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<Commission>{AGRI}Committee on Agriculture and Rural Development</Commission>

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<TitreType>WORKING DOCUMENT</TitreType>

<Titre>on a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115</Titre>

<Commission>{AGRI}Committee on Agriculture and Rural Development</Commission>

Rapporteur: <Depute>Clara Aguilera</Depute>

**BACKGROUND**

In the context of the European Green Deal, the Farm to Fork Strategy highlights the need to move towards a fair, healthy and environmentally friendly food system. The Strategy notably provides that the Commission should take a number of steps to reduce by 50% (compared to the average of the years 2015, 2016 and 2017) by 2030 the use and risk of chemical pesticides as well as the use of the more hazardous pesticides.

In order to achieve these objectives while preserving farmers’ incomes, the Commission should also propose measures to promote Integrated Pest Management (IPM) and alternatives to chemical pesticides. It should also facilitate the marketing of plant protection products based on biological active substances, and reinforce the environmental risk assessment of pesticides.

The proposal for a regulation on the sustainable use of plant protection products is part of this framework. It aims to replace Directive 2009/128/EC on the same subject and make the objectives of the Farm to Fork Strategy directly binding throughout the EU. This is intended to reduce the risks and effects of pesticides use on human health and the environment.

***Comments of the Rapporteur:***

Farmers need effective tools to preserve plant health and avoid crop losses caused by weeds, pathogens, viruses or harmful organisms. Plant protection products are used for this purpose during production and storage of agricultural commodities. They are also used in forestry, and in some public areas and domestic gardening.

The risks and adverse impacts of pesticides use for human health and the environment (e.g. soil; water; air; as well as birds and non-targeted plants and insects) are a matter of concern that leads the European Union to respond appropriately. For several decades, EU policies have promoted a reduction in pesticides use. Moreover, extensive risk assessments and high requirements for the authorisation of plant protection products and their constituent active substances make the EU the safest region in the world in this area.

Your Rapporteur supports the objectives of the legislative proposal. She agrees that further progress is needed in reducing the use of chemical plant protection products, and the associated risks and adverse impacts for human health and the environment. She also agrees with the need to promote the development of integrated pest management, and introduce alternative approaches and techniques to reduce, as much as possible, dependence on chemical pesticides.

However, the imposition of the Farm to Fork targets without prior proven effective agronomic alternatives would affect food safety. It would also generate higher production costs that would undermine the economic and social sustainability of farms, and would compromise the competitiveness of certain products in the face of imports from third countries. In the end, the lack of available alternatives could lead to farmers abandoning production and, in some part of the Union, leaving rural areas and turning cultivated fields into nature.

***The proposal therefore poses a number of serious problems, which are outlined below. In the view of your Rapporteur, these problems make the proposal inapplicable if they are not resolved.***

**1) SENSITIVE AREAS - DEFINITION AND BAN WITHIN THEM**

One of the most problematic features of the legislative proposal is the definition of sensitive areas, and the prohibition of all plant protection products within them (except for specific derogations).

The combination of this definition with this ban would have an impact on large portion of the utilised agricultural area (UAA) in many Member States (40 % in Spain for instance - representing over 80 % of some key crops such as citrus fruits; 80 % in France, and up to 100 % of the UAA in some Northern European Member States). In addition, the implementation of the measures proposed by the Commission would damage many organic crops. In regions such as the Albufera or the Ebro delta, it would also put the survival of birds that depend on rice cultivation at risk.

It is necessary to consider Article 3(16) *(definition)* and Article 18 *(prohibition)* together, bearing in mind the relationship between surfaces and impacts, and determining which restriction in use should apply to each type of area.

**2) MEMBER STATES REDUCTION TARGETS**

The legislative proposal aims to make compulsory the objectives of the Farm to Fork Strategy regarding the reduction of use and risks of chemical plant protection products (Harmonised Risk Indicator), and the reduction in the use (in volume) of the most dangerous active materials.

In a general way, an EU-wide reduction of 50 % by 2030 is proposed for both targets, compared to the average of the years 2015 - 2017. Member States would set their own national reduction targets to contribute to achieving EU wide targets through a complex calculation methodology set out in Article 5 of the proposal. National targets would be assessed by the Commission.

It should be noted that the calculation methodology of Article 5 does not take into account differences in crop exposure to pests, or in crop susceptibility to pests, depending on the growing region. In this respect, it is well known that there is a big difference between Mediterranean regions and continental areas. The calculation methodology of Article 5 should therefore be amended to take differences by area and by crop into account .

It should also be noted that the Commission proposal does not allow taking into account the efforts made by the Member States before the reference period 2015-2017.

**3) ADMINISTRATIVE BURDEN**

The legislative proposal aims to make compulsory the Integrated Pest Management (IPM) Guidelines. If these guidelines became normative, it would be very difficult to apply their constant updating (as is currently the case) to field production conditions. Actually, turning the guidelines into standards would atrophy the dynamic functioning inherent in a good IPM.

Another example of administrative complexity is the setting up of a whole set of electronic registers to be filled out by farmers. They are certainly useful information tools; however, it is essential to limit the obligations imposed on farmers to the information that is strictly necessary.

Your Rapporteur also wishes to stress the administrative complexity associated with the preparation of the National Action Plants at both national and EU level.

**4) NO ADDITIONAL CAP FUNDING**

The Commission itself admits that its proposal would lead to an increase in unit production costs resulting from, inter alia, (1) the predictable reduction in crop yields due to a lower use of phytosanitary products and a reduction in cropped areas; (2) more stringent and detailed information requirements and, (3) an additional charge for professional users of phytosanitary products who currently do not make use of advisors.

The legislative proposal provides for a transitional period of five years during which this considerable cost increase could be covered by CAP funds.

Yet, the Commission does not foresee a single additional euro to finance the measures contained in its proposal. Article 43 thereof provides that Member States, through the Strategic Plans, could fund these measures in the first pillar (in the case of eco-schemes) and the second pillar (in the case of investments and management commitments). A five-year derogation would be inserted in three articles of the Strategic Plans Regulation to that purpose.

However, the Commission has already approved all national Strategic Plans - each of them including the design of interventions and the budget allocated for the period 2023-2027. This means that the Member States have already committed their national envelopes, and that amending the Strategic Plans to fund the measures proposed by the Commission would imply reducing the budget of interventions already programmed to achieve the objectives of the Strategic Plans Regulation.

For your Rapporteur, it is therefore necessary to provide additional funds to finance additional objectives, especially since the latter do not fall within the exclusive scope of agricultural policy.

**5) OTHER IMPORTANT ISSUES**

*Alternatives or lack of effective alternatives:*

The Commission intends to promote the greater use of safer alternatives to protect crops. These alternatives should be available before new reduction targets are imposed. The 2009 Directive has already made it possible to reduce the use of pesticides in the EU. The availability of effective and economically viable alternatives is the main factor in reducing the use of pesticides.

*Definition of biological control*:

Council Decision (EU)2021/1102 calls on the Commission for a study on the introduction, evaluation and placing on the market of invertebrate agents for biological control. However, some in the sector demand a biological control consideration that is not limited to invertebrates and includes other means such as peptides or enzymes, among others.

*Integrated Pest Management:*

In addition to the need to preserve the dynamic nature of the IPM Guidelines, Chapter IV of the legislative proposal must be designed according to criteria based on field experience and full applicability. In particular, the setting of thresholds from which a chemical phytosanitary can be used is only applicable in a small number of cases and crops. It is generally technically impossible to set thresholds in a general and binding manner for each crop.

*International agreements:*

It is once again necessary to stress that imports into the EU should meet the same requirements as those imposed on our farmers. Trade agreements signed by the EU should therefore include appropriate clauses to this effect in order to ensure a level playing field for all.

*Annex: AGRI competences under Rule 57 with respect to the proposal for a regulation on the sustainable use of pesticides, following COP decision of 24 November 2022*

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| **Proposal for a regulation on the sustainable use of pesticides - COM(2022)305 final****AGRI competences under Rule 57 following COP decision of 24 November 2022** |
| ***AGRI exclusive competences*** |
| Article 3, points (6) and (17) | Definitions |
| Article 43 | Amendment to CAP SP Regulation |
| ***AGRI-ENVI shared competences*** |
| Article 3, points (10), (11) and (16e) | Definitions |
| Article 14 | Records/ advice on use of PPPs |
| Article 17  | General requirements for professional use |
| Article 25 and Annex III | Training and certification |
| Article 29 | Register of application equipment  |
| Article 31(2) and (5) and Annex IV | Inspections of application equipment |
| Recitals 22, 30 and 34 |  |