

Referring to the Presidency's request for written comments after discussing chapters I-II of the proposal for Regulation of European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 we would like to stress that Poland sustains all remarks mentioned in previous letter.

Unclear definitions and some other provisions indicated by Poland, as well as other Member States, would cause legal uncertainty and would make it not possible to properly implement proposed regulation. For example we didn't get answer to the question about differences between "placing on the market" in the meaning of 1107/2009 Regulation and "making a plant protection product available on the market", what is crucial for the implementation of the new provisions. The scope of the definition of "distributor" should be clear without any doubts, taking into account obligations what will be put on this group of entrepreneurs.

We would like to underline, that the law that we are creating now should be clear and we cannot leave problematic questions for further interpretation after its adoption.

Poland cannot accept national risk indicators, which:

1. are not in line with Farm to Fork strategy, stating that 50% reduction goals should be achieved at UE level,
2. are not scientifically justified,
3. are set on mathematical basis only,
4. do not take into account practical availability of alternative methods,
5. do not take into account differences between Member States in terms of:
 - a. crop structure,
 - b. farm structure,
 - c. use of ppp per ha,
 - d. weather and agricultural conditions,
 - e. length of vegetation period,
 - f. agricultural practices,
 - g. uneven spread and presence of pests,
 - h. use ppp in forestry and other non-agricultural purposes,
 - i. lists of ppp approved,
 - j. limitations in the use of alternative methods (weather conditions, necessity of the reduction of water losses)
 - k. historical factors having influence on development of agriculture,
6. do not take into account climate changes and spread of new pests,
7. haven't been deeply analysed in terms of:
 - a. feasibility,
 - b. impact on food production,
 - c. impact on food security,
 - d. impact on dependence of import.

Furthermore, we would like to draw your attention to the fact that:

1. the proposed timeframes for achievement of goals are non-realistic,
2. the full formulas for calculations of targets are not presented in proposed regulations leading to legal uncertainty,

3. Poland, as probably also other Member States, adopted in the National Action Plan national indicators for the evaluation of the measures described in this document - such indicators are better adapted to the local specificity.

The discussion during Council working group meeting showed, that such simplified approach will always favour some Member States, whereas others will be obliged to meet unproportioned goals, leading to distortion of competitiveness on common market. **We would like to emphasize that the use of ppp per hectare in Poland is lower than the EU average, despite the fact that Poland has a very diverse plant production (cereals, rapeseed, fruit, berries, vegetables).** Poland is one of the largest EU producers of apples, which require intensive protection.

Our intention is to avoid creating a borderlines between groups of Member States due to unfair calculation approach.

Taking this into account, Poland believes that Member States should be given flexibility of choice which measures should be taken to contribute to reducing the dependence of agriculture on chemical plant protection methods.



Council of the European Union
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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 Poland

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