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European Union

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From: General Secretariat of the Council
To: Delegations

Subject: Draft Council Decision requesting the Commission to submit a study complementing the impact assessment of the proposal for a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115
- written consultation - deadline for reaction: 6 December 2022 cob

Following the attaché meeting of the Working Party on Plants and Plant Health Questions (Pesticides/Plants Protection Products) on 2 December 2022, delegations will find in annex a **further revised** draft Council Decision on the above proposal. Changes with respect to the previous version have been marked with **bold** for additions and ~~strikethrough~~ for deleted text.

Delegations are hereby asked to confirm that they can support the text of the draft Council Decision. Any objections should be sent by Tuesday 6 December cob to the Council Secretariat at life.3@consilium.europa.eu and to the Presidency (Karolina_Zazvorkova@mzv.cz and Pavel.Minar@ukzuz.cz).

The absence of replies by individual delegations will be considered as support for the text of the draft Council Decision.

Thank you very much in advance for your cooperation.

DRAFT COUNCIL DECISION (EU) 2022/...

of ...

requesting the Commission to submit a study complementing the impact assessment of the proposal for a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115, and to propose follow-up actions, if appropriate in view of the outcomes of the study

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 241 thereof,

Whereas:

- (1) In its Conclusions on the Farm to Fork Strategy from 19 October 2020¹, the Council took note of the reduction targets for pesticides **set out in** the Strategy and highlighted the need for effort **from Member States and all stakeholders** and **for intensive co-operation, consultation and collaboration** in achieving that target.
- (2) ~~In its Conclusions,~~ The Council also welcomed the Commission's objective to reduce the adverse effects of the use of plant protection products on the environment, such as supporting the development of more comprehensive plant protection approaches based on the principles of integrated pest management and **highlighted** in this regard the importance of ensuring adequate and scientifically-sound integrated pest management measures and the promotion of the use of sustainable alternative plant protection products and methods.

¹ ST 12009/20

- (3) **Furthermore, it recalled the Interinstitutional Agreement on Better Law-Making and called on the Commission to base legislative proposals on thorough impact assessments. It considered necessary to ensure consistency and coherence between the measures envisaged by the F2F Strategy and related EU policies and strategies. The Council also stressed that, with regard to the realisation of the objectives and measures proposed in the F2F Strategy, adequate attention needs to be given to the economic, social and environmental dimensions of sustainable food systems, including with regards to the competitiveness of EU agricultural and related sectors.**
- (4) On 22 June 2022, the Commission submitted to the European Parliament and to the Council a proposal for a Regulation on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115. The proposal aims to provide an ambitious approach to addressing growing societal concerns around the use and risk of pesticides and its impact on environment and human health. It includes new provisions on the use of pesticides, alternative non-chemical pest control techniques and Integrated Pest Management. The proposal introduces legally binding Union reduction targets of 50% for pesticide use and risk, while obliging the Member States to set national reduction targets to achieve this overall target. These national targets may deviate from the 50% Union targets only within the parameters of a binding formula.

- (5) The Council is concerned that the impact assessment **accompanying the proposal** does not take into account the possible long-term impacts of the proposed Regulation on the food security in the Union. The fact that the impact assessment was concluded before the war in Ukraine and the energy, fertilisers and food price crises, further validates these concerns. The Council therefore considers that additional quantitative analysis on a number of indicators needs to be conducted in order to determine whether the assessment of the economic and social effects of the proposal needs to be adjusted. In particular, the Council considers that an additional analysis reflecting the EU's agricultural production, the expected decrease in yields in the EU resulting from the reduction and restriction of the use of plant protection products and the potential dependence on food and feed imports should be carried out. The Council also considers that a more in-depth analysis of the situation of small and medium enterprises and the profitability along their supply chain would be necessary.
- (6) The Council ~~welcomes~~ **takes note** the Commission non-paper on sensitive areas² and its ~~proposal~~ **suggestion** to reduce the extent of these areas to ensure feasibility of a ban or partial-ban on the use of chemical plant protection products in these areas, and in particular the suggestion to exclude nitrate-sensitive areas from the definition of sensitive areas. However, the Council is of the opinion that further data and an analysis of the impact of such measures in the areas that could be considered sensitive as well as in forest areas would still be necessary.
- (7) **In view of the above, while wishing to continue with the examination of various technical aspects of the proposal without undue delays**, the Council considers that a study is necessary in order to complement the existing impact assessment of the proposal, in accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law Making³, notably paragraphs 12, 13 and 16 **thereof** as well as its paragraph 10 on the application of Article 241 of the Treaty on the Functioning of the European Union ~~and. In accordance with paragraph 16 of this Agreement, the Commission should take into account all available information, the stage reached in the legislative process and the need to avoid undue delays in that process.~~

² ST 14000/22 ADD 14

³ OJ L 123, 12.5.2016, p. 1

HAS ADOPTED THIS DECISION:

Article 1

1. The Council requests the Commission to submit, as soon as possible **to facilitate the ongoing legislative process**, but at the latest by *[6 months after the entry into force of this Decision]* a study complementing the existing impact assessment of the proposal for a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 on the following aspects:
 - a) the quantitative impacts of ~~reduced use of plant protection products~~ **the Commission proposal** on food production in the Union ~~and exports from it~~, in particular by quantifying the impact on agricultural yields for the main type of relevant crops and plant products individually, while taking into account, in the context of setting the national reduction targets, the specific conditions in **the Member States, including the Member States, including** different climate regions;
 - b) the analysis of the consequences of the Commission proposal on the food and feed availability in the Union, assessed on the basis of the main types of basic food and feed products, and of the possibility of increased dependence on food and feed imports for the main types of crops and the impact on export of food and feed products from the Union;
 - c) the potential impact on food and feed prices in general and in particular for staple food products related to the impacts mentioned under point a);
 - d) the quantified impacts **of increased administrative burden** on competitiveness and profitability of small and medium-sized farms;
 - e) the availability of alternatives to plant protection products and the potential increased risk of introduction and spread of harmful organisms in the Union due to the limited availability of alternative means to mitigate it;

- f) quantification of the impact of banning the use of plant protection products in the sensitive areas as defined in Article 3(16) of the proposal, **notably** ~~with particular focus on the following:~~ **in** areas used by the general public **and** human settlements, ~~non-productive areas as defined under the EU standards on good agricultural and environmental condition of land, areas protected under Directive 2000/60/EC and sites of Community importance as set out in Article 4(2) of Directive 92/43/EEC.~~
- g) quantification of the impacts of the proposed restriction concerning the use of plant protection products on forest stands and forests dependent biodiversity;
2. The Council requests the Commission to propose any follow-up action justified in light of the outcome of the study.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at ...,

For the Council
The President