

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

If IPM record-keeping requirements are introduced, these should go hand in hand with the documentation requirements provided for by article 67 or regulation 1107/2009.

Some PPP users, non PPP IPM tools are not available (e.g. landscapers cannot adopt crop rotation or use monitoring systems). For agricultural PPP users, IPM tools might in theory be available but not realistic because of economic reasons. Therefore I do not see any added value to expanding record keeping to include IPM .

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

The SUD wording on aerial spraying should be modified, in order to clarify whether UAV are covered or not and increase harmonisation. In Luxembourg, no authorisation is required for spraying using UAVs.

From our PAE expert:

“Actually inside ISO there has been established a WG in order to develop standardized requirements for Drones that apply pesticides.

At present there is a standard Committee Draft (CD) ISO CD 23117 part 1 Environmental requirements and has been approved 3 additional New Working Item Proposal (NWIP) 23117 part 2 - Test methods to assess spray deposit - 23117 part 3 - measurement methods of spray drift for UAV chemical application - 23117 part 4 - measurement methods of droplet deposition into canopies for UAV chemical application.

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.

To have all these standards published probably it will need more than 3 years. That means that up to now we do not have any standard references for a drone manufacturer to which he can make reference to build in an appropriate and environmental safety way its production. So in order to officially allow the use of drones for spraying and in order to consider the reality, meaning that there are already many drones in use, the modified art 8 of SUD should clarify that drones for spraying should comply with the future ISO/EN standards requirement that are in progress and submitted for PAE-testing by a certain date after publication of the ISO/EN standards. “

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, more frequent testing for contractors/large scale users? Mandatory test before first placing on the market? assistance to train testers and facilitate mobile testing services to cover larger geographical areas ?

Some parts of the present reference harmonize standard for the PAE inspection (ISO 16122-part 1-5) are actually in discussion among experts and shall be modified and that will take some time (at least 2 years from when the requirement of an amendment of the Standard will be made by some Countries).

For sure we need also new standardized methodologies for the inspection of "minor" PAE. This has several times been underlined by the SPISE community to DG Sante. Meanwhile the MS try to cover this gap with SPISE Advices, which is a very useful tool.

To use these SPISE Advices could be recommended inside the new SUD or reference made to this, such as the recommendation to MS to make mandatory also the PAE adjustment/calibration at the workshop.

For less risky PAE the list should be extended, or alternatively give the opportunity for MS to fix longer periods for some less risky and no frequently used PAE where testing will remain mandatory.

The workshops in EU could serve as "officially recognized bodies" and we should take the opportunity to "use" them also for additional improvements of the present PPP application level : eg through a control of fan air speed and direction for orchard sprayers, the verification and official statement of the presence on the PAE of devices able to reduce spray drift and /or point source water contamination

We also consider that a mandatory test of PAE before placing in the market is absolutely necessary and in case where this recommendation is in contradiction with the machinery directive at least fix a date of first inspection < 3 years for PAE in use.

Finally all kind of training activities for workshops should be supportable in frame of the CAP or other possible funds.

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, any change needed to the requirements on training and advisory services or they are currently working quite well ? There was a suggestion to possibly reduce the testing requirements for simpler and less risky PAE ?
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 ?
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 ?

A draft national regulation foresees to restricting the PPPs available to the public to those PPP that contain only low risk active substances or are allowed in organic agricultural. France and other MS have similar systems. These ideas could be taken up in the SUD to achieve harmonisation and prevent the public from buying PPPs not authorised in their MS in an other MS.

It could also be discussed whether PPP use for ornamental crops is justified.

PPP use in public spaces is prohibited in Luxembourg. It could be discussed whether such a ban should apply in the whole EU, with exceptions in case of special case such as danger to human (allergen plants)/animal/plant (quarantine pests)/environmental (invasive species) health or safety of infrastructure.

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 ?
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.
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 ?

- 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?**

Changing the SUD will not help in this regard. The NAP as a political tool is much more useful. Maybe it would be more useful to make it mandatory for MSs to explicitly address the monitoring issue in their NAP? The costs related to monitoring campaigns are to be considered, though.

- 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 ?

Is this not already covered through EU legislation on waste disposal and recycling quota? In Luxembourg we are setting up a collection system for agricultural chemicals by using our law on waste management.

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

Strong links to the CAP only make sense if the targets adopted under the CAP provide for PPP use reductions.

- 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?

Reduction targets have not been put into legislation but into the NAP. There are no penalties if the targets are not reached – the NAP only sets the targets and names intended measures to achieve the targets. The NAP is only a political instrument and not legally binding.

At this point I cannot say whether or not the F2F targets should be made legally binding, guidance from our hierarchy could not be received until the 14th of January. However, if the targets are not legally binding, there is a risk that some MS make strong efforts and putting burden on their producers, while other MS ignore the targets and allow their producers to evolve more freely. This creates unfair competition.

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 ?** 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.