



Mr Olivier Guersent
 Director-General DG Competition
 European Commission

Brussels, 18th November 2022

Re: Joint open letter from agri-food chain organisations regarding the potential impact of the current proposal on Sustainable Use of Plant Protection Products Regulation (“SUR”) on the EU agricultural value chain, considering the current socio-economic situation in Europe

Dear Mr Guersent,

The co-signing organisations, whose logos are included above this communication, would like to bring to your attention the potential impact that the current proposal for a Sustainable Use of Plant Protection Products (PPPs) Regulation (“SUR”) could have on the EU agricultural value chain considering the current socio-economic situation in Europe.

First, we would like to emphasise that we share the ambition to further improve the practices and sustainability of the agri-food system. However, policy measures need to take into consideration the consequences and downsides of PPPs reduction targets for all actors in the food chain, especially in light of the aftermath of COVID-19, the Russian invasion of Ukraine, and the effects of climate

change. These external factors have heavily affected the availability and affordability of critical inputs (e.g., fertilisers, energy, feed), leading to a significant increase in farmers' production costs and an increased risk of reduction of production in the short and medium term.

Producers need to have access to safe, effective and affordable tools to ensure satisfactory crop protection and thus food security, while preserving feed and food safety. We believe that through collaboration and innovative solutions we can drive the transition to a more sustainable production model. Access to solutions including biocontrol technologies, digital and precision tools, New Genomic Techniques as well as resilient seed varieties will help strengthen the farmers' toolbox and support Europe's goal of more resilient food systems.

The co-signing organisations call on the EU institutions to take into consideration the following points:

1. Need for a comprehensive impact assessment

There is still a need to carry out a comprehensive assessment of the cumulative economic, social and environmental impacts of the various targets set in the SUR proposal before taking any political or binding regulatory decisions.

2. Adequate targets that are based on science and feasible for producers

The targets proposed should be science-based, practical, coherent with other policy areas, but also measurable and achievable, whilst safeguarding food and feed security in the EU and the long-term economic viability and competitiveness of all players in the food supply chain. More specifically, the targets should take into account the availability of effective, affordable and workable alternatives for plant protection and allow flexibility for countries to address individual agricultural environments. As part of the calculations, we advocate a re-evaluation and inclusion in the Commission's proposal of the progress already achieved in reducing PPP use, to better take into account the efforts Member States have already made.

3. Need to provide alternatives before withdrawing chemical solutions

As non-chemical active substances are often less effective and used to treat very specific targeted problems, the total number of permitted active substances, for instance low-risk substances, should increase at a faster or at least the same pace to achieve the same level of plant protection, bearing in mind that climate change could lead to new plant diseases which could have devastating results. No active substance should be removed from the toolbox and the market without at least one safe, effective, available and affordable alternative ready to take its place. Particular consideration should be given to minor crops where the range of authorised active substances is already extremely limited.

Lower-risk solutions that may be used as alternatives to conventional PPPs must be effective, affordable, safe, and accessible in the EU before widely used conventional (i.e. chemical) active substances are withdrawn or restricted in use. This would equip farmers and advisers with the tools needed to better implement IPM schemes which, in turn, would complement the use of existing effective, affordable, and safe crop protection tools. Unfortunately, and despite the willingness of EU farmers to use low-risk PPPs and other sustainable technologies (e.g. New Genomic Techniques, precision farming tools and equipment, new and resilient varieties), such products are often still not readily available. Based on the current EC proposal, Member States would be expected to achieve substantial reductions in their use of PPPs in only 5 years. Nevertheless, the current time it takes, on average, for new tools to be approved and become available to farmers may make this task impossible, or at least represent an enormous risk for agricultural production at both EU and national levels¹.

¹ "Modelling environmental and climate ambition in the agricultural sector with the CAPRI model", JRC (2021): *"The analysis includes a reduction of the risk and use of pesticides (...) Results also show a decline in EU production and variations in prices and income for selected agricultural products, albeit in different degrees."*

4. Proper definition and reconsideration of the ban on the use of any PPPs in sensitive areas

The Commission's proposal includes an outright ban on the use of plant protection products in sensitive areas. In this regard, it is already evident now that large parts of agricultural land will fall under the definition for sensitive areas. The proposed definition for sensitive areas is extremely broad and unclear and will have a detrimental impact on agricultural production in some Member States, thus generating an uneven playing field with a potential distortion of competition between them. A ban on the use of all plant protection products on a vast amount of agricultural land is also a concern when it comes to operational aspects. A total ban appears excessive and risks contributing to uncontrolled development of harmful organisms. The agricultural sectors are concerned that the European Commission's proposal would open up a possibility for unlimited interpretation for the application of these rules.

Because of this, we feel that Member States should be allowed to define "sensitive areas" and justify the use of appropriate plant protection techniques based on local needs and management plans. Plus, the European Commission and the EU Member States should conduct a full assessment of how many farms will be affected by the new definition of "sensitive areas" in each Member State.

An assessment is also needed to look into whether growers will remain competitive in the market and what kind of compensation will be offered, as well as how the loss of agricultural area will affect food supply, food security, and rural landscapes. In addition, the Commission's assessment should also include insights into which of the crops produced in protected "sensitive areas" will be most affected by such a proposal and how this will impact European food supply and food security. We believe that both chemical and non-chemical tools need to be available to produce conventional and organic crops and seeds, as well as to ensure plant breeding and variety testing in these areas. A lack of precise information on which areas specifically are of concern and how these provisions should be interpreted may lead to misunderstandings and the introduction of permanent bans on the use of all PPPs in large parts of agricultural areas. In addition, many farms, both conventional and organic, could be considered as located in sensitive areas, and not even organic growers will be able to farm in these territories anymore.

5. Reduce the potential burden for farmers to comply with the SUR provisions to the minimum

The administrative, financial and bureaucratic burdens for producers and food-chain operators should not be increased beyond the current level and be reflected in an appropriate and ambitious budget proposal to help cover such costs. This budget must come from outside of the already agreed CAP budget, including for the establishment and eventual use of electronic registration systems. Such systems must follow the principles agreed upon in the Code of Conduct on Agri Data Sharing.

The proposed SUR's Article 15.1 stipulates that Member States shall adopt "*crop-specific rules*", i.e. "*agronomic requirements based on integrated pest management controls that must be adhered to when growing or storing a particular crop and are designed to ensure that chemical crop protection is only used after all other non-chemical methods have been exhausted and when a threshold for intervention is reached*". This requires further reflection and refinement in order to accurately reflect the reality of agricultural production, and risks contradicting the definition of IPM in both Directive 128/2009 ("Sustainable Use Directive" or "SUD") (Article 3.6) and the proposed SUR (Article 3.15). The requirement to use chemical PPPs only as a last resort and when a threshold for intervention has been reached (i.e. double conditionality) ignores the fact that IPM measures are also preventive measures.

The inclusion of a threshold for intervention and crop specific rules for IPM fails to recognise the foundational principles of flexibility on which IPM is built, which allow all available technologies to be considered for local needs in an environmentally sound and socially acceptable manner. In light of the above, the proposed wording requires further refinement to accurately reflect the realities of IPM. We thus encourage the Commission to apply the current definition of IPM from the SUD and from Article 3.15 of the draft SUR. IPM emphasises the growing of a healthy crop with the least disruptions to agro-ecosystems and encourages natural pest control mechanisms, but this should not preclude the possibility to have recourse to chemical tools at the right time, which in practice often means before all other non-chemical methods have been exhausted or before a threshold for

intervention has been reached. Furthermore, we call upon the EU Institutions to enlarge the risk analysis paradigm for crop protection in a more holistic manner, and to fully integrate both the science-based risk assessment and the socio-economic impact assessment aspects.

In summary, we believe that the answers to the challenges of tomorrow require not only substantial investments in research, innovation, and development of new tools along the agri-food chain, but also a regulatory system that enables, promotes and rewards innovation. For this to happen, the policy framework needs to be amended to include the adoption of a horizontal EU Innovation framework. The co-signing organisations remain committed to an ongoing structured dialogue between all relevant DGs in the European Commission, Parliament, Member States, and EU food chain actors. The co-signing organisations trust that the ideas and proposals outlined in this letter will be considered and remain open for further discussion with all parties.

Yours sincerely,

The co-signing organisations:

CIBE – International Confederation of European Beet Growers

COCERAL - The European association of trade in cereals, oilseeds, rice, pulses, olive oil, oils and fats, animal feed and agrosupply

Copa-Cogeca - The united voice of farmers and their cooperatives in the European Union

CropLife Europe - Represents sustainable crop protection solutions

ESA - The European Snacks Association

EUPPA - European Potato Processors' Association

EUROPATAT – The European Potato Trade Association

European Flour Millers - The European Flour Milling Association

EUROSEEDS - The voice of the European seed sector

FEDIOL - The EU Vegetable Oil and Proteinmeal Industry Association

FEFAC - The European Feed Manufacturers' Federation

FERM – Federation of European Rice Millers

FRESHFEL - European Fresh Produce Association

FRUCOM – European Federation of the Trade in Dried Fruit, Edible Nuts, Processed Fruit & Vegetables and Processed Fishery Products

Primary Food Processors - The Association for the European Primary Food Processing Industry

PROFEL - The European Association of Fruit and Vegetable Processing Industries

TomatoEurope - Processors Association