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WORKING PAPER

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Plants and Plant Health Questions (Pesticides/Plant Protection Products)
Subject:	Proposal on a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation 2021/2115 - comments from Denmark

Delegations will find in annex the Danish comments on Chapters I and II of the above proposal.

Danish proposal for a revised F2F indicator 1 in the Sustainable Use Regulation (SUR)

The main aim of this proposal is to amend the Commission's F2F indicator 1 in order to better reflect potential effects/risk and put less emphasis on the quantities of PPP used. Denmark believes the EU public cares more about the effect on the environment, nature and health than amounts of PPP used. The F2F indicator 1 should reflect this priority.

Description of the specific changes to the indicator

In the annex below, the SUR proposal appears in table 1 and the Danish proposal appears in table 2. We can summarize the proposed changes as the following:

1. Risk must affect the indicator more and quantities must affect the indicator less. Therefore, the Hazard Weightings of candidates for substitution (group 3) and unauthorized substances (group 4) are increased from 16 in group 3 and 64 in group 4 in the Commission proposal to 48 for group 3 and 96 for group 4 in the Danish proposal.
2. Replacing approved chemical active substances (group 2) with low risk substances (group 1) must be reflected as a decline in the F2F indicator 1 in order to promote the use of low risk substances. Therefore, we propose to change the Hazard Weighting of low risk substances from 1.0 in the Commission proposal to 0.1 in the Danish proposal.
3. Group 2 in the Commission's indicator (approved chemical active substances) must be subdivided because it encompasses active substances with too different properties; some pose a higher risk to health and environment than others. The indicator should discourage the use of substances in this group that pose a higher risk.

Since the call for suggestions, it has not been possible to carry out a full analysis of the following proposal for all active substances. However, we note that the proposed changes are possible based on existing data for active substances approved in the EU.

We propose to better reflect potential effects/risk and subdivide Group 2 by incorporating two additional data sources: 1) CLP classifications and 2) Risk mitigations measures (RMMs) for the active substances. We propose to assign a greater weight (up from 8 to 24) to an active substance if it is approved with one or more of the following CLP classifications or risk mitigations measures:

From CLP

- 3.1. Toxicity: H300 Acute toxicity (oral), H310 Acute toxicity (dermal), H330 (inhale)
- 3.2. Carcinogenic: H351 (suspected)
- 3.3. Reproductive toxicity: H361 (suspected)
- 3.4. Toxic to aquatic life: H400 (Hazardous to the aquatic environment), H410 (Hazardous to the aquatic environment with long lasting effects)

From RMMs

- 3.5. RMMs mentioning mammals or birds
- 3.6. RMMs mentioning groundwater

Annex: Comparison of the Commission proposal with the Danish proposal for revision

Table 1: Commission proposal

Row	Groups			
	1	2	3	4
(i)	Low-risk chemical active substances which are approved or deemed to be approved under Article 22 of Regulation (EC) No 1107/2009, and which are listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011	Chemical active substances approved or deemed to be approved under Regulation (EC) No 1107/2009, and not falling in other categories, and which are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011	Chemical active substances that are approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or that are listed in the Annex to Implementing Regulation (EU) 2015/408.	Chemical active substances which are not approved under Regulation (EC) No 1107/2009, and therefore which are not listed in the Annex to Implementing Regulation (EU) No 540/2011
(ii)	Hazard Weightings applicable to quantities of chemical active substances placed on the market in products authorised under Regulation (EC) No 1107/2009			
(iii)	1	8	16	64

Danish proposal is in table 2 on the next page.

Table 2: Danish proposal for revisions (changes from COM highlighted in yellow)

Row	Groups				
	1	2.A	2.B	3	4
(i)	Low-risk chemical active substances which are approved or deemed to be approved under Article 22 of Regulation (EC) No 1107/2009, and which are listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011	Chemical active substances approved or deemed to be approved under Regulation (EC) No 1107/2009, and not falling in other categories, and which are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011 Substances without any of the CLP classifications or RMMs mentioned in point 3.1 - 3.6.	Chemical active substances approved or deemed to be approved under Regulation (EC) No 1107/2009, and not falling in other categories, and which are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011 Substances with one or more of the CLP classifications or RMMs mentioned in point 3.1 - 3.6.	Chemical active substances that are approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or that are listed in the Annex to Implementing Regulation (EU) 2015/408.	Chemical active substances which are not approved under Regulation (EC) No 1107/2009, and therefore which are not listed in the Annex to Implementing Regulation (EU) No 540/2011
(ii)	Hazard Weightings applicable to quantities of chemical active substances placed on the market in products authorised under Regulation (EC) No 1107/2009				
(iii)	0,1	8	24	48	96