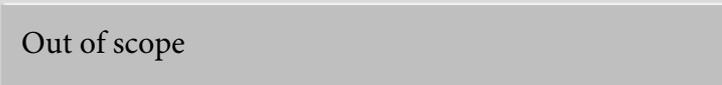


MEETING WITH THE EUROPEAN CROP PROTECTION ASSOCIATION (ECPA) AND

 Out of scope 


11 June 2020, 10:30 am (ECPA)

 Out of scope

Via video link

1. Key messages

Farm to Fork Strategy - General

- Reaffirm the Commission's commitment to play a leading role in the transition to healthy and sustainable food systems in the EU and stress that the adoption of the Farm to Fork Strategy marks an **important and unique step** towards this objective.
- Highlight that, in combination with the Biodiversity Strategy, the Farm to Fork contributes to a **greener food production**.
- Stress that the **Common Agricultural Policy** and the **Common Fisheries Policy** are crucial in the realization of the targets and other objectives. In case of the CAP, **the national strategic plans** have a crucial role. The Commission will work with the **co-legislators** ensure that our ambitions are reflected in the CAP legislation and national strategic plans.
- Explain that to stimulate the transition, the Commission will develop an **EU Code of conduct for responsible business and marketing practice**. The Code will be developed together with all relevant stakeholders.
- Highlight that the transition to sustainable food systems requires a **collective approach**, involving public authorities, actors across the food value chain, non-governmental organisations, and consumers.
- Stress the importance of the **support and contribution** of ECPA out of scope to the implementation of the Farm to Fork Strategy and its action plan.

Sustainable use of pesticides

- Stress that **pesticides is a key aspect** in the Farm to Fork Strategy and we intend to deliver on our commitment to reduce our dependency on chemical pesticides.
- Point out that challenge now is to deliver on the **key targets** in the Farm to Fork Strategy: notably a reduction by 50% of the use and risk of chemical pesticides based on the already published harmonised risk indicator 1 and the use of more hazardous pesticides, the so-called candidates for substitution, by 50% by 2030.

- Stress that we need the industry’s support to achieve the Farm to Fork targets – all players have to contribute (Commission, Member States, farmers and industry).
- Invite ECPA and ^{out of scope} [redacted] to speed up the **development of new low risk pesticides**.
- Inform that with the Farm to Fork Strategy, Commission published the **REFIT report** on the plant protection products legislation and a report on the implementation of the Sustainable Use Directive.
- Invite ECPA and ^{out of scope} [redacted], as a priority, to contribute to the **consultation in the context of the evaluation of the Sustainable Use of Pesticides Directive**, which has been launched. Stress that the Sustainable Use of Pesticides Directive will be key to successfully achieving the Farm to Fork targets on pesticides.
- Invite ECPA to work with the Commission with regard to **data and the Sustainable Use Directive**. The Commission needs data from industry to help us to understand the situation in the Member States ^{out of scope} [redacted]
[redacted]

The following paragraphs have been redacted as out of scope

- [redacted]
- [redacted]
- [redacted] – [redacted] – [redacted]
- [redacted]

The following paragraphs have been redacted as out of scope

- [Redacted]

Maximum residue levels/import tolerances

- Explain that with the Farm to Fork Strategy and following the REFIT evaluation, the **Commission decided to pursue an ambitious level of protection that does not only look at the EU territory**, but makes sure that environmental problems are not simply shifted to other parts of the world.
- Point out that certain environmental issues are matters of global concern that go far beyond national boundaries.
- Mention as examples the decline of pollinators in many parts of the world, and the accumulation in the environment of persistent, bio-accumulative and toxic substances.

- Highlight that a more sustainable EU food system also requires increasingly sustainable practices by our trading partners.
- Inform that the Commission will work towards a more sustainable use of pesticides **globally** through means of diplomacy, trade policy and development support instruments
- Indicate that in addition to consumer protection aspects, the **Commission will in future take into account environmental aspects when assessing requests for import tolerances** for pesticide substances no longer approved in the EU while respecting WTO standards and obligations.
- Clarify that import tolerances will continue to be established in accordance with the Regulation on maximum residue levels of pesticides, and in the respect of existing international obligations, in particular the relevant WTO Agreements.
- Reassure them that the Commission's actions to support a global move towards sustainable food systems will be legally well founded and defensible.
- Ask the stakeholders to support the Commission in its push for a global move towards sustainable food systems, by making innovative pesticides with a better safety profile available in all regions of the world, including in developing countries, at prices affordable for local farmers.

2. Steering note for the Commissioner

Description of the agenda, the topics to be discussed and the context

As part of a series of stakeholder meetings on Farm to Fork, you are going to meet representatives of the **European Crop Protection Association (ECPA)** on June 11 and the [out of scope]

These are two of the major pesticides lobby organisations in Brussels. You have already met with ECPA in February this year, not with the [out of scope]

The aim of the meetings is to outline the Farm to Fork Strategy, listen to the stakeholder concerns, address them if possible or explain the choices and show openness to continue working together during the implementation of the Strategy.

On the meeting with ECPA

ECPA represents the research-based (not generic) pesticides manufacturers in Europe. ECPA members include large manufacturers of active substances and brand name formulated plant protection products: Adama, BASF, Bayer, Corteva, FMC, Nufarm and Syngenta. ECPA is a member association of Crop Life International, the global pesticides industry association.

To date, the key issues of interest for ECPA have been the Green Deal/Farm to Fork Strategy, including targets, Regulatory Fitness Check of the pesticides legislation (REFIT) and the implementation of the Transparency Regulation. For this meeting the focus for ECPA may be what they describe as ‘realistic targets’ for pesticide reduction in the Farm to Fork – see below.

Participants

- [out of scope]
- [out of scope]

Our objectives

- To inform about the Farm to Fork Strategy as part of the Green Deal, [out of scope] [out of scope]
- To underline that the pesticides targets set in Farm to Fork are both realistic and ambitious. In that regard, ask ECPA to contribute to the stakeholder consultation on the Directive on the Sustainable Use of Pesticides.
- To highlight that it is important that industry/stakeholders shape together this new era of EU pesticide policy under the Green Deal.
- To invite industry to invest in the development and placing on the market of new and innovative low risk active substances.
- To get a commitment from ECPA to work with the Commission with regard to industry data needed to understand what is going on in Member States concerning pesticides. *(This has already been raised with them in meetings at service level in February and June this year.)*

The interlocutor's objectives

This will be your second meeting with ECPA to discuss their involvement in delivering on the Green Deal and Farm to Fork. ECPA will normally take advantage of the meeting to raise their concerns about how ‘realistic’ the targets for pesticide reduction are in Farm

to Fork. With regard to the implementation of the transparency regulation ECPA could repeat calls for appropriate protection of data and intellectual property rights.

Difficulties to expect

The discussion with ECPA on the targets for pesticides could be difficult. ECPA seem to suggest the targets are not realistic and have not been subject to an impact assessment.

[REDACTED] ECPA said she would *“welcome realistic targets reflecting the results of an impact assessment.”* She said the proposed reduction rate of 50% by 2030 was *“not realistic & will not have the desired effect of having a more sustainable food production model in Europe.”* She insisted that her organisation, representing the bio-pesticide & pesticide sector in Europe, was not *“against targets,”* but objectives presented *“should be taking the farming industry on a journey to transform, not without sacrifices, but in collaboration with all parties involved in producing our food.”* (Agrafacts No 40)

Previous meeting(s) with the interlocutor

7 February 2020, Meeting of ECPA with Commissioner Kyriakides

15 February 2019, Meeting of ECPA with Anne Bucher, Director-General SANTE

The following paragraphs have been redacted as out of scope

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

The following paragraphs have been redacted as out of scope

[Redacted text block]

Names of all contributors to the briefing: [Redacted] (F3), [Redacted] [Redacted]
[Redacted], [Redacted], [Redacted] (E4), [Redacted] (01)

SANTE colleagues attending the meeting: [Redacted] E4), [Redacted]
[Redacted] F3), [Redacted] (01)

2.1 Farm to Fork Strategy and sustainable use of pesticides

State of play/background information

The Commission is moving ahead swiftly with the revision of the **Sustainable Use of Pesticides Directive (SUD)**. It will be crucial to achieving the **key targets** in the Farm to Fork Strategy, notably a reduction by 50% of the use and risk of chemical and most hazardous pesticides.

The **public consultation** on the Sustainable Use Directive has already been launched (this will also include the issue of targets). The **Inception Impact Assessment** is currently published on the Better Regulation Portal as part of this consultation.

ECPA and other stakeholders are strongly invited to participate, and bring their expertise, to that consultation process.

The Directive aims to achieve a sustainable use of pesticides in the EU by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of integrated pest management (IPM) and of alternative approaches or techniques, such as non-chemical alternatives to pesticides.

The **second implementation Report** on the Sustainable Use Directive was published in May together with the Farm to Fork Strategy.

Based on experience with the implementation of the Directive it is clear that **more can be and should be done** to reduce the overall risk and use of pesticides, in particular, by promoting practices for integrated pest management to ensure that sustainable, biological, physical, other non-chemical methods and the use of low risk pesticides to protect crops.

The following paragraphs have been redacted as out of scope

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

The following paragraphs have been redacted as out of scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

2.4 Maximum residue levels /import tolerances

State of play/background information

The EU is the largest importer and exporter of food products worldwide. However, the authorisation and use of plant protection products (PPPs) remain a matter of national or regional competence.

To ensure that European consumers are protected against residues of pesticides in food, despite the globally fragmented regulation of PPPs, **maximum residue levels** (MRLs) are established. They apply to all food on the EU market, regardless of its origin (i.e. whether produced in the EU or imported). Besides consumer protection, the setting of MRLs at EU level also serves to ensure a smooth functioning of the internal market.

While most EU MRLs are based on PPP uses authorised in EU Member States, the MRL Regulation provides also for the setting of MRLs based on PPP uses authorised in third countries, if it is demonstrated that the food produced is safe for European consumers. Such **“import tolerance” MRLs** may also be set for substances that are not approved for use in PPPs in the EU, as long as consumer protection is ensured, following a robust assessment by a Member State and EFSA, against the same criteria as for approved substances.

Both the Farm to Fork Strategy and the REFIT evaluation of the pesticides legislation place a new focus on food sustainability, over and above the existing focus on food safety. In the context of pesticides MRLs, this means that **the Commission will in future take into account environmental aspects when assessing requests for import tolerances**, in addition to consumer protection aspects. This new policy has two objectives: to ensure a level playing field for EU farmers and to promote increasingly sustainable practices by the EU’s trade partners.

It is thus an additional element in the context of the Commission’s work in this area through means of diplomacy, trade policy and development support instruments.

For practical purposes, but also to respect the EU’s existing international obligations, the environmental issues taken into account are those of global concern. Examples under discussion within the Commission are the decline of pollinators in which certain pesticides play a role, and the long-term presence in the environment (and eventually in food) of pesticides with a combination of persistent, bioaccumulative and toxic properties.

Developing countries repeatedly claim that their current reliance on “old”, frequently highly hazardous pesticides is due to the lack of alternatives, as manufacturers who innovate do not market their “new” pesticides with a better safety profile in those countries. While this may be only one among several factors, it is important that the industry plays its part to ensure that there is a true level playing field between farmers within and outside the EU, by globally phasing out highly hazardous pesticides, and offering alternative plant protection products equally on a global level.

In its initial reactions to the Farm to Fork Strategy, industry stakeholders have focused on the numerical targets on pesticides use announced. The stakeholders’ positions on environmental aspects relevant for MRL setting are currently not known. It is expected that at this stage they will seek to find out in more concrete terms what the Commission’s intentions are.

3. Defensive points

- *The proposed pesticide targets are not realistic and not supported by an impact assessment.*

The targets are ambitious but realistic. They were discussed extensively within the Commission and an **impact assessment would be carried out at the stage of making targets mandatory** in the new legislation.

The proposed targets can be achieved if all players, including farmers and industry, are involved and take appropriate actions.

Based on experience with the implementation of the Sustainable Use Directive it is clear that **more can be and should be done** to reduce the overall risk and use of pesticides, in particular, by promoting practices for integrated pest management to ensure that sustainable, biological, physical, other non-chemical methods and the use of low risk pesticides to protect crops.

The **public consultation** on the Directive on the Sustainable Use of Pesticides has been launched – this will include the issue of targets. The **Inception Impact Assessment** is currently published on the SANTE website as part of this consultation.

ECPA and other stakeholders are strongly invited to participate, and bring their expertise, to that consultation process.

- ***How will the Commission support the industry to meet the reduction targets for chemical pesticides of the Farm to Fork Strategy?***

The Commission will continue to work with Member States and stakeholders to increase availability of non-chemical plant protection solutions.

For instance, the foreseen **update of the data requirements for microorganisms** is expected to make access to the market easier for this kind of active substances.

The development of related **guidance documents** will also contribute to this goal.

- ***How and until when will Commission ensure improvements in the approval and authorisation processes?***

The Commission is committed to work with Member State to improve the approval and authorisation processes for plant protection products, including also low risk products.

The Commission has called on Member States to increase resources and has proposed a number of actions to increase the efficiency of the approval and renewal of approval process.

For authorisations, this will be mainly steered via the Standing Committee or the Post Approval Issues working group, and focus on increasing cooperation and coordination among Member States in the zonal regulatory system.

In addition, the work initiated on data requirement updates as well as risk mitigation will ultimately also contribute to improvements of the authorisation processes.

- *How will you ensure that imported products fulfil EU environmental standards?*

Our **bilateral trade agreements** offer a means to pursue acceptance of EU environmental standards, in addition to food safety standards.

We need to work with international partners both at bilateral and multilateral level to promote global standards for sustainable food systems.

The establishment of a **general policy framework on food system's sustainability**, combined with labelling or other incentives, will also contribute to gradually raise sustainability standards.

The Commission will reflect on how to take into account environmental aspects – in particular those of global concern – when assessing requests for **import tolerances** for substances no longer approved in the EU while respecting WTO standards and obligations.

In order to promote a gradual move towards the use of safer plant protection products, the EU will consider, in compliance with WTO rules and following a risk assessment, to **review import tolerances for substances meeting the "cut-off criteria"** and presenting a high level of risk for human health.

- ***How will the Commission take into account environmental aspects when assessing requests for import tolerances for pesticides substances no longer approved in the EU? What does it mean concretely? Will you revise the MRL legislation?***

Environmental issues such as the extinction of pollinators in many parts of the world, or the accumulation in the environment of persistent, bio-accumulative and toxic substances are matters of **global concern** that go far beyond national boundaries.

I believe we have a duty to pursue an **ambitious level of protection** that does not only look at our own territory but makes sure that environmental problems are not simply shifted over to other parts of the world.

The existing MRL Regulation gives the possibility to **consider ‘other relevant factors’** in addition to consumer protection aspects. This would allow the Commission to assess the possible impact of its decisions (e.g. granting certain import tolerances) on such issues of global relevance, while considering the already existing agreed international obligations and standards.

The EU will engage actively with trading partners, especially with **developing countries**, to accompany the transition towards the more sustainable use of pesticides to avoid disruptions in trade and promote alternative plant protection products and methods.

- ***If you do not revise the MRL legislation, how will this approach ensure legal certainty for third countries?***

The Commission is committed to engage with its trade partners on environmental issues of global concern and will reach out to them proactively for a constructive dialogue.

In its reflections on how such environmental concerns could be integrated when assessing import tolerance requests, the Commission will take into account relevant agreed international standards (such as the Stockholm Convention on Persistent Organic Pollutants).

The Commission is bound by the WTO/SPS Agreement and will, as is already standard practice under the existing MRL Regulation, notify all draft legal texts through the WTO/SPS notification system to signal upcoming changes at an early stage. It is also a standard practice to grant third countries and food business operators time to adapt to new measures provided that there is no health risk for consumers.

- ***How will you ensure compatibility with WTO rules?***

Imported food must continue to comply with relevant EU regulations and standards as well as international commitments. The EU is bound by the WTO/SPS Agreement and will act accordingly. It is standard practice to notify all draft legal texts through the WTO/SPS notification system to signal upcoming changes at an early stage to trade partners and allow them to comment.

In its further reflections on how environmental concerns could be integrated when assessing import tolerance requests, the Commission will take into account relevant agreed international standards and will engage with third countries in constructive discussions on the environmental issues of concern that the EU seeks to address.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] - [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] - [REDACTED]

[REDACTED]

[REDACTED] - [REDACTED]

[REDACTED]

[REDACTED] - [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] - [REDACTED]

[REDACTED]

[REDACTED] - [REDACTED]

[REDACTED]

[REDACTED] - [REDACTED]

5. Reports of previous meetings

Meeting between Anne Bucher, Director General of DG SANTE and the European Crop Protection Association (ECPA)

Date: 15 February 2019

Participants:

DG SANTE - Anne Bucher, [REDACTED]

European Crop Protection Association - [REDACTED]

Report:

It was a courtesy meeting, requested by ECPA, in order to present their industry and discuss the future of crop protection in Europe. An open and frank discussion took place about a number of issues.

The following paragraphs have been redacted as out of scope

[REDACTED]

[REDACTED]

[REDACTED]

The following paragraphs have been redacted as out of scope

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Large redacted text block]

The following paragraphs have been redacted as out of scope

[Redacted text block]

[Large redacted text block]

- The following paragraphs have been redacted as out of scope

-

-

[Redacted text]