Possible future SUD policy options for further discussion with SUD WG members[1]

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

The challenges in implementing and monitoring the application of IPM, from our perspective, are mostly related to the transfer and applicability of the general principles at field level. We would find it very useful to have more uniform guidance and training for officers who advice farmers as well as for officers who monitor and enforce the application of IPM measures. IPM record-keeping would be useful to be included in the legislation but with guidance as to how it would be enforced and fined in cases of non-compliance. In practice, the implementation of IPM needs to be linked to obligatory prescription of PPPs by qualified advisors, to satisfy basic IPM principles (eg presence of a pest before applying PPPs and starting with alternative methods). The obligatory use of a prescription, prescribed by a qualified advisor to a user to be able to purchase a PPP, will minimize unnecessary pesticide use and will facilitate the wider adoption of IPM principles.

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

There has been some interest on the use of drones for spraying vines in Cyprus but no authorization has been given so far. It is necessary to have specific provision in SUD for aerial spraying (in line with the legislation on the use of drones), with specific standards and criteria to make it applicable to member states that have low capacity and expertise to monitor such use.

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

[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.

first placing on the market? assistance to train testers and facilitate mobile testing services to cover larger geographical areas ?

We have not yet gathered sufficient experience to be able to provide feedback on this question. Requiring a mandatory test before first placement on the market would be a very good approach, since we have seen cases of new PAE that do not meet basic criteria that exist even for «in use» PAE. However specific criteria/ requirements to be met, in line with other relevant existing regulations (eg Reg 127/2009), need to be established in advance, in order to be able to «approve» a PAE before placement on the market. Regarding training, we require obligatory training to become a certified inspector of PAE. We also encourage the establishment of mobile testing units so as to be more flexible and cover all agricultural areas.

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 ?

We consider most issues of SUD a challenge of implementation rather than a legislative gap. We find that the administrative burden to monitor IPM for example is very high and that we lack sufficient recourses and financial support to train both personnel and farmers but also to monitor and enforce IPM. We would find it very useful to have access to dedicated funds for SUD – either through common projects among member states or through mechanisms at the EU level such as the TAIEX-EIR peer-to-peer programme to facilitate sharing and exchange of knowledge, experience and good practices. Regarding the testing requirements, we consider that is sufficient and no simplification is necessary. Since the SUD does not specify the exact testing method, we follow ISO 16122, which is quite strict and further simplification would not affect our testing. An aspect we would like to see addressed is the whether mutual recognition of PAE among member states can be applied and under which framework. For example, should a PAE inspected and approved in France be approved in Cyprus, and vice versa? In such cases, basic minimum criteria should be established across ms. Given that we have ISO 16122 for PAE, which is quite strict, would we accept the import/use of a PAE in Cyprus, which is certified in another ms with less strict criteria? This may sound like it's a member state decision but it affects all ms, and we consider it useful to establish minimum criteria to allow the transfer and use of certified PAE across the EU.

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 ?

We find this idea risky and over-simplifying to be applied throughout the whole range of PPPs available. We consider that it would undermine the advisory role of agronomists who are trained to

provide specific and precise information on the safe use of PPPs and the risks they pose to health and environment. It is not possible to objectively assign a "color" in the different PPPs especially in cases that would fall in "grey zones" between two categories. For example, how would a PPP that is dangerous for the aquatic environment but risky for human health be categorized? And how would all categories of risk to human health be indicated? Such over-simplification may lead to more risk in our opinion since a "green" label may be taken as a safe pesticide, leaving the user with the impression that no precautionary measures are needed and would also undermine the term "safe use". We consider the labeling according to the CLP Regulation sufficient but if such a colour coded labelling is to be considered, it could be done only with the non-professional use PPPs.

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 ?

Since there is already a distinction on professional and non-professional PPPs, which in effect restricts the sale of professional PPPs to non-professional users, a distinction between agricultural and non-agriciultural uses (eg for gardens, golf courses etc) would be useful and would help target specific groups for both training and inspection purposes. However, for this to be effective, it would first be necessary to generate a recording and registration system for sales of PPPs. Such a measure should be obligatory for the importers and distributors of PPPs at an EU level, to be effective. This would allow MS to transpose more easily such a provision into national law and require distributors and importers to register and keep records of all sales. This would then allow all forms of information and data to be collected, analyzed and more easily enforce restrictions on different types of uses (eg professional vs non-professional, agricultural vs non-agricultural).

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 ?

We consider that the SUD covers this sufficiently and it's up to the MS to elaborate further on this aspect. However, we consider it a good idea to establish in the SUD the obligatory adoption of posting regulations and restricted re-entry interval after pesticide use, especially for public spaces – this should perhaps be linked to labor inspection regulations (such as the one applied in California, USA https://www.cdpr.ca.gov/docs/enforce/bulletins/rei_doc.pdf)

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.

We do not agree with higher taxation on more hazardous pesticides (since their use is already declining with time) but perhaps with introducing a lower taxation on low risk PPPs to encourage their use and preference over other PPPs (many of these may already be more expensive so a positive incentive would help and would be in line with F2F targets).

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 ?

Yes – we definitely agree that such a measure should be introduced through SUD, obligatory for MS but with some room for elaboration, eg to which categories of PPPs to apply it. Such a system would "solve" many issues with implementation, inspections and enforcement of SUD in general and would allow us to gather and analyze more data on use, while better setting targets on issues that need addressing.

See ideas for specific issues:

- **Yes, recording or registration system would be needed, as described in Answer #6**
- **Both paper and electronic prescriptions would need to be issued**
- **Prescription should be valid for 2 or 3 months, with exceptions, depending on the use/PPP**
- **Repeat prescriptions for same issue and products – this would depend on PPP in question eg if a pesticide can only be used 3 times a year the prescription would be issued under this limit, every 4 months, if the pest/disease needs a repeat application every 15 days a single prescription could be issued for specific use (pest/disease agent) and area / crop and be valid for the projected / expected duration of the problem.**
- **Possible extra costs and administrative burden for farmers: the financial impact on farmer should definitly be considered. This is where the link to CAP would be useful – the obligation on prescription should be in place for the farmer but the advisory service (and thus the provision of this service) could be subsidized by CAP specifically as part of a "Plant-Protection/ IPM advisory service".**

- **Who would need to keep copies of the prescription: the farmer/user, adviser/prescriber, seller – All of these**
- **Would some minimum qualifications or training be needed to issue prescriptions – Yes, qualified advisors (eg agronomists) that have received training under article 5 of the SUD**
- **For how long would prescriptions need to be kept to be available for inspection or controls – at least 2 years.**
- **Overall we favor to require an electronic filing/keeping system for prescriptions to reduce error and administrative burden.**

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?**

    Experience has shown that if a provision under SUD (or any other EU legislation) is made obligatory and linked directly to another EU legislation that falls under the competency of another national authority, it is more efficiently and effectively applied, especially if it is part of the national reporting under these legislations. If the SUD requires the involvement of other competent authorities to deliver the results via their respective EU Directives/ Regulations it would definitely increase collaboration, data collection, and enforcement. This is specifically true for human health and environmental monitoring.

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 ?

Leaving the recycling and safe disposal of empty PPP containers to the industry does not seem to work effectively. This leaves the competent authority with only the powers to perform checks on the farmers. It should be legally required through the SUD to impose obligation on recycling by establishing a recycling system for PPPs, with specific targets.

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?

As also stated above in Answer #10, the effectiveness of the SUD and NAPs, since it requires the involvement of multiple authorities, relies on the collaboration and effective communication among them and stakeholders. If obligations are made a requirement for other authorities, directly linking them to their respective Regulations/Directives, it would reinforce application, data collection and sharing. This is specifically true for CAP and the new strategic plans being drafted by MS and the link with SUD, which should introduce the requirement for specific measures linked to the SUD and PPPs.

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?

It woud be difficult to set specific quantitative targets for reduction of use of PPPs across all MS – but perhaps a requirement to set targets at ms level, according to each ms's circumstances would be more effective and would help achieve reduction. Setting targets would have to be linked to increasing the availability of alternative methods and low risk PPPs to be effective.

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 ?

The MRL detections in food would be a good risk indicator to apply EU wide. In general, risk indicators on use of PPPs would be useful and would need good data to be monitored efficiently. Unfortunately statistical data collected at national level with questionnaires cover the same crop only every 10 years, rendering this information unsufficient to be used to monitor any trends in the use.

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.

Nothing specific to report here but the buffer zone requirements under different obligations (eg WFD, labels on PPPs, CAP) should be investigated well.