EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health and food audits and analysis
F3 - Plants and organics

FINAL MINUTES
WORKING GROUP
MEMBER STATE EXPERTS ON SUSTAINABLE USE OF PESTICIDES
DIRECTIVE 2009/128/EC

EUROPEAN COMMISSION
DG SANTE
14 – 15 APRIL 2021, VIRTUAL EVENT

Participants

Twenty-five Member States (MSs) were present, with no representatives from the Czech Republic and Spain. There were also representatives from Norway, Iceland and Switzerland.

DG AGRI:
DG ENV:
DG ESTAT:
CEN: (Day 2 only)
ESA:
DG SANTE F3:

Day 1: 14 April 2021 (09:30 – 12:30 Irish time)

1. Welcome

The Commission welcomed MS delegates, representatives from Norway, Iceland, Switzerland, and representatives of other DGs. All participants were reminded that this is the first meeting of the SUD WG for 2021, and the second one, which is taking place as a virtual event. Following the SUD WG meeting in November 2020, only one MS has provided comments on the Draft Minutes. The Minutes were finalised and sent to all participants in February, and these were up-loaded on Circa BC. With regard to the agenda of the current meeting, two topics were highlighted as the main issues to be discussed, IPM and PAE, which were not

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covered by the series of informal technical meetings on the SUD evaluation between January and March 2021.

2. Policy work up-date – DG SANTE

SUD Evaluation:

A presentation was given by the Commission on the current state of play, as well as on the timeline and further steps. In brief, the SUD evaluation (external study) is expected to be concluded in the second quarter of 2021, and the impact assessment of planned SUD revision of SUD should be concluded in the last quarter of 2021. The Commission aims to adopt its legislative proposal in the first quarter of 2022.

Member States were invited to come up with proposals/comments on policy options, and 21 MSs have already provided a feedback. Member States were informed that, following the series of technical meetings between January and March, there are no plans to organize further meetings of this kind.

In response to a question from **NL** on the foresight study, the Commission replied that the overall initiative is a better regulation evaluation of the SUD – backward looking, did SUD achieve what it was meant to? Then there is an impact assessment of policy options, looking at the impact of different policy options. The Commission is doing this work, supported by an external contractor. To supplement that, a new foresight study will take place, which will be more open minded, forward looking and supplementing the work of the Commission. Foresight studies are an additional tool.

HRIs and F2F targets:

A presentation on that topic was prepared by the Commission, providing an up-date of the state of play, in particular, reflecting on results of calculations for HRI 1 and HRI 2 for 2018. Member States were informed that a revised guidance on emergency authorisations was noted on 25 – 26 January 2021, according to which they would report the maximum area treated or actual area treated. This would result in improving HRI2 on emergency authorisations, where 2022, 2023 and 2024 would serve as a three-year baseline period, thus 2025 being the first year to see a trend. The presentation also provided some information with regard to work on-going in exploring further possibilities for developing new HRIs. HRI on MRL exceedances, environment, health and PPP findings in water. On those indicators some MS raised concerns that this might fall in the responsibility of other ministries or departments outside the SUD in some MS. With regard to F2F, after a reminder on both pesticide related targets, the presentation explained the difference between the HRI 1 and both F2F targets, as well as the reasoning for the difference in the baseline periods for HRIs and F2F targets. The Commission shared their intention to publish progress towards achieving the F2F targets annually, inviting MSs to give their permission for publication of individual MS trends, too.

The presentation was followed by extensive discussions. With regard to new HRIs, based on MRL exceedances, environment, health and PPP findings in water, concerns were raised by some MS, because these might fall within the responsibility of other ministries or departments.

There were questions on HRI2 and, in particular, the revised Guidance document on emergency authorisations. As SANTE F3 is not in charge of this, they took the commitment to consult SANTE E3 and provide a reply to all the participants by an e-mail (completed).

In response to questions, comments and clarifications sought by **NL**, **FI** and **DE** on F2F targets, the Commission replied that:

- for both F2F targets progress would be measured, using a baseline 2015-2017,
- under non-chemicals it is meant that categories A and C will be excluded from F2F calculations, and
- in terms of communication, the Commission's intentions are to publish F2F progress in May each year, whereas publishing HRIs to demonstrate SUD progress would remain in August, so that to try to keep these both separate.

3. Integrated Pest Management (IPM):

A presentation by the Commission summarized the outcome of the ten BTSF training courses on IPM, and the conclusions from a recent meeting with experts from seven MS on IPM implementation and policy options. The presentation also reflected on MS feedback on SUD policy options, in particular, the IPM related. In summary, 13 MS favour extended record keeping on IPM, proposing for these to be defined at EU level. PL proposed including justification for PPP use in recordkeeping, and adding requirements for receipts/invoices to be kept for the same period, as the PPP records. At present, BG, SI and IE require IPM record keeping under national legislation.

The presentation was followed by questions and comments by MS. **FI** commented that they favor training and education focusing on enabling farmers rather than focusing on enforcement and control. **DE** had a question on what extended recordkeeping means. **AT** had a proposal on the new statistics regulation, linking record keeping as well.

In response to the above raised aspects, the Commission replied that, under the current SUD, assessment of IPM implementation is a requirement and there is an obligation for growers to implement IPM general principles. Discussions in the context of policy options under the SUD Evaluation, this will be an issue to be further discussed. With regard to extended record keeping, it was clarified that options presented come as a results from the BTSF training sessions. Regarding MS feedback on policy options, the majority of MSs supported extended record keeping, as this will greatly facilitate inspectors during official controls. However, there were no concrete proposals on the content of records to be kept. This is another aspect to be further discussed during the meeting. On the new statistics Regulation, participants were reminded that this is an Agenda Point on Day 2 of the meeting.

The brief "Questions and Answers" session was followed by more detailed discussions.

<u>Extended record keeping</u>

DK do not favor legislation defining IPM record keeping and question its value.

EE did not favor additional IPM records due to the related administrative burden.

HR shared their view that a more detailed description of IPM measures would be useful. However, they questioned the content of records to be kept in the case of permanent crops, where some aspects of IPM are not relevant each year.

NL asked what the legal basis would be for extended record keeping. They shared the requirements in place for growers to keep crop protection monitors, and the difficulty they meet in determining compliance as part of official controls. At present, NL are exploring how to encourage growers to record this information electronically.

DE expressed their view that it is difficult for inspectors to determine compliance, based on records, and they see extended recordkeeping as a heavy administrative burden for little added value, e.g. farmers recording absence of biological control means.

FI re-confirmed their position that IPM cannot be enforced, and training/education is the better route.

CY are on the opinion that MS shall tailor their IPM record keeping requirements, rather than a common EU standard.

DE highlighted that IPM is a topic widely covered in existing training. This was supported by **PL**, who were on the opinion that IPM is flexible, thus hard to determine compliance, and extended record keeping will not make determining compliance any easier.

SK supported introducing requirements for extended record keeping, because the ones under Regulation (EC) No 1107/2009 are very general. Their opinion was that it is important to find a good compromise between what authorities need for their assessment and the additional burden arising from these for the farmers. Data to be recorded should be also useful and practical for the farmer.

DE, AT, FI, and **IE** were on the opinion that, based on the discussion with regard to record-keeping, there was no clear majority of MSs supporting extended record-keeping.

During the discussion, the Commission clarified that potential requirements on extended recordkeeping in context of IPM, would come under the revised SUD, and not under Regulation (EC) No 1107/2009. Based on the feedback provided by some MS, it was proposed the content of records to be kept to be defined at EU level, in order to ensure uniformity across MS. However, the Commission reminded that MS could always go beyond the EU requirements, if they consider it necessary.

<u>Advisory Service becoming an obligation for growers</u>

DE, AT, PL and **SK** expressed their opinions that initial and on-going training covers IP extensively, so that PPP professional users have adequate knowledge on this aspect. For this reason, advisory service should be available, but not obligatory. **SK** highlighted the importance of independent advisory services.

One of the aspects to be discussed, raised by the Commission, was related to the need of IPM principles to be more clearly defined in the future. A number of MS responded that there is no such a need, because further clarifications and more details in this regard are provided in the existing IPM crop specific guidelines.

Based on a proposal from participants, it was agreed that written comments shall be provided by MS on the way forward with regard to IPM enforcement and IPM policy options by 15 May 2021.

Day 2: 15 April 2021 (09:30 – 12:30 Irish time)

1. Pesticide Application Equipment

Under this agenda point, three presentations were given. The first two presentation were made by representatives from two MS, NL and PT. In their presentation, the NL focused on testing of specific PAE items, for which there are no harmonised EN/ISO standards. In summary, where there are harmonised standards available, these are translated into Dutch, including some more explanations on the choice of a testing method. In the case, where no harmonised standards exist, they start with general requirements, as per Annex II of the SUD. They also use experience from developed structures for harmonised standards, as well as experience from manufacturers, dealers, users, and from other countries in order to develop testing protocols. Currently, NL has nine testing protocols, four of which are based on harmonised standards, another four developed by SKL as the authority in charge of PAE testing, and the last one still under development for inspection of seed treatment machinery.

The Commission thanked the speaker highlighting that, based on feedback by MS, one of the main challenges faced is related to inspection of specific types of machinery, due to the lack of harmonised standards for these activities.

DK stated that they have a close cooperation with NL, and have learnt a lot about how to inspect specific PAE items. In their opinion, many MS start by inspecting the obvious types of sprayers, but then realise there are other types of equipment, which should be subject to inspection. They stressed on the need to develop methods for inspecting such machinery, and called MS to share these methods in the SPISE community, thus little by little contributing towards additional standards development.

LT proposed that BTSF training courses on PAE testing to cover inspection of specific types of equipment. In response to this, the speaker explained that current BTSF programme on PAE was developed some time ago, where the focus was on the most common spraying equipment. However, the LT proposal could be reflected in the future. He encouraged MS, at the meantime, to get into contact with SPISE, who have a lot of experience and are willing to share their knowledge and assist MS in these tasks.

In response to a question from **IE,** the speaker stated that SKL protocols are based on existing SPISE Advices.

PT was the second MS to give a presentation and share their experience with regard to PAE testing, where one of the aspects to highlight was the supervision of testing centres by the relevant CA. In summary, PAE testing is delegated to inspection centres, which must be recognised / approved by the CA in charge, DGAV. A key requirement for this approval is the availability of an inspection manual, as well as certified inspectors. There are about 21 inspection centres, including mobile and fixed. There is a national database for reporting of inspection results by the inspection centres. The DGAV is supervising inspection centres, at least once every three years, by performing documentary checks and on-the-spot visits to observe real-time inspections. A WG has been established to discuss and coordinate issues arising from PAE inspections.

The third presentation was given by representatives from the European Standardisation Committee (CEN) on the process of developing and adopting harmonised EN standards, reflecting on the current state of play with regard to existing standards for inspection of PAE. In summary, with regard to developing new harmonised standards, the European Commission gives a mandate/request for standards, where national standardisation bodies also have a role to play. European Commission requests could be either accepted or rejected by CEN. In general, EN Standards set quality, safety or performance related requirements, and these are implemented at national level by CEN/CENELEC members. It is for the CEN/CENELEC members to transpose standards at national level. As CEN/CENELEC want to avoid duplication with international standardisation bodies, e.g. ISO, normally they try to work together with these. As a result, about 30% of existing standards are developed together with ISO. Work on a new standard could be initiated, based on a proposal by different actors, but most often by a national member of the Technical Committee or the European Organisations, who have established the partnership status with CEN/CENELEC. Aspects taken into account include market needs, resources etc. The inspection of equipment in use needs to be based on the requirements given for new sprayers. Therefore, the CEN and ISO Technical Committees believe that the standards for new sprayers in respect of safety hazards and potential risks of environmental contamination as requested by the EC mandates M/396 (safety of machinery) and M/471 (pesticide application) need to be developed first whereas the ones for PAE as a second step. With regard to inspection of PAE, there are currently five standards (last one published in December 2021 on aerial spraying systems). Work is ongoing on a new standard on inspection of knapsack sprayers, which is expected to be registered in the CEN and ISO work programme in 2021 subject to the formal approval of the Technical Committees.

In response to a questions from participants, CEN representatives explained that it takes at least two or three years after the registration of the work item in CEN/TC 144 programme; it is possible for each MS to join CEN activities. On a more specific question with regard to work ongoing on developing standards for drift reduction, CEN explained that there is a working group on spray drift at ISO level, where different standards are developed in this area, which are later adopted by CEN. CEN took the commitment to share a list of relevant standards after the meeting.

The last presentation on PAE was given by SANTE F3, which provided a summary on the legal framework, as well as the audit history with regard to PAE testing. The presentation also reflected on MS feedback and their proposals on policy options in the context of SUD Evaluation, where comments have been provided by 18 MS prior to the meeting.

DK, DE and **SK** shared their experience and made comments with regard to inspection of specific PAE items, with a lower scale of use, where it was proposed to MSs to provide a list of any existing national standards for inspection of such equipment. The Dutch speaker also expressed his opinion that relevant CAs in MSs should be really proactive and work in close cooperation with national standardisation organisation, so that national CAs could propose and work on specific standards.

With regard to timetables for testing of new PAE items, comments were provided by **DK and FR,** who were on the opinion that, for consistency reasons, the first inspection should come after three years**. DE** shared that they require the first inspection to be performed within six months after purchase. They also raised the existing problems with regard to standards used by PAE manufacturers for testing of PAE to its placing on the market.

On the higher frequency of controls for a higher risk machinery, **DK** and **HU** proposed this decision to be left to individual MSs, rather than introducing legal requirements at EU level.

With regard to introducing an obligation for registration of PAE, **DK** shared their view that, although it is useful what machinery is available and in use, it would be too burdensome for CAs to establish and maintain such a register. This opinion was also supported by **HR, FI, DE** and **AT**.

Following the discussion on PAE, and based on a proposal from participants, it was agreed that written comments shall be provided by MS on policy options for PAE, as well as the list of standards they use for testing of PAE, and web-links to these by 15 May 2021.

2. Revision of the Statistics Regulation – current state of play: DG ESTAT

DG ESTAT made a presentation outlining the progress with regard to on-going legislative proposals with regard to agricultural statistics and, in particular, statistics on PPP sales and PPP use.

NL expressed their opinion that it is not feasible to arrange for sub-divisions in the PPP sales data, so as to reflect sales for the agricultural sector, forestry, public greens etc. In response to this, DG ESTAT explained that the current proposal is about such division on a voluntary basis. Thus, if a MS does not report their statistical data on sales per sector, there would be no consequences. However, ESTAT highlighted their view that this would be the quickest way to improve the statistics at EU level.

DE asked a question about Article 8(4) about reporting statistics in an electronic format, stating that this would not be possible for DE, due to some legal aspects arising from the

implementation of Article 67 of Regulation (EC) No 1107/2009. They raised a second point with regard to annual reporting of data, which is in their opinion a time consuming and costly exercise for both farmers and CAs, requiring additional staff to collect and process data, and provide these digitally. DE's concern, shared by **PL, AT, FI** and **FR**, is that this would not be possible in the next few years.

IE expressed their concerns that little or no consultation with MS on the SAIO Regulation has taken place, stating also that the time frame to allow MS to put into place an electronic format is too short and not workable. The annual frequency for submitting data was stated to seem too burdensome at this stage.

DG ESTAT explained that, in the best-case scenario, the Regulation would be adopted next year. The Commission proposal is that the SAIO Regulation would apply more than 18 months after its adoption. Thus, SAIO Regulation would apply as of 01 January 2024, or 01 January 2025. In addition, the implementing act on pesticides would have to be adopted as well. So, there would be several years to set up arrangements needed. The intention is statistics to cover all PPP sale, as is the case today. SAIO Regulation foresees that records on the use of PPPs, which are currently mandatory for professional users, will form the basis for the purposes of PPP use statistics, and these must be in an electronic form. Every MS will need to have a different system that suits them, especially since some MS already have.

HU asked questions concerning F2F targets, where evaluation of F2F targets is currently based on PPP sales data and, in particular, could it happen that the methodology for monitoring the progress changes in the future because of data collection requirements to be introduced by SAIO Regulation.

DG ESTAT stated that, in order to evaluate the progress made, it is necessary to have a baseline, which would allow comparing the situation today, with the situation in 2030. Furthermore, the new data collection requirements, that are to be introduced via the SAIO, are generally necessary to monitor the achievement of the targets of the European Green Deal.

DG SANTE explained that evaluation of achievement of F2F targets will be based on sales data, similarly to HRI 1, and the methodology will not change. They added that the annual data on PPP use would be necessary to get a more comprehensive picture in the context of the Green Deal.

EE made a comment on the future obligation to keep and submit statistical data electronically where, in their opinion, the channel and data formatting requirements must be laid down, because there is no such a requirement under Article 67 of Regulation (EC) No 1107/2009. They expressed a concern on data submission and, in particular, how these will be secured. EE shared that they already have an electronic system, but are now in a doubt, if there would be a need to rebuild this due to requirements to be introduced under the SAIO Regulation. **DG SANTE** stated that they would explore and provide further information on these issues, and check if there is an option for adopting implementing acts under Article 67 of Regulation (EC) No 1107/2009.

DG ESTAT explained that the EC will not prescribe the system to transfer data within MS, to transmit to EC, as there is already a single entry system we use.

Based on DG ESTAT statement, that the SAIO Regulation will not come into force until 2024 or 2025, and F2F targets 2030 to be measured using data from 2028, IE raised their concern that there will be very little time for MS to see trends, and draw conclusions on the progress made in this regard. They asked a question on the legal status of F2F targets, in response to which DG SANTE stated that these are not legally binding at present.

Before the meeting was closed, DG SANTE reminded MSs about the deadline agreed for their written comments on IPM and PAE (as already described above), and encouraged MS to identify any topics or issues to be discussed at future SUD WG meetings.

Participants were informed that the next SUD WG is planned on 23 – 24 June 2021.