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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 Belgium

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

Proposal of the Regulation on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 (SUR)

WP 12-13 September 2022

Answers to PRES questions

1. Do you have any comments or proposals on the wording of Articles 1 and 2?

Article 1, despite its title, talks more about the objective of the regulation, whereas the purpose of the regulation is explained in Article 2. There thus seems to be a reversal of the headings.

In Article 1, we find that the order of the arguments does not clearly indicate that IPM should become the priority

In Article 2 of the initial version, the definition of PPPs as indicated in Regulation 1107/2009 is included. In order to avoid multiple references to the same subject matter, it would be better to refer to this regulation rather than to repeat the definition here.

Article 2 states that the Regulation applies to PPPs, whereas it applies primarily to professional users of PPPs on all land.

2. Do you have any comments or proposals on the wording of Article 3?

3.1: What does "... plant products using natural means..." mean? The definition excludes substances of plant origin but does not exclude substances of animal origin such as tallow, wool, blood meal.

3.3: To simplify the reading and avoid repetition, this definition should come before the definition of chemical PPPs currently indicated in 3.1.

3.10: Does the definition include fertilisation equipment?

3.11: While it is understood that definition 11.a covers the equipment defined in 3.10, the purpose of definition 11.b is ambiguous. What is the purpose of this definition?

3.15: we would like to see the use of chemical PPPs clearly mentioned as the ultimate solution.

3. Do you have any comments or proposals on the methodology for the calculation of the 2030 reduction targets?

Reasonable planning for the implementation of the SUR suggests that the national action plans will be launched in the course of 2027. It will then be very difficult to rectify an unfavourable trend in three years. How do you see the implementation of targets for 2030 with tools that in the best case would be effective in 2028?

The weighting used for the HRI and F2F indicators is labelled as "hazard related". Can you specify which hazards are referred to? To what extent does this scale correspond to the concerns expressed by citizens, the European Court of Auditors and the European Parliament and to the objectives of the F2F Strategy?

Finally, can you support your weighting with statistical arguments as to why products in group 1 are 8 times less problematic than those in group 2, 16 times less problematic than those in group 3 and 64 times more problematic than those in group 4?

Given the overall objective of the regulation to reduce risks to human health and the environment, it makes no sense to measure progress by indicators that do not even come close to meeting the objective. Indicators exist that take much more account of the (eco)toxicological profile of active substances and it is these that should be used.

Finally, because of the discrepancy between these national objectives as announced at the time of the F2F strategy announcement, as written in the document circulated in March, and as set out in the proposal tabled in June, we cannot accept articles 4 and 5 as they stand, and we will carefully study the arguments that will be debated on them.

4. Do you consider HU proposal a suitable alternative to the Commission´s proposal?

The HU proposal proposes to set the EU target of F2F1 for all member states. Belgium should then reduce its average PPP use by 73%. In the current version, Belgium would have to reduce this index by 58%, i.e. a reduction in the amount used of less than 7%. Consequently, the HU proposal does not seem interesting to us. However, it does have the merit of raising the question of fair national participation in this common objective.

Besides the specific disadvantage for Belgium, the proposal has two fundamental problems.

1) Basing a risk reduction policy on reducing the mass of PPPs used is a dead end because we know that crop protection with PPPs, even if they are all based on low risk PPPs, is unavoidable. This approach is based on the idea that any PPP should be avoided.

2) This proposal is not fair because it asks some member states to do much more adaptation of their agriculture than others.

In Belgium we are confronted with a high intensity of PPP use. This is due to the crops that are highly dependent on these PPPs. We could probably change this with a whole range of techniques but it will take time.

5. Do you consider 35 % as a suitable minimum reduction target for all Member States?

No comment.

6. Can you agree with the approach that mandates the Commission to issue recommendations to the Member States to amendment the national targets (Article 6)?

Yes, no particular problem with this approach.

7. Can you agree with the approach chosen in Article 7?

Yes, no particular problem with this approach.

ANNEX I
referred to in Article 4

METHODOLOGY FOR CALCULATING PROGRESS TOWARDS ACHIEVING THE TWO UNION AND TWO NATIONAL 2030 REDUCTION TARGETS

This Regulation is the instrument used to achieve the pesticide reduction targets contained in the Farm to Fork Strategy by requiring each Member State to contribute to achieving by 2030 a 50 % Union-wide reduction of both the use and risk of chemical plant protection products ('Union 2030 reduction target 1') and the use of more hazardous plant protection products ('Union 2030 reduction target 2'). This Regulation also regulates the contribution of each Member State to these Union targets. Each Member State contribution, set in the form of a national target, to Union 2030 reduction target 1 is referred to as a 'national 2030 reduction target 1', while a Member State contribution to Union 2030 reduction target 2 is referred to as a 'national 2030 reduction target 2'. The methodology for calculating progress towards achieving these targets is set out below:

SECTION 1

National 2030 reduction target 1: methodology for estimating progress towards the reduction in use and risk of chemical plant protection products

1. The methodology shall be based on statistics on the quantities of chemical active substances placed on the market in plant protection products under Regulation (EC) No 1107/2009, provided to the Commission (Eurostat) under Annex I to Regulation (EC) No 1185/2009 of the European Parliament and of the Council[1].

2. The following general rules shall apply for the calculation of progress towards achieving reduction target 1:

   (a) progress shall be calculated on the basis of the categorisation of chemical active substances into the 4 groups set out in the Table in this Annex;

   (b) the chemical active substances in group 1 shall be those listed in Part D of the Annex to Commission Implementing Regulation (EU) No 540/2011[2];

   (c) the chemical active substances in group 2 shall be those listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011;

   (d) the chemical active substances in group 3 shall be chemical active substances that are approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and are 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;

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1 Regulation (EC) No 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides (OJ L 324, 10.12.2009, p. 1).

2 Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

(e) the chemical active substances in group 4 shall be those not approved under Regulation (EC) No 1107/2009, and therefore not listed in the Annex to Implementing Regulation (EU) No 540/2011;

(f) the weightings in rows (ii) to (iv) in the Table in this Annex shall apply.

(g) environmental compartments are to be defined by the member state following its priority.

3. Progress towards achieving reduction target 1 shall be calculated by multiplying the annual quantities of active substances in plant protection products placed on the market for each group in the Table in this Annex by the third of the relevant hazard weighting set out in rows (ii) to (iv), followed by the aggregation of the results of these calculations.

Table

Categorisation of active substances and pressure weightings for the purpose of calculating progress towards national 2030 reduction target 1

Row	Weighting factors	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)	**Human health**	**1**	**8**	**16**	**64**
(iii)	**Environment**	**A value from 1 to 16 as function of environmental load of the active substance (end points ecotox)**			**64**
(iv)	**Persistance**	**A value from 1 to 16 as function of persistance of the active substance (DT50)**			**64**

4. The baseline for reduction target 1 shall be set at 100, and is equal to the average result of the above calculation for the period 2015-2017.

5. The progress towards achieving reduction target 1 shall be expressed by reference to the baseline.

6. The Commission shall calculate the progress towards achieving reduction target 1 in accordance with Article 34(2) of this Regulation for each calendar year and at the latest 20 months after the end of the year for which progress towards the reduction target 1 is being calculated.