

## Possible future SUD policy options for further discussion with SUD WG members<sup>1</sup>

- 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

SI answer: We think that changes need to be made to the current legal provisions for IPM, including the IPM principles and that IPM record-keeping requirements should be introduced in the legislation. It should be clearly specified 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), including the detailed definition of what the inspection procedure should be based on.

We have introduced national IPM record-keeping requirements in our national legislation: Plant Protection Products Act (Official Gazette of the Republic of Slovenia, No. 83/12 ). We have specified in art. 19, that: (1) The user of PPPs for professional use must ensure the traceability of each PPP from the purchase to the use of PPPs by keeping data on the use of PPPs. (2) For each treatment separately, it must keep data on the use of PPPs, which contain at least the data referred to in Article 67 of Regulation 1107/2009 / EC. (3) Data on the use of PPPs must be kept by the user of PPPs for professional use for at least three years from the date of purchase of PPPs or treatment. (4) The user of PPP for professional use must submit the data referred to in the second paragraph of this Article to the Administration at its request. (5) The Administration shall forward the data referred to in the preceding paragraph to the Statistical Office of the Republic of Slovenia if it needs them for the purpose of collecting and processing statistical data on the use of PPPs. In our secondary legislation, we implemented RULES on integrated pest management, where more detailed requirements are specified for the implementation of integrated pest management and for keeping records of the methods used to control pests in accordance with Annex III to Directive 2009/128 / EC. The specific criteria for compliance are however not specified.

- 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

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<sup>1</sup> 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.

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

SI answer: We agree that changes need to be made to the current SUD regarding facilitating precision agriculture and particularly the use of drones for spraying and also the current SUD wording on aerial spraying should be changed.

In our national legislation (Plant Protection Products Act (Official Gazette of the Republic of Slovenia, No. 83/12)), the aerial spraying is prohibited. We therefore do not have any experiences in this area.

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 ?

SI answer: We think it is necessary to issue standards for seed disinfection devices, granulate feeders and other devices with which solid formulations are applied. Inspection intervals should be set in terms of the frequency of use of the devices:

- according to the type of production (crops intended for human or animal consumption need to be carefully inspected due to the risk of exceeding the MRL...)
- by type of PPP (PPPs based on microorganisms)
- time intervals should not exceed 3 years

It should be emphasized that the devices should be properly inspected before first use. This is already stipulated in the Machinery Directive, regarding the suitability of devices placed on the market.

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 ?

SI answer: We fully support the drafting of the guidance and we also support to add more structure on IPM annex. Our national system is organized well in the area of training and advisory services and has a long tradition, well before the implementation of the SUD directive.

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 ?

SI answer: We do not have any experience in this area, however we think this is a good idea. A reference could be made to the Harmonised Risk Indicators (HRI) and the substances grouped according to the HRI groups.

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 ?

SI answer: We agree that restrictions should be set, such as non-professional users can only use PPPs that are allowed to be used in organic farming; PPPs may not be used for the control of weeds in public areas, including golf courses and sports courses and public infrastructure facilities, such as roads and railways.

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 ?

SI answer: We think that general pesticide buffer zones should be set around residential and public areas.

We have the obligation to notify the PPP treatments defined in our national legislation Rules on the correct use of plant protection products (Official Gazette of the Republic of Slovenia, No. 71/14 and 28/18 ): The custodian of public areas, except for roads and railways, must inform potential users of these areas in the usual local manner about the potential treatment with PPPs referred to in the first paragraph of this Article at least 24 hours before the use of PPPs. The notification must state the trade name of the PPP, the place, method, date and estimated time of treatment. Public areas such as yards, parking lots, parks and the like, with the exception of roads and railways, must be fenced with a tape or movable fence before treatment, which prevents access by people. In places where people usually enter, an inscription should be hung on the ribbon or fence, or a board should be placed next to the ribbon or fence with the text: 'Do not enter! Treated with plant protection products. ' Inscriptions and tape or fencing must be installed until the expiry of the working waiting period. If the working withdrawal period is not stated on the label and in the instructions for use of this PPP, the treated area must be protected for at least 12 hours from the end of the treatment.

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.

SI answer: We would support that a higher EU VAT tax rate (not national) be applied to some more hazardous chemical pesticides, the candidates for substitution would be an ideal case.

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 ?

SI answer: We have a system in place in Slovenia where persons using PPPs in their professional activities (professional users), PPP sellers, PPP advisors (distributors of PPPs and advisors on the protection of plants from pests and the safe use of PPPs in the context of professional or commercial services) must undertake professional training in the safe handling of PPPs within the system of training on PPPs. After a training participant has successfully passed the exam, the training provider issues a certificate on the acquired knowledge of phytomedicine. A PPP user needs to provide the certificate (a card) when purchasing PPPs; they present it to the seller or PPP advisor in a store. This kind of a system could be upgraded in a way that every purchase of PPPs is recorded on the certificate card, that would hold data on the property of the card holder (the land area and crops grown). In the phase of inspection of the implementation of IPM, the inspectors could then verify the use of PPPs (check the records and stocks).

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?**

SI answer: We think that SUD should include extra details on monitoring the effects of pesticides on human health and the environment.

In Slovenia, data on poisonings of people with PPPs are monitored by the National Institute of Public Health (hospital treatments) and the Center for Clinical Toxicology and Pharmacology at the University Medical Center Ljubljana (emergency treatments).

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 ?

SI answer: We agree that measures should be taken to increase the recycling and safe disposal of empty pesticide containers, the measures should be specified in the SUD. The best possibility would be a refundable deposit on products purchased if the empty container is returned to the point of purchase or the dedicated landfill for hazardous waste.

In Slovenia the industry association (GIZ fitofarmacije), in cooperation with the Ministry of the Environment, invested a lot of effort in organizing the collection of PPP packaging waste, proper procedures for cleaning this packaging and setting up a collection network for collecting such waste and informing PPP users.

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?**

SI answer: We currently have no answer on this.

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?**

SI answer: If the problematic active substances (such as Cfs) remain approved at EU level it is very hard for MS to successfully reduce the risk of pesticide use at national level. Targets to reduce use and risk of pesticides should not be legally binding. It would be helpful if a list of all possible alternative methods would be prepared on the EU level.

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 ?**

SI answer: HRIs should be based on the use of PPPs, not the sales. Therefore, the whole system should be developed in a way that the use of PPPs could be easily tracked.

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.

SI answer: We would highlight the coherence between the Water Frame Directive, the Drinking water directive and the Regulation (EC) 1107/2009 regarding the issues related to regulation of relevant metabolites.