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From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 - comments from Luxembourg on progress report

Delegation will find in Annex comments from Luxembourg on the revised Presidency compromise text (Chapter IV) of the above proposal.

Comments from Luxembourg on the revised Presidency compromise text 9803 on Chapter IV

Article 13

- paragraph 2: we propose to delete this paragraph as the provisions are not enforceable and the because of the high administrative burden. It is also unclear how the records referred to in Article 15(1) shall allow checking whether the elements cited in Article 13 (2) have been considered as there records only reflect the measures taken, but not the measures considered but not taken.
- paragraph 3: we propose to delete this paragraph as it superfluous given the provisions of paragraph 4. Also the current wording of paragraph 3 would require professional users to even monitor harmful organisms that may be deemed not relevant.
- paragraph 4, redrafting suggestion:

Professional users may only use **chemical** plant protection products if they are necessary to

achieve acceptable levels of harmful organism control after all other non-chemical methods as set out in paragraphs 1 **and** 2 have been considered and where any of the following conditions has been satisfied:

- a) the results of monitoring of harmful organisms show **based on recorded observation**, that chemical plant protection products need to be applied in a timely manner.

because of the presence of a sufficiently high number of harmful organisms
- b) where justified **and if available** by a decision-support system, or by an advisor who meets the conditions laid down in Article 23 **[25 bis]**, **or by personal experience or education**, the professional user decides, ~~by way of a recorded decision~~, to use chemical plant protection products for preventative reasons.

This paragraph does not apply to plant protection products not intended to control harmful organisms and where the use of plant protection products is imposed by EU or national legislation.

- paragraph 8 : we propose to delete this paragraph as the provisions are not enforceable and because of the high administrative burden

Article 13bis

- this article is superfluous and should be deleted.

Article 14

- paragraphs 7a and 8: notification of the rules to the Commission is supported, but scrutiny of the rules by the Commission is not supported. Redrafting suggestion:

7a. At least 9 months prior to the point in time when a crop **or sector**-specific rule becomes applicable under national law, the Member State shall notify the Commission ~~who, 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 principles of integrated pest management~~ criteria set out in **Article 13** paragraph 6. If the Commission objects, the Member State shall amend the text based on the Commission's objections or provide reasons for not taking them into account.

8. A Member State that is planning to update a crop **or sector**-specific rule shall notify the Commission ~~who, may, within 3 months of receipt of the draft, object to the updating of the crop or sector-specific rule by a Member State, if it considers that the draft does not comply with the principles of integrated pest management~~ criteria set out in **Article 13** paragraph 6. If the Commission objects, the Member State shall amend the text based on the Commission's objections or provide reasons for not taking them into account.

Article 15

- paragraph 1: this paragraph is not supported as the administrative burden for professional users is too high. It also not clear what kind of measures would qualify as a preventative measure, as a lot of crop production measures not aimed at the control of harmful organisms indirectly influence crop health and hence application or not of plant protection products.

Article 16

- paragraphs 4 to 6 of Article 16 should be modified to take into account the conditions and definitions provided for by the GDPR (Regulation (EU) 2016/679). Redrafting suggestion:
4. [...] **Data from the register referred to in paragraph 1 shall only be used for performing official controls on plant protection use and for the development of official statistics and studies.**
 5. Competent authorities referred to in paragraph 1 shall ~~share or have access to~~ **make disclose** the data gathered in the register(s) in paragraph 1, of this Article ~~with accessible~~ **to** 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 **and aggregated** 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~~ **disclose** the register(s) referred to in paragraph 1 to national statistical authorities for the development, production and dissemination of official statistics.