

Possible future SUD policy options

(for feedback from the Advisory Group on the Food Chain and Animal and Plant Health members)

COCERAL and UNISTOCK Europe perspective.

COCERAL and UNISTOCK Europe wish to thank the Commission for the opportunity to comment at an early stage on the overall revision of the Sustainable Use Directive (SUD).

- COCERAL is the European association representing the trade in cereals, rice, feedstuffs, oilseeds, olive oil, oils and fats and agrosupply. COCERAL is the voice of collectors, distributors, exporters, importers and agribulk storers of the above-mentioned commodities. Trade plays a crucial role on the market, connecting producers to consumers, through distribution of capacities and services, helping farmers to have access to regional and global markets.
- UNISTOCK Europe is the European association of professional portside storekeepers for agribulk commodities within the European Union

Possible future SUD¹ policy options for feedback

from the Advisory Group on the Food Chain and Animal and Plant Health members²

1. *IPM (integrated pest management): Do any changes need to be made to the current legal provisions for IPM in the sustainable use of pesticides Directive (SUD), including the IPM principles and should IPM record-keeping requirements be introduced 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) trying not to be too burdensome while still representing a useful monitoring or enforcement tool for Member State competent authorities ? What are stakeholder experiences of MS already introducing national IPM record-keeping requirements (to which types of pesticide users should such requirements apply), do these records prove useful ? Other IPM aspects to be considered, some will take longer*

¹ Sustainable use of pesticides Directive

² This is a non-exhaustive list of possible policy options. Advisory Group members are free to add proposals for extra policy options based on their experiences concerning implementation, application and enforcement of the SUD and how to better achieve the objectives of the SUD.

to develop and trial e.g. detailed crop-specific IPM criteria which are expected to be specific for different Member States

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 is not prohibited)*

If yes, what is the specific issue?

Not necessarily SUD related but Regulation around unmanned aerial vehicles and technical issues around the payload a drone can carry need to be addressed to make more widely used.

Problems if plant protection products (PPPs) are not authorised for aerial spraying, lack of harmonised pesticide application equipment (PAE) standards or criteria to assess drones. What national experiences do stakeholders have in interpreting the current SUD legislative wording on drones or national MS authorisations on the use of drones for spraying

3. **TESTING OF PAE:** *Any need for changes to the current system for testing PAE outlined in the SUD ? Need for harmonised 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 ?*
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 ? A suggestion to possibly reduce the testing requirements for simpler and less risky PAE ?*
5. **COLOUR CODED LABELLING OF PPP PRODUCTS:** *Is it worth considering a “traffic light” colour coding label or sticker on the PPP package (green, amber, red) to indicate varying hazard for health and environment to users, sellers and purchasers of the PPPS ? 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 stakeholders have an experience of implementing such a scheme or similar in other fields ?*
6. **RESTRICTIONS ON USE OF SOME PPPs:** *Potentially restrict/prohibit the use of some more hazardous pesticides by all or some users: different categories of agricultural, non-agricultural, professional and non-professional users ? Are certain exceptions needed, for example for some sports facilities or other areas ? 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 ?*

COCERAL and UNISTOCK Europe believes that PPP are a necessary tool to allow farmers addressing farm sustainability whilst producing safe, affordable food for the EU population, hence, contributing to the achievement of the food security targets as under the CAP and Farm to Fork. Active substances are only approved, and PPPs authorised if they present no unacceptable risk to human health of the environment. Therefore, PPPs on the market are 'safe' to use when respecting the conditions of use. For this, we believe there is a need of careful consideration of the shortcomings of prohibiting the use of the so-called "more hazardous pesticides". This because of the critical value of a shrinking pesticides toolbox to contrast specific pests on a crop. If these were removed, then the ability to grow that crop in the MS or EU may be compromised.

The impact will vary by MS depending on the relevance of the crops at stake. For this, MS should be granted the possibility to use specific pesticides as emergency use. The work of the Commission to further strengthen harmonisation on emergency uses authorisation is welcome, as far as it will be able to support the tackling of emergencies at national level, whilst deploying an overarching EU oversight on pesticides that have the potential of greater toxic impact.

Hazardous pesticides availability can better address non-professional users. Risk to amateur users is reduced by only allowing certain actives to be available to the amateur market and having a trained individual at the point of sale. Risk can be further minimised by selling ready to use formulations (to avoid spills when mixing) and having clear instructions on the pack re use and disposal.

In parallel, labelling some PPPs as 'more hazardous' will create doubt as to their safety amongst consumers and retailers and prevent their use due to public pressure so they will be driven off the market.

- 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 stakeholder views or experiences on this ?**

While no additional communication shall have to part of the SUD itself, however, it may be a good idea to inform consumers during the campaign/promotion/introduction of the SUD about why we need pesticides and that we can't get rid of all of them. This in particular could take into consideration current pest pressure and sometimes, invasive alien species that require targeted contrast measures.

COCERAL and UNISTOCK Europe would like to comment in broader terms on policy option 8 (higher taxation) and 9 (prescription system).

For COCERAL and UNISTOCK Europe, there is the need to consider more useful alternative policy options to achieve a less hierarchical reduction of risks from PPPs. Risks can be reduced by considering the dose (input efficiency) , application equipment (calibration), label, to reduce PPPs risk, when it is applied and by whom (trained operator) . This stands very much at the technical, agronomical level more than at the policy level per se. Research investigating the relationships on volume to spray, the type of equipment, the dose reported in the label should be strongly applied and implemented. For instance, normally on PPPs label doses are expressed per high volume of water, 500-1000 lt., but according to our opinion they should be expressed depending of the type of equipment (low volume, ultra low volume, electrostatic sprayer etc). At the same time farmers should be helped (receive incentives) to update their equipment.

More assistance should be given to farmers for calibration of sprayers. Education of operators is key to ensure they understand the efficiencies that can be achieved with calibrated sprayers.

Currently, farmers are encouraged to use the dose and volume indicated on the label and recommended by a qualified and certificated adviser which is based on traditional (dated)sprayers. It means they cannot reduce the use. If they have an efficient sprayer and following to the experience and assistance of the sprayer producer, and they reduce the dose, they would risk being fined (at least this is happening in a few countries).

An option for discussion in Italy has been about introducing:

- A compulsory labelling on the pesticide product package, on the max dose per hectare.
- An advice with both the max concentration and the minimum concentration of the PPPs.

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 and/or a lower tax rate to less hazardous or biological products, if so which pesticides and which tax rate would effectively incentivise or disincentivise their use ? (their use would not be prohibited and use of the more hazardous pesticides will likely be needed from time to time to avoid crop resistance issues). Some MS currently applying such taxes nationally redirect the funds generated into the agricultural sector or research activities but a decision on using any funds generated is a national competence at MS level. The principle of fiscal neutrality should***

also be taken into account, should a higher tax on pesticides be compensated for by a lower tax on others so that the overall tax revenue generated is the same

COCERAL and UNISTOCK Europe deem of interest to acknowledge the results of taxation on PPPs at the MS level so far. The bulk of evidence should be used to further develop policy initiatives. Virtuous policy models, redirecting the money obtained to the development of safer alternative are of interest. Green tax systems have been adopted in various countries with unclear results, perhaps null. Authorization legislation is very strict and has reduced the availability of so many products and those that remain present non unacceptable risks to human health or the environment.

In addition, as taxation is not harmonised at the EU level, there should be proper appreciation that this could be leading to possible discrepancies at the MS level.

Taxes are complicated in terms of administration and can lead to use of more PPPs for example if a broad-spectrum PPP is taxed more highly than a PPP acting on a single target. The level of tax to change behaviour also needs to be quite high, in particular if an active substance is needed as it is the only solution to a problem. Direct and indirect effects of higher taxation should hence be given proper consideration, including the possible impact onto the internal market. There is no evidence that they reduce PPP use or risk. It is possibly better to focus on training PPP users and advisers.

It is also paramount to consider that taxing PPPs when there are no practical alternatives in place for contrasting a pest could be unfair for farmers, and useless as not leading to the intended outcome. It would just impose an unwanted burden.

9. PRESCRIPTION SYSTEM FOR SOME PPPs: Should a prescription system be considered for some more hazardous chemical pesticides (perhaps also some 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/or 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 stakeholders in MS such as Greece and Hungary who have already introduced such a prescription system, did it impact significantly on PPP use or impose extra costs and administrative burden on stakeholders and industry ?

A prescription system could be a more reasonable option with respect to imposing higher taxation, and could better regulate the use of PPPs once having in place:

- consistency of the provisions across MS, to have the same approach and diminish the risk of frauds, regulatory shopping (i.e., transit of PPPs over the counter to benefit of diminished regulations in place), unequal treatment of the customers.
- coherence with the Farm Advisory System for farmers in place, to lessen the administrative burden while increasing the perception of fairness. Burden onto the distributors should be kept reasonable.
- a proportionate delivery, to keep reasonable the administrative requirements (frequency of updates, repeat of prescriptions, ability to rely on electronic documents, accessibility, and interoperability of the devices, recording of the prescriptions ...) Prescription validity would be as long as the adviser recommends the PPP to be used on the crop – some have a natural cut-off when the crop or weed passes a certain growth stage / infection level or a label application date.
- A consensual risk assessment at the EU level to reflect the need for prescriptions.
- Administrative burden for sellers to check prescriptions – requires access to a national data base to check that purchaser not trying to access prescribed PPPs from more than one source.
- Application to internet sellers x EU – how would this be policed.
- Decision to be left with qualified adviser who with the farmers can consider all the available options and if they deem a candidate for subs is required then it is required!

Once PPPs are authorised as presenting no unacceptable risk to human health of the environment, there should not be any separation of advisory services provided by PPP distributors from the supply of any PPP required. There is a free market for the access of advice and supply of PPPs in the EU. Farmers and growers should be free to choose how they wish to source their agronomic advice and PPPs, without regulatory intervention.

COCERAL and UNISTOCK are however of the opinion that technical solutions (PPP use, irrigation, use, protective equipment and risk mitigation measures) should take the precedence over policy-oriented solutions (ban, prescription systema, taxation), as the latter can have unintended consequences.

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?**

The precautionary EU approvals system does not allow PPPs to be approved if there are unacceptable risks to human health or the environment. In consequence, it would be impervious to include the monitoring of additional endpoints. The Harmonised Risk Indicators

represent – in addition to country-based indicators- useful measures to reflect the risks. Too many monitoring exercises could fail to deliver clear, usable, and reliable feedbacks for policy use.

It should be noted that PPPs are only recommended when needed by certificated advisers, used by certificated operators through calibrated equipment. The tight pipeline of risk assessment, and then risk management and controls for PPPs- with significant role of the private players- is able to deliver safe enough uses.

Manufacturers are also required to report any issues that arise from PPP use so unless evidence suggests further monitoring required then not necessary.

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/sparse populated areas, return the empty container 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 ?*

Empty PPP containers may be contaminated with PPP residues., Requiring return to point of purchase, this would lead to increased risks to the person returning the container and the distributor. In addition, distributors have no space to store empty PPP containers and it would require additional resources. Damaged containers would most likely be returned in order to gain a refund so these would have to be segregated and disposed of – but it is not clear who would pay for this. It is possibly more efficient to have a collection scheme off farm for recycling.

12. **IMPROVING EFFECTIVENESS OF MS national action plans (NAPs):** *Can MS SUD national action plans be made into more effective implementation and communication tools, how to involve stakeholders and link with Common Agricultural Policy (CAP) national strategic plans? should they be made more prescriptive, be updated more frequently? Be better linked to the CAP and other relevant plans (Water Framework Directive, Natura 2000)? Would this require changing / making SUD clearer? If yes, in what way?*

13. **(LEGALLY BINDING) TARGETS TO REDUCE USE AND RISK OF PESTICIDES:** *What are stakeholder experiences or views on (national) quantitative pesticide use/risk reduction targets or similar targets in other areas such as antimicrobial resistance/antibiotic use*

for example ? 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 Farm to Fork strategy targets be made legally applicable in individual MS or at EU level globally, how to take account of those MS who have already achieved significant reductions in the use/risk of pesticides nationally, can they be rewarded or acknowledged for such existing progress as regards these targets ?

PPPs are considered a necessary tool under the Farm to Fork Strategy to enable the EU to produce sufficient, safe affordable food. The F2F declares their vital role in addressing farmers' challenges. COCERAL and UNISTOCK Europe seize the opportunity to stress the need to consider the actual risk posed by PPPs more than their mere use. It means that decoupling the risk stemming from PPPs from the use of PPPs per se is a much-needed exercise.

Indeed, decreasing the use of substances under moderate to low toxicological risk profiles could not decrease an already low risk posed to human health and the environment. On the opposite, such overall PPPs reduction could increase pests' pressure, needing then last resort, more effective pesticides, often of higher risk classes.

With regard to the EU-wide adoption of reduction targets, or instead an approach considering the reduction at MS level, we are of the following advice. Since over the last few years different MS achieved different results in reducing the use and risks of PPPs, it could be fair to take this into account. As MS have different climates, soil types, and grow different crops they all have different weed, pest and disease issues and different PPP needs. Some have adopted IPM and PPP risk (and use) reduction to a greater extent than others so this needs to be considered in making any EU wide targets.

The impact will be different for different sectors and crops too. The horticulture sector has few active substances available to control weeds, pests and diseases and so the impact here will be greater than on other sectors.

Reduction targets hence could be better developed at national level and having a sector-specific approach to reflect the inherent differences of crops and MS.

At the same time, this would be coherent with the National Action Plans under the CAP and policy coherence would be achieved.

Afterwards, after this recognition in terms of what MS have *already achieved*, there is a clear need to further streamline and harmonise data measurement to further progress on the very same path and following the same metrics and indicators.

It is here clear that MS could provide for the future different data to inform the EU policy goals in order to describe the reduction of use/risk of PPPs. This could happen either:

- because MS can still use non-harmonised risk indicators, on top of the harmonised ones. From now on, (hypothetical year "0"), hence, only harmonised risk indicators would be used.
- because there may be inconsistencies and losses in translation between the EU provisions and the MS uptake of the provisions.

It is key that the Commission should further reflect on how to avoid/minimise this "regulatory shopping" with differences in the measurements depending on the indicators used in any specific country, or context-driven differences.

In terms of benchmarking exercise, COCERAL's UK members informed us of "RUMA". [Latest Targets | Responsible Use of Medicines in Agriculture Alliance \(ruma.org.uk\)](#) which set targets for the reduction of antibiotics. This was a voluntary approach and each sector of livestock set their own targets based on current use, what needed to be achieved from use of the antibiotics and what was realistic to achieve.

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/stakeholders already use other indicators or some are currently under development ?

Currently, < 50% of the MS provide information on the pesticides indicators. EU harmonised risk indicators need to consider not just sales and use, (HRI1) or Emergency Uses number (HRI 2), – but the actual risk -i.e., taking into full account what is used, how it is used, where, when and by whom.

In parallel, risk mitigation measures, labelling compliance- whenever in place, should also be considered as part of the indicators in order to reflect the actual risks posed. Training activities delivered to farmers and sprayer operators could also be taken into account, but with different weight (as they only indirectly relate to the final output of PPP reduction).

IPM development -in order to obtain a substitution effect of alternatives - should also be part of a possible HRI (a third one in case).

More generally, there is also a clear need to have coherence between the HRIs and the reduction targets of the F2F. Basically all the HRI should be able to inform the EU institutions and citizens of the progress made along the years, supporting not just the SUD revision, but the broader societal expectations under the Farm to Fork.

For this, HRIs should be able to reflect properly not just the reduction of PPPs, but in parallel, as per the F2F, the "more hazardous substances" expected to have a tighter regulation and reduction.

Here, according to the ongoing discussion, we notice a misalignment between the Emergency uses (HRI 2- that re-authorise EU-banned substances and the Emergency use authorisations) and the Candidate for Substitution (CfS- not banned)- that reflect the substances undergoing a 50% reduction according to the Commission plan.

If the EU institutions do not fine tune, there is a real risk of having lot of the work done without due recognition. This for instance could happen because of a clear achievement of the "more hazardous substances"(CfS) reduction goal, without in parallel a result of Emergency uses reduction.

In more general terms, according to the Commission, "Both harmonised risk indicator 1 and 2 are high-level indicators, and in line with Article 15 of the SUD, Member States may continue to use existing national indicators or to adopt other appropriate indicators in addition to them, to better reflect the trends in the risks relevant to their territory."

Communication

At the same time, Risk Indicators should be properly used to shape the outreach and communication strategy of the Commission. Over the last four decades, the Commission has made an impressive work in the area of PPP reduction, still there is no clear and univocal understanding of such progresses, with citizens placing pesticides on top of their concerns when it comes to food (please consider for instance the Eurobarometer series³).

As of now, "Harmonised risk indicator 1 shows that there has been a reduction in the risk to human health and the environment from the PPPs sold in the European Union since the entry into force of the SUD. Furthermore, this reduction in risk has occurred while the quantities of PPPs sold and used have remained relatively constant, reflecting the changing profile of pesticides sold and used in the European Union." This is indeed a vital point for the Commission to stress that reducing the use of PPPs is not the same than reducing the risk, and decreasing more and more pesticides use per se could not only not diminish the impact on public health and the environment, but just impact the food supply.

In the UK, the focus to date has been on risk reduction and no targets have been set for PPP use reduction or taxes applied to change user behaviour. Risk reduction has focussed on training and education of end users and advisors to help them understand how to use PPPs responsibly and the benefits of doing this.

In the UK, there have been voluntary approaches to minimise the risk of certain actives moving to water after application. This included identifying and explaining to users and advisers the various routes the active substance could move to water as well as providing best practice

³ Consider for instance: Special Eurobarometer
Wave EB91.3 Food Safety in the EU, available at:
<https://www.efsa.europa.eu/en/corporate/pub/eurobarometer19>

information and training in how to minimise this. these are very much voluntary, explaining to growers what the issue is and encouraging the uptake of best practice to address the issues, showing at the same time growers and agronomists the results of their efforts at a local level.

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?** e.g. buffer zone requirements applying under the CAP and for individual PPPs, much concern was expressed in public feedback on the evaluation roadmap and inception impact assessment as regards buffer zones from houses and water courses when spraying pesticides. Achieving net zero carbon and withdrawal of PPPs which could lead to increased cultivation and GHG releases e.g. glyphosate.