

Possible future SUD policy options for further discussion with SUD WG members¹

- 1. IPM: Do any changes need to be made to the current legal provisions for IPM, including the IPM principles and should we Introduce IPM record-keeping requirements in legislation?** Should some minimum details be specified in legislation and other aspects be left to MS under subsidiarity, what to record, how to record (in what format and level of detail), when and how often to record, who records it, for how long should records be kept (paper and/or electronic form) try not to be too burdensome while still representing a useful monitoring or enforcement tool for Member State competent authorities? What experiences do MS already have with introducing national IPM record-keeping requirements (to which types of pesticide users should such requirements apply), do these records prove useful when performing checks and official controls? Other IPM aspects to be considered, some will take longer to develop and trial e.g. detailed IPM criteria which are expected to be specific for different Member States.

No addition of requirements that lead to an increase in the administrative burden is supported, unless very well justified and based on scientific evidence. Before increasing the administrative burden of record keeping, it should be ensured that the current requirements of record keeping are utilized maximally (e.g. collected, anonymized and made available for research purposes).

The general discussion and strategic 50% PPP use and risk reduction targets are based on an assumption that implementation of IPM will lead to a significant decrease of PPP use and risks related to the use. We would like to question whether the assumption is based on scientific research. We barely have any methods to measure implementation of IPM; yet very recent research results are showing some good progress in that (Creissen et al 2019², Steiro et al 2020³). We lack research results showing that higher level of IPM implementation at farm level would lead to a significant decrease of PPP use/risks related to the use. Are we ready to put administrative efforts in record-keeping and official control without knowing how well the record-keeping is reflecting the actual progress? An on-going Finnish research project reveals the shortcomings of record-keeping of PPP use to show IPM implementation level. Could there be a motivating record-keeping scheme that would benefit the farmers to better understand their own actions; a scheme that would not be made for the administration and official controls

¹ This is a non-exhaustive list of possible policy options based on discussions in the breakout groups at the SUD BTSF one-off workshop of 17-19 November 2020. SUD WG members are free to add proposals for extra policy options based on their national experiences concerning implementation, application and enforcement of the SUD.

² Creissen H.E., Jones P.J., Tranter R.B., Girling R.D., Jess S., Burnett F.J., Gaffney M., Thorne F.S. and Kildea S. 2019: Measuring the unmeasurable? A method to quantify adoption of integrated pest management practices in temperate arable farming systems. *Pest Management Science*, doi: <https://doi.org/10.1002/ps.5428>.

³ Steiro, Å.Læ., Kvakkestad, V., Vatn, A., Breland, T.A. 2020: Integrated Pest Management adoption by grain farmers in Norway: A novel index method, *Crop Protection*, doi: <https://doi.org/10.1016/j.cropro.2020.105201>.

but for the farmers to learn & benefit? We vote for more research, training and learning instead of administrative work.

Training and learning

Training of users is absolutely key in improving the implementation of IPM, as it is not a black-and-white, easy to control –issue. Small discussion groups and shared/collective/participatory learning is valuable and could lead to common understanding and better IPM solutions of plant protection problems. Adding record-keeping items is not seen as efficient. Although there is political pressure on decreasing the use of PPPs, the efficiency of different measures should be verifiable and verified before taken on board.

The focus on IPM should be set on learning. The question is **in what way does a farmer/ppp-user learn?** How do we take into account different ways of applying and willingness to apply new knowledge, as well as motivation and attitudes? What should be done to change behaviour/practice?

Learning and training are key to the willingness of testing alternative methods, but do not as such ensure the practical intake unless the benefits are clear. Social learning from the peers can reduce the resistance of change and therefore participatory demonstrations, trainings and discussion groups are important. Resources and incentives for such activities should be highlighted.

There are lot of good experiences from small discussion groups / participatory trainings, where good practices are shared and adopted by all participants.

Developing criteria for IPM requires significant research inputs.

2. **DRONES/AERIAL SPRAYING: Are changes needed to the current SUD regarding facilitating precision agriculture and particularly the use of drones for spraying, change the current SUD wording on aerial spraying?** (use of drones to survey fields/crops not prohibited)

If yes, what is the specific issue? Problems if PPPs are not authorised for aerial spraying, lack of standards or criteria to assess drones. What national experiences do MS have re interpreting the current legislative wording on drones or authorising nationally the use of drones for spraying.

We need regulations that allow sprayer drone applications, not only as a derogation from the prohibition of aerial spraying, but as a separate paragraph that recognizes the advantages of sprayer drones and allows the use in a safe and less bureaucratic manner.

For products used in aerial spraying (in general, but especially for drones) we need:

- a clear process for the exceptional authorization of products

- risk assessment process for products to be authorized for aerial spraying (drones & other aerial spraying equipment)
3. **TESTING OF PAE: Any need for changes to the current system for testing PAE outlined in the SUD?**
- Need for standards and criteria, potentially reduce the testing requirements for basic and less risky PAE.

The claim is supported, especially for seed treatment equipment, for equipment used in aerial spraying and for drones

Less stringent requirements are supported for: backpack sprayers and comparable equipment, small equipment, equipment for seed dressing, seed dressing equipment for potato (except for equipment with a boom), equipment on harvesters used in forestry. No need for more frequent testing for contractors/large scale users, unless clear suspicions of fraud. Normally contractors/large scale users would have an interest in well functioning equipment.

- **Mandatory test before first placing on the market?** According to the machinery directive new spraying equipment has to meet the requirements.

The starting point should be, that the legislation (machinery directive) functions, we should not make overlapping legislation just in case.

- Assistance to train testers and facilitate mobile testing services to cover larger geographical areas?

We need training for the testing of equipment that is more specialized, a continuation of the BTSF workshops would be supported, to keep testing experts updated on the technical progress of spraying equipment. Mobile testing units are a key to testing in Finland.

4. **POSSIBLE LEGISLATIVE SIMPLIFICATION/REDUCTION OF ADMINISTRATIVE BURDEN: Can some elements of the SUD be simplified to reduce the admin burden for MS and stakeholders?**

- suggestion that more structure on IPM annex/ guidance is needed.

FI does not find more details in the IPM annex or common guidance on IPM needed. IPM has to be site specific and too general guidance does not help.

- any change needed to the requirements on training and advisory services or they are currently working quite well?

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- There was a suggestion to possibly reduce the testing requirements for simpler and less risky PAE? See point 3.

5. **COLOUR CODED LABELLING OF PPP PRODUCTS: Consider a traffic light colour coding label or sticker on the PPP package (green, amber, red) to indicate varying hazard for health and environment?**

- Can an attempt be made to objectively divide PPPs into 3 such groups or even 2 groups of the most hazardous and least hazardous products, do any MS have an experience of implementing such a scheme nationally?

The classification and labelling regulation basically already provides for a labelling of PPPs. On the other hand, as it has not been possible to make an indicator that would take into account the properties of active substances, how could the products be colour coded, as this should also be based on the properties of the substances? A simple colour code might be too simplifying and as such misleading. If we need to restrict the use of some PPP, we have tools in PPP regulations for that.

6. **RESTRICTIONS ON USE OF SOME PPPs: Potentially restrict/ prohibit the use of some more hazardous pesticides by all or some users: agricultural, non-agricultural, professional and non-professional users?**

- Are certain exceptions needed, for example for some sports facilities?
- Which pesticides should have their use restricted and for which uses and users, is there a minimum baseline which could be applied in all MS?

Restrictions on use of products is clearly a MS issue that should be decided on nationally. Product specific restrictions are authorization issues based on regulation 1107, not the SUD. FI bases decisions on for example consumer products on the classification of the products. A product, the use of which calls for special personal protecting equipment, can not be authorized for consumer use. In some MSs there are, for example a ban of glyphosate use in amenity areas, so legislation exists already.

7. **ANY EXTRA INFORMATION OR COMMUNICATION ACTIVITIES NEEDED:**

- **Should any extra information or communication measures be included in the SUD?**
- any need to improve the information to the general public or residents when pesticides are used or planned to be used in their local area, any experiences at MS level on this?

A MS issue. We already have article 10 (Information to the public).

8. **POTENTIAL HIGHER TAXATION OF MORE HAZARDOUS PESTICIDES: Should a higher VAT tax rate or an environmental/excise tax be applied to some more hazardous chemical pesticides/candidates for substitution, if so which pesticides and which tax rate would disincentivise their use? (their use would not be prohibited). Should a general recommendation be given on how MS should use any funds generated via these**

higher taxes? It should be noted that a decision on using any funds generated is a national competence at MS level.

Out of scope. A MS issue. A tax on pesticides and a traffic light system could only (?) be tools to steer the use, if there were a lot of alternative products on the market for each use. A tax would also add a lot to the administrative burden and the taxes should be very high to actually steer the use. The return of the tax should be assigned to demonstrating the effectiveness of this measure, e.g. to environmental monitoring. Assigning the return of a tax is not possible in all MS.

9. **PRESCRIPTION SYSTEM FOR SOME PPPs: Should a prescription system be considered for some more hazardous chemical pesticides (candidates for substitutions) used by professional PPP users?** if so for which pesticides, who would issue the prescription (a recording or registration system would likely be needed, paper and electronic prescriptions, for how long would a prescription be valid, how to deal with repeat prescriptions for the same issue and product, possible extra costs and administrative burden for farmers, advisers and competent authorities, who would need to keep copies of the prescription: the farmer/user, adviser/prescriber, seller, would some minimum qualifications or training be needed to issue prescriptions, for how long would prescriptions need to be kept to be available for inspection or controls, what is the experience of those MS such as Greece who have already introduced such a system, did it impact significantly on PPP use or impose extra costs and administrative burden on stakeholders and industry?

Not supported. Requires a massive system and a large change in the agricultural advisory and extension services, but would probably not achieve the desired benefit. If legal use is made too difficult, the risk for illegal use will grow.

10. **HOW TO IMPROVE MONITORING OF PESTICIDES' EFFECTS ON HUMAN HEALTH AND THE ENVIRONMENT: Should the SUD include extra details on monitoring the effects of pesticides on human health and the environment?** if so which ones, how to improve cooperation and collaboration with human health colleagues (might not be achieved via a legislative change)? **Would this require changing / making SUD clearer?**

There is already article 7.2 on this issue. The Guidance Document⁴ produced by the COM should be improved. Will the project HBM4EU help here?

⁴ C(2017) 6766 final: Guidance on monitoring and surveying of impacts of pesticide use on human health and the environment under Article 7(3) of Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides (referred to as the Sustainable Use Directive)
https://ec.europa.eu/food/sites/food/files/plant/docs/pesticides_sup_monitoring-guidance_en.pdf

More expert knowledge is needed before regulating the issue in more detail. Human health monitoring and environmental monitoring should be dealt with separately.

Human health monitoring would probably be easier to handle under the legislation on the protection of workers, while farmers are largely independent entrepreneurs and not within the scope of it.

Environmental monitoring requirements should address also adequate long term resources to be effective.

There are great differences between MS on this issue, with for example the issue of residues in ground water in different parts of the EU.

The starting point needs to be monitored before any mandatory legislation is put in place, concerns waters and other parts of the environment as well as health issues.

11. RECYCLING/SAFE DISPOSAL OF EMPTY PPP CONTAINERS: Should any extra measures be taken to increase the recycling and safe disposal of empty pesticide containers or this should be left to industry and MS to manage?

For example a possible refundable deposit on products purchased if the empty container is returned to the point of purchase, how to deal with online purchases, problem of long distances/sparsely populated areas, return to point of purchase or bring to a collection point or have a farm collection system, some MS have collection systems also for other waste such as general farm plastics, does the Commission need to act or take action to support the recycling and safe disposal of empty pesticide containers?

No need for Community action. FI has a system in place for the recycling of empty (triple-rinsed and dry) containers (Uusiomuovi oy), established recently as a part of the national Plastic Road Map. There are still some problems with long distances.

12. IMPROVING EFFECTIVENESS OF MS NAPs:

- **Can MS SUD national action plans be made into more effective implementation and communication tools, how to involve stakeholders and link with CAP national strategic plans?**

Steering groups led by the competent authority can assist in implementing the NAP.

- **Should they be made more prescriptive, be updated more frequently?**

Important to minimize administrative burden. NAPs can flexibly be updated, not too tight requirements. (Regulation on new version every five years ok). The transition to a sustainable use of PPPs is not short term – in the reporting also long term impact should be demonstrated.

Be better linked to the CAP and other relevant plans (WFD, Natura 2000)?

Would this require changing / making SUD clearer? If yes, in what way?

Networking nationally is of high importance.

- 13. (LEGALLY BINDING) TARGETS TO REDUCE USE AND RISK OF PESTICIDES: What are the experiences at MS level with quantitative pesticide use/risk reduction targets?** have these been put into legislation or NAPs, have they been successful or not, what have been the follow-up actions at national level if the targets are not achieved or progress is insufficient: support, penalties? should the F2F targets be made legally applicable in individual MS?

No legally binding quantitative risk reduction targets. The starting point (in MS) has to be taken into account, especially if there is going to be regulations on quantitative reduction targets. The need for ppps will grow in the near future (climate change etc). There are not yet enough alternative products or methods available, many biological and alternative products are ppps and their use might grow. The objectives might be contradictory – the use should be decreased, but at the same time, the use of low-risk products should increase. The increase might show in the indicator. Also genetic tools should be possible alternatives.

- 14. (HARMONISED) RISK INDICATORS: Any suggestions for potential new (harmonised) risk indicators that should be investigated or developed by the Commission, preferably that could be easily and quickly developed?**

Also other indicators/key figures could be used. At this point all ppps are not authorised according to the same rules (regulation 1107) and as such, the HRI is not congruent (?).

Developing a new indicator is not easy nor quick, but we need better indicators.

- Do MS already use other indicators e.g. German experience with MRL detections in food?

- 15. COHERENCE/COMPLEMENTARITY OF THE SUD WITH OTHER EU LEGISLATION OR POLICIES:**

- **Any areas of contradiction between different EU policies that should be investigated or resolved?**

Reference was made to different buffer zone requirements applying under the CAP and for individual PPPs.

→ a communication issue, difficult to remove, as basis are different.