in progress and other quantitative data provided in annual progress and implementation reports in accordance with Article 10(2); (b) the analysis of the annual trends and data published by the Commission every two years in	2. By ... <i>[OP: please insert the date = eight four years after the date of application of this Regulation]</i> , the Commission shall carry out an evaluation of this Regulation based on the following:	To give the Member States adequate time for implementing the provisions and the Commission time enough for a good evaluation the timeframe in paragraph 1 needs to be prolonged. We have earlier commented on the requirements and their timetables in Chapter III <i>-deadline in article 8 (1): 24 months, with an exception for article 8(1) (b), where the information in article 9(1) (a) and (b) should be included in the NAP 24 months after the date of application, but all other information based on article 9 has a deadline</i>



		<p><i>of 36 months</i></p> <p><i>-COM to submit a report to the European Parliament and to the council in 8/10 years from date of application of regulation</i></p> <p>and based on these the timelines in article 42 need to be changed. We propose a limit of eight years after the date of application for the report in paragraph 2 to get a full picture of the implementation.</p>
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<p>accordance with Article 11;</p> <p>(c) the report on annual progress and implementation reports previously submitted by the Commission to the European Parliament and Council in accordance with Article 11(7) ;</p> <p>(d) any other information necessary for the preparation of the evaluation.</p> <p>Member States shall provide the Commission with the information necessary for the preparation of that evaluation.</p>		
<p>2. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.</p>		
<p><i>Article 44</i></p> <p>Repeal of Directive 2009/128/EC</p>		
<p>1. Directive 2009/128/EC is repealed.</p>		
<p>2. References to Directive 2009/128/EC shall be construed as references to this Regulation and read in accordance with the correlation table set</p>		

out in Annex VII.		
<i>Article 45</i> Entry into force		
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>It shall apply from ... [OP: please insert the date = the first day of the month following ... months after the date of entry into force of this Regulation].</p> <p>However, Article 21 shall apply from [OP: please insert the date = 3 years after the date of entry into force of this Regulation].</p>	<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>It shall apply from ... [OP: please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation].</p> <p>However, Article 21 shall apply from [OP: please insert the date = 4 3 years after the date of entry into force of this Regulation].</p>	<p>To give Member States time to implement all new provisions, the time to application needs to be long enough. As a first proposal, we propose three years after the date of entry into force and four years for Article 21.</p> <p>We emphasize that this is a question that needs to be re-evaluated carefully when the text of the proposal is changed.</p>
Article 3 Definitions		
<p><i>Relevant definitions</i></p> <p><i>Please comment on definitions linked to Article 20-28</i></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>		
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