



EUROPEAN COMMISSION

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*Mr Andreas NORLÉN
Speaker of the Riksdag
SE-100 12 STOCKHOLM*

Dear President,

The Commission would like to thank the Riksdag for its reasoned Opinion on 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 {COM(2022) 305 final}.

This proposal aims to repeal Directive 2009/128/EC on the Sustainable Use of Pesticides¹ ('the 2009 Directive') and replace it with a Regulation. Reports from the Commission, the European Parliamentary Research Service and the European Court of Auditors found weaknesses in the implementation, application and enforcement of the said Directive. This was echoed in the feedback received from the public during the evaluation of the Directive.

The Farm to Fork Strategy², which is at the heart of the European Green Deal, aims to ensure a transition to a fair, healthy and environmentally friendly food system. It also stresses the importance of strengthening the position of farmers in the food supply chain. The Farm to Fork Strategy sets out several targets, including a 50% reduction in the use and risk of chemical pesticides and in the use of more hazardous pesticides by 2030.

The Commission proposes to make these reduction targets binding, by setting them out in EU law. To support the achievement of the targets, the proposal aims to improve the application and enforcement of integrated pest management, which was a central concern in the evaluation of the 2009 Directive. Further supporting objectives include speeding up the approval and increasing the use of less hazardous and non-chemical alternatives to chemical pesticides and promoting the adoption of new technologies, such

¹ Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides.

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM(2020) 381 final.

as precision farming. In addition, the proposal introduces new provisions to improve the implementation, application and enforcement of measures to ensure sustainable pesticide use. It also establishes new record-keeping requirements to improve the availability of monitoring data.

The Commission takes due note of the subsidiarity concerns expressed in the reasoned Opinion of the Riksdag. However, the Commission believes that the proposal violates neither the principle of subsidiarity nor the principle of proportionality.

The aim of Article 8 of the proposal is not to set binding targets to meet the objective contained in the Farm to Fork Strategy to have at least 25% of the EU's agricultural land under organic farming by 2030. Member States can provide support to different interventions including organic farming under their CAP Strategic Plans³. With this proposal, the aim is to ensure that the National Action Plans adopted under the proposal contains a link to the related objectives contained in Member States' Strategic Plans drawn up under the Common Agricultural Policy and information on how the plans will contribute to achieving the target set out in the Farm to Fork Strategy.

This will help to achieve coherence and consistency between both plans, which is important given that there is a clear policy link between the reduction of chemical pesticides and agriculture, including the increase of organic farming. However, the proposal does not oblige Member States to adopt legally binding targets or any specific targets in relation to organic farming. The Commission notes that the Common Agricultural Policy Strategic Plan of Sweden already contains links between result indicators for pesticide use and organic production (as result indicators R.24 and R.29 are both set at 14.7% of utilisable area).

The Commission also takes note of the concern that provisions on data registration, new electronic registers and detailed crop-specific rules go beyond what is necessary to achieve the set objectives. The Commission stresses that the need to improve monitoring data and the application and enforcement of integrated pest management were core findings of the evaluation of the 2009 Directive.

The data that would be gathered pursuant to the proposal is strictly targeted to specific purposes that are essential to efficient integrated pest management, inspection of application equipment and certification of training. The 2009 Directive, currently in force, has no system for recording the reasoning process of professional users, which made it very difficult to enforce integrated pest management. In addition, application of integrated pest management is not systematically recorded in most Member States. This

³ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (*OJ L 435*, 6.12.2021, p. 1) and Commission Implementing Regulation (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and on the electronic system for the secure exchange of information (*OJ L 458*, 22.12.2021, p. 463), Annex 1, paragraph 2.2(e).

is why it is considered necessary and appropriate to provide for electronic record-keeping of integrated pest management reasoning, plant protection products applied and of advice received in relation to integrated pest management.

The reason for including requirements for a new electronic register of pesticide application equipment is to ensure compliance with essential inspection requirements. The Commission's impact assessment found that inspection of application equipment reduces between 6 and 12% of the technical risk involved using a single pesticide application equipment machine of the overall risk of pesticides for the environment and human health. Under the 2009 Directive, many Member States provide data on the number of pieces of application equipment inspected in a given year but not on the total number of pieces of application equipment in use. Thus, it has been impossible for the Commission to verify whether all equipment required to be inspected in a given year has been inspected, as not all Member States have kept such registers.

Finally, the electronic registration is essential to ensure that training is systematically certified. This supports provisions requiring training for certain activities, such as providing professional advice on pesticide use. This is essential for ensuring the best use of integrated pest management and the sustainable use of pesticides. Electronic registers are proposed, given the preference for digitalising data and reducing administrative burden. However, in line with the principle of subsidiarity, Member States that prefer a system of paper certification can also certify training in that manner. In this regard, the Common Agricultural Policy Strategic Plan of Sweden notes that this Member State is among the top three digitalised countries in the European Union.

The Commission proposal also includes crop-specific rules, as they are essential to ensure the proper implementation of integrated pest management, which is a cornerstone of the sustainable use of pesticides. The Commission's own compliance monitoring index as well as reports from stakeholders, the European Parliamentary Research Service and the European Court of Auditors all found serious weaknesses in the implementation of integrated pest management. The European Court of Auditors found that there was a need for clearer criteria and more specific requirements in relation to integrated pest management to help ensure enforcement and assess compliance.

Furthermore, one of the reasons cited by Member States for poor implementation of integrated pest management in the evaluation of the 2009 Directive was that the general integrated pest management principles had not been converted into prescriptive, assessable criteria. The Commission proposes to remedy this by providing for crop-specific rules. These are deemed to be the most suitable way of addressing the urgent need to translate the general principles of integrated pest management to local circumstances by taking account of agronomic differences in relation to soil, crops and climate.

The Commission believes that this is essential to support professional users to comply with integrated pest management, leading to the preservation of biodiversity in the medium term. Detailed requirements as to what crop-specific rules should contain are necessary to inform farmers on how to follow integrated pest management. As

highlighted by the European Court of Auditors, it is also essential to have clear, verifiable criteria for assessing compliance. Member States would only be obliged to update crop-specific rules when necessary and could adopt crop-specific rules developed by other Member States or other entities, where appropriate.

By requiring Member States to establish crop-specific rules, the regulatory proposal respects the principle of subsidiarity. This empowers local scientific experts to establish agronomic requirements for the implementation of integrated pest management principles, taking account of national farming circumstances. To ensure the consistency and completeness of these rules, the Commission can verify that they contain the necessary details. The need for crop-specific rules was clearly demonstrated in the evaluation of the 2009 Directive, which concluded that the general integrated pest management principles alone are insufficient to guide farmers or to provide a basis for the enforcement of integrated pest management.

The Commission is aware that Sweden has a long history of measures aimed at reducing the use and risk of pesticides and that the use of pesticides in Sweden is relatively low. Furthermore, the share of Sweden's total utilisable agricultural area that is dedicated to organic farming is among the highest in the European Union. The commitment of Sweden to reducing the risks associated with pesticides is clear from the number of measures outlined in its Common Agricultural Policy Strategic Plan, including support for organic production, precision farming, protection zones and skills development, as well as national efforts for forecasting, warning and advisor training, self-monitoring, technology development and voluntary work.

The points made above are based on the initial proposal presented by the Commission, which is currently in the legislative process involving both the European Parliament and the Council. The Riksdag's reasoned Opinion has been made available to the Commission's representatives in the ongoing negotiations of the co-legislators and will inform these discussions.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Riksdag and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Stella Kyriakides
Member of the Commission*