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WORKING PAPER

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Agricultural Questions (Pesticides/Plant Protection Products)
Subject:	Report on Directive 2009/128/EC - COM comments

Delegations will find in the Annex comments from the Commission on the revised draft of Council Conclusions related to the Report from the Commission on Directive 2009/128/EC on the sustainable use of pesticides (WK 8636/2020 REV 1).

Comments from the European Commission on the revised draft Council Conclusions related to the Report from the Commission on Directive 2009/128/EC on the sustainable use of pesticides (WK 8636/2020 REV 1)

The Council Conclusions under discussion relate to a report published by the European Commission (Commission) as part of a package with the Farm to Fork Strategy on 20 May 2020. The report concerns actions linked to the review of the Sustainable Use Directive (SUD) and to the meeting of ambitious targets on pesticide use and risk reduction.

The Commission is currently undertaking the evaluation of the SUD, with the intention of presenting a proposal in the 1st half of 2022. Thus, it welcomes any guidance from the Council as to what areas should be included within the review and what ambition it should aim for.

The Commission thanks the Presidency of the Council of the European Union for the opportunity to comment on the draft Council Conclusions.

Implementation of the Directive and National Action Plans

General comment

The primary conclusion of the Commission's report to the Council and Parliament is that the Member States have not used the tools available to achieve the objectives of the SUD, in particular the establishment of quantifiable targets and objectives and the updating of the National Action Plans to describe the actions to achieve these. Given the failure in this regard, and in the context of the evaluation of the SUD, it is hoped that the Council Conclusion would give some insight into what reasons contributed to this omission and what could be changed by both MS and the Commission to facilitate future implementation.

Specific comments

Point 3 – The Commission would like to recall that the National Action Plans (NAPs) were agreed and voted on by Member States in 2009, therefore we feel that the expressed support of Member States to the *concept* of the National Action Plans shows a very weak engagement. The second part of the sentence stressing that the different starting points of Member States should be taken into account with regard to the structures in place and existing requirements seems to contradict the fact this point is about *national* plans, hence the Member States are free to include any previous actions.

Point 4 – The same comment as on point 3, notably the reason the plans are national is to allow Member States to represent variations in agriculture and individual circumstance.

Point 5 – Member States are encouraged to cross reference other policy documents that are linked to the NAP. Where other documents are referenced from the NAPS, they were taken into account in the assessment of the NAPs and the implementation of the directive

Point 6 – The current wording seems to suggest there hasn't been good cooperation regarding implementation to date, which isn't the case. We would suggest "continue to work" is included.

Integrated Pest Management

General comment

The Commission finds this section more constructive as it also gives some useful feedback as to difficulties of implementation and indicators for future policy options.

Specific comments

Point 8 – The Commission welcomes the suggestion to Member States to establish crop specific guidance. This provides insight into the difficulty of implementing Integrated Pest Management in Member States. The production of crop specific guidance is one of the policy options under consideration in the review of the SUD and thus this provides valuable input.

Point 9 – It should be noted that the “normal farming practices” listed here are part of Integrated Pest Management principle One. The Commission would like to ask for clarification on the last part of the point “farmers should receive support in further development”.

Point 10 and 11 – Both points relate to the economic burden of farmers, which seems to be a duplication.

Point 12 – The last part of the point (“...HIGHLIGHTS that IPM is to a certain extend already part of today’s farming”) seems to be a repetition of point 9.

Research and Innovation

Point 13a – There is extensive research in the area of IPM, funded by the Commission, Member States and the industry. The Commission would welcome clarification on how best this could be compiled and disseminated at EU level.

Harmonised Risk Indicators

The Commission accepts the need for improvement of indicators to enable drawing robust conclusions concerning the performance of Member States. It is also important to note that this analysis is the responsibility of the Member States under the SUD, which is currently not being done as it should, and that there are significant data shortages in the Member States reporting that limit what can be done in terms of improvement. The Commission would welcome a positive statement about the provision of useful data.

Better Training for Safer Food

The Commission welcomes the positive feedback on the role of the BTSF trainings and would welcome suggestions from Member States on what kind of new themes should be considered in this context.