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From: General Secretariat of the Council
To: Delegations

Subject: 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 - Presidency non-paper on sensitive areas and plant protection products reduction targets

With a view to the Working Party on Plants and Plant Health Questions (Pesticides/Plant Protection Products) on 7 November 2023, delegations will find in annex a Presidency non-paper on sensitive areas and the plant protection products reduction targets.

PRESIDENCY COMPROMISE PROPOSAL:

**SENSITIVE AREAS AND REDUCTION TARGETS FOR THE USE AND RISK OF PLANT
PROTECTION PRODUCTS**

**PROPOSAL FOR A REGULATION ON THE SUSTAINABLE USE OF PLANT
PROTECTION PRODUCTS**

BACKGROUND

On 22 June 2022, the European Commission adopted a 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 (hereinafter the SUR proposal).

The most problematic elements of the SUR proposal were the proposed reduction targets and sensitive areas, together with the substantial increase of administrative burden implied by the proposal.

The first discussions about these elements of the SUR proposal took place in several Working Party meetings during the Czech Presidency. Following the adoption of Council Decision (EU) 2022/2572 requesting the Commission to submit a study complementing the impact assessment of the SUR proposal. The discussions on the SUR proposal during the first half of 2023 were limited to those chapters not affected by the above-mentioned Council Decision. After receiving green light from the ministers at the AGRIFISH on 25 July 2023 to continue with the discussions of the SUR proposal in all aspects that could not be addressed during the Swedish Presidency, the Spanish Presidency proposed a sensitive area and a reduction targets questionnaire for steering the debates in the SUR Working Party that took place on 14 September and on 16 October, respectively.

After the debates at Working Party level and on the basis of all the contributions and feedback received, the Spanish Presidency is now proposing the following Presidency compromise text related to the issues of “sensitive areas” and “reduction targets”.

PRESIDENCY COMPROMISE TEXT

SENSITIVE AREAS:

SENSITIVE AREAS DEFINITION

This Presidency Compromise Text groups every sensitive area in three categories: 1) Agricultural and Forestry Sensitive Areas, 2) Non-Agricultural and Non-Forestry Sensitive Areas, and 3) Non-Agricultural and Non-Forestry Sensitive Areas with specific characteristics.

The elements included in each category are the following:

1. Agricultural and Forestry Sensitive Areas:
 - a) Any forestry or utilised agricultural area within sites of Community importance in the list referred to in Article 4(2) of Directive 92/43/EEC and the special areas of conservation designated in accordance with Article 4(4) of that Directive, and special protection areas classified pursuant to Article 4 of Directive 2009/147/EC;
2. Non-Agricultural and Non-Forestry Sensitive Areas:
 - a) an area used by the general public, such as a public park or garden, public or private recreation areas or sports grounds where public access cannot be denied during periods of application of plant protection products and a safety period thereafter, or a public path;
 - b) a private park or a private garden;
 - c) an area used predominantly by a the following vulnerable groups: as defined in Article 3(14) of Regulation (EC) No 1107/ 2009 pregnant and nursing women, infants, children and the elderly;

- d) sites of Community importance in the list referred to in Article 4(2) of Directive 92/43/EEC and the special areas of conservation designated in accordance with Article 4(4) of that Directive, and special protection areas classified pursuant to Article 4 of Directive 2009/147/EC, and not included in point (1);
- e) Roads, motorways and railroads margins, industrial ports, airports, industrial areas and overhead power line areas are excluded from the scope of points (2)(a) and (2)(d).

3. Non-Agricultural and Non-Forestry Sensitive Areas with specific characteristics:

- a) sports grounds where public access can be denied during periods of application of plant protection products and a safety period thereafter;
- b) cemeteries;

MEASURES TO BE APPLIED

This Presidency Compromise text tailors the measures applicable in each category of sensitive areas.

For Non-agricultural and Non-Forestry Sensitive Areas, only the use of biological control, plant protection products authorized in organic farming and low-risk plant protection products will be allowed.

For Agricultural and Forestry Sensitive Areas, and for Non-Agricultural and Non-Forestry Sensitive Areas with specific characteristics, only the use of biological control, low-risk plant protection products, plant protection products authorized in organic farming, any plant protection product included in group 2 of Harmonized Risk Indicators will be allowed.

Where necessary and, on a restricted basis, any registered plant protection product for which a derogation has been granted, according to the procedure described in the following section may be authorized for application in all sensitive areas.

DEROGATIONS PROCEDURE

Derogations would be granted for a limited time and region/area to be applied. It would be possible to group several types of sensitive areas inside a region and the duration of a derogation would be limited to 120 days per calendar year.

Derogations could be granted for a single or a group of plant protection products.

Derogations should be justified and only be granted where such a measure appears necessary because of a danger which cannot be contained by any other reasonable means, taking into account technical, economic and environmental considerations.

REDUCTION TARGETS:

REDUCTION TARGETS AT EU LEVEL

In line with SUR original draft and F2F Communication, the Presidency Compromise text proposes that reduction targets at EU level should be mandatory at 50% by 2030, for Harmonize Risk Indicator (HRI1) and for the quantity of more hazardous active substances, considering 2015-2017 period as a baseline.

[REDUCTION TARGETS AT MEMBER STATE LEVEL

The Presidency Compromise text proposes that reduction targets at Member State level should have a minimum compulsory threshold of 25% by 2030 with the 2015-2017 period as a baseline, limited only to Harmonize Risk Indicator (HRI1) without fixing any national compulsory target for the quantity of more hazardous active substances.]

REVISION CLAUSE

The Presidency Compromise text proposes a system in line with the one foreseen in the SUR original draft, based on non-binding recommendations made by the Commission to the Member States.

Madrid, 30 October 2023