Council of the European Union
General Secretariat

PUBLIC

Brussels, 30 March 2026

Interinstitutional files:
2025/0408 (COD)
2025/0409 (COD)
2025/0410 (COD)

WK 4801/2026 ADD 1

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)
Subject:	Omnibus X: Food and feed safety _ Cluster B (Pesticides related issues) and relating to the AGS meeting of 25 March 2026 - FR and PL comments

Delegations will find attached comments from France and Poland on Omnibus X Feed and feed saftey (Directive 2009/128, AGS on 25 March and in view of the AGS on 1 April 2026) - France and Poland's compiled comments

Omnibus No X Food and feed safety
Cluster B-AGS 25 March 2026
Comments from FR and PL

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FRANCE

FRANCE

In view of the next AGS meeting on cluster B, France would like to draw your attention to the two following proposals (see below).

These proposals aim at further harmonising the PPP authorization system currently in place at the Member State level and ensuring a better availability of solutions to all EU farmers.

- The first proposal (article 35a) calls on the Commission to **submit a report within two years on a possible EU-wide market authorisation** for certain PPP accompanied, if appropriate, by a legislative proposal for a gradual implementation of such authorisation.

- The second proposal (article 42a), establish a **control mechanism enabling the Commission to intervene in the event of disagreement among Member States in a mutual recognition procedure**. The wording of this amendment is largely based on the provisions currently in place for biocidal products.

Taken together, these proposals could serve as a significant harmonisation mechanism, preserving the principle of national marketing authorisations while enabling cost savings, simplification and strengthening of the internal market.

France will present these proposals during the AGS meeting on the 1st of April. We hope we can count on your support then!

In the meantime, we remain at your disposal should you have any questions.

Best regards,

[redacted]

Article 35a
Union authorizations

By [2 years], the Commission shall present a report to the European Parliament and the Council on Union authorization of certain phytopharmaceutical products in order to facilitate their availability on the market throughout the Union.

The report should be accompanied, if necessary, by appropriate legislative proposals. It should in particular consider the possibility to extend Union authorization through a step-wise approach to different categories of phytopharmaceutical products with similar or comparable conditions of use in all Member States.

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Article 42a
Referral of objections to the Commission

1. When a Member States concerned considers that a product authorised for less than 3 years by the reference Member State, containing as active substance biocontrol or low-risk substances, or another active substance that is not a candidate for substitution, does not meet the conditions laid down in Article 29, it shall immediately inform the reference Member State, the other Member States concerned and the Commission and provide for the reasons of the disagreement.

2. The Commission may ask the Authority for an opinion on scientific or technical questions raised by Member States.

3. If the Member States and the Commission fail to reach agreement within a 120-day period, the Commission shall adopt, by means of implementing act, a decision on the matter referred to it. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 79(3).

4. The decision referred to in paragraph 3 shall be addressed to all Member States and reported for information to the applicant and, where applicable, the authorisation holder. The Member States concerned and the reference Member State shall, within 30 days of notification of the decision, either grant, refuse to grant or cancel the authorisation, or vary its terms and conditions as necessary to comply with the decision.

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POLAND

POLSKA

Taking into account the Presidency's Flash Note for a meeting on March 25th regarding Omnibus X and Directive 2009/128, which indicates that the Presidency would like to submit the compromise text (Revised Compromise text ST 7433/26) to COREPER as soon as possible, we would like to request a reconsideration of the Polish proposal regarding Article 9a of Directive 2009/128. We have listened carefully to the discussions, which indicate that a four-year period (or even three years) for preparing a delegated act seems to be too long. On the other hand, our proposal to amend Article 9a would allow those Member States wishing to use drones more quickly to implement the solutions desired by farmers while ensuring safe use, as plant protection products would still need to be approved for such use. Moreover, the experience gained by Member States that allow for the wider use of drones may become a valuable input for EFSA's work in preparing the delegated act.

We understand that our initial proposal raised some concerns on your side. Therefore, please find below a compromise proposal, which we hope addresses these concerns. It clearly indicates that these solutions would apply only during the transitional period until the delegated act is adopted.

In art. 9a paragraph (3) is added:

> "3. Pending the adoption of the delegated act referred to in paragraph 2, Member States may, in the case of professional users, exempt from the prohibition laid down in Article 9(1), the aerial spraying of pesticides by unmanned aircraft systems.
> Such an exemption shall only be granted where the unmanned aircraft system is intended for specific spraying purposes where there are no other viable alternatives, taking into account, where appropriate, national, regional or local conditions, provided that the safety conditions for such spraying have been established and spraying is notified in advance to the competent authority.
> Pesticides to be used for aerial spraying by such unmanned aircraft systems shall be explicitly authorized for that use by the Member State under Regulation (EC) No 1107/2009 following a specific assessment addressing risks from aerial spraying."

We would be happy to discuss this further if needed.

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