

CA 1A - Article 3, with the exception of Point 16 (f)

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

1) 'chemical plant protection product' means a plant protection product containing a chemical active substance excluding 'biological control' means, as defined in point 23 of Article 3. Any product authorized in organic farming whose active substances are listed in Annex II of Regulation EC 889/2008 is not considered to be a chemical plant protection product.

(2) 'low-risk plant protection product' means a plant protection product authorised in accordance with Article 47(1) of Regulation (EC) No 1107/2009;

(3) 'chemical active substance' means an active substance other than a micro-organism, a semiochemical or an extracts from a plant product as defined in Article 3(6) of Regulation (EC) No 1107/2009;

(4) 'biodiversity' means biodiversity as defined in Article 3(29) of Regulation (EC) No 1107/2009;

(5) 'Plant protection product and candidates for substitution' means a plant protection product containing one or more active substances approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or meets one or more of the criteria set out in point 4 of Annex II to Regulation 1107/2009, or contains one or more listed active substances containing one or more active substances listed in the Annex to Implementing Regulation (EU) 2015/408;

(6) 'utilised agricultural area' means utilised agricultural area as defined in Article 2, point (e) of Regulation (EU) 2018/1091 of the European Parliament and of the Council;

(6a) 'organic farming' means farming practices in accordance with Regulation (EC) No 2018/848;

(7) 'professional user' means any person who uses a plant protection product authorised only for professional use;

(8) 'distributor' means any person who makes a plant protection product available on the market, including a wholesaler, a supplier or retailer;

(9) 'advisor' means any person who advises on integrated pest management or the safe use of plant protection products or any other means of plant protection, in the context of a professional capacity or commercial service, including private and public advisory services;

(10) 'application equipment' means any equipment which according to manufacturer's manual is used or intended to be used for the application of plant protection product, with the exception of equipment designed for the sowing or planting of propagating material treated with plant protection products;

(11) ‘application equipment in professional use’ means any:

(a) application equipment which is used by a professional user for the application of plant protection products;

(b) application equipment with horizontal or vertical booms or orchard blast sprayers;

(12) ‘aerial application’ means application of a plant protection product from an aircraft or an unmanned aircraft (including drones);

(13) ‘unmanned aircraft’ means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board;

(14) ‘plant protection product authorised for professional use’ means a plant protection product that has been authorised for professional users only in accordance with Article 31 of Regulation (EC) No 1107/2009;

(15) ‘integrated pest management’ means careful consideration of all available plant protection methods and subsequent integration of appropriate measures that discourage the development of populations of harmful organisms and keep the use of plant protection products and other forms of intervention to levels that are economically and ecologically justified and reduce or minimise risks to human health and the environment. Integrated pest management emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms;

(15a) ‘Controlled environment agriculture facilities’ are defined by the competent authorities in the National Action Plan referred to in Article 8 with appropriate criteria, guaranteeing the minimum of emissions to the air, water and soil, and shall be set in appropriate national legislation, validated and enforced by those authorities;

16) ‘sensitive area’ means a 'sensitive area' as defined by the Member State as part of its national action plan, in such a way that the general public, vulnerable groups and ecologically sensitive areas are appropriately protected. The definition shall be made in such a way that the following types of areas are appropriately protected:

(a) a freely accessible area used by the general public or a public path where access cannot be fully restricted during the application of plant protection products, except for public paths clearly located in agricultural areas. Professional sport facilities and railway networks shall not be considered to be sensitive areas for the purpose of this Regulation;

(b) an area used predominantly by a vulnerable group as defined in Article 3(14) of Regulation (EC) No 1107/2009;

(17) ‘quarantine pest’ means quarantine pest as defined in Article 3 of Regulation (EU) 2016/2031 of the European Parliament of the Council;

(18) ‘invasive alien species’ means invasive alien species as defined in Article 3, point (2), of Regulation (EU) No 1143/2014 of the European Parliament and of the Council;

(19) ‘surface water’ means a body of surface water as defined in Article 2, point (1), of Directive 2000/60/EC;

(20) ‘groundwater’ means a body of groundwater as defined in Article 2, point (2), of Directive 2000/60/EC ;

(21) ‘risk indicator’ means a measurement indicating the relative change in risks for human and animal health or the environment associated with the use of plant protection products, and calculated in accordance with the methodology set out in Annex VI;

(22) ‘non-chemical methods’ means alternatives to chemical plant protection products including strategies based on the use of synthetic pheromones/semiochemicals;

(23) ‘biological control’ means the control of organisms harmful to plants or plant products using natural means of biological origin or substances identical to them, such as micro-organisms, semiochemicals, extracts from plant products as defined in Article 3(6) of Regulation (EC) No 1107/2009, as well as microorganisms, or invertebrate macro-organisms or active ingredients that exclusively contain natural substances of animal origin or components originating from nature or substances identical to them such as algae, bacteria, viruses, viroids, mycoplasmas, fungi, proteins, amino-acids, peptides, enzymes and protozoans antibodies, dead cells and fermentation products, RNA and hormones;

(23a) ‘low drifts application techniques’ means application techniques whose uses allow a controlled exchange of material and energy with the surroundings and prevent the release of phytosanitary products into the environment, such as endotherapy application technique or others of similar characteristics on its application.

CA 1B - Article 3, Point 16 (f)

Article 3, Point 16(f)

(Definition)

(f) an ecologically sensitive area, which means any of the following:

(i) any freely accessible protected area under Annex IV of Directive 2000/60/EC, excluding those designated pursuant Annex IV 1 part (iv), including possible safeguard zones as well as modifications of those areas following the risk assessment results for drinking water abstraction points under Directive (EU) 2020/2184 of the European Parliament and of the Council;

(ii) sites of Community importance in the list referred to in Article 4(2) of Directive 92/43/EEC and the special areas of conservation designated in accordance with Article 4(4) of that Directive, and special protection areas classified pursuant to Article 4 of Directive 2009/147/EC, if the Member State considers it necessary for their protection, and any other national, regional, or local protected area reported by the Member States to the Nationally designated protected areas inventory (CDDA), where the conservation objectives relate to nature, biodiversity, or habitat protection;

(iii) any area for which the monitoring of pollinator species carried out in accordance with Article 17(1), point (f), of Regulation xxx/xxx [reference to adopted act to be inserted] establishes that it sustains one or more pollinator species which the European Red Lists classify

as being threatened with extinction, and for which the use of chemical plant protection products in those areas is expected to negatively affect these species;

CA 2 - Article 4

Article 4

Union 2035 reduction targets for chemical plant protection products

1. Each Member State shall contribute, through the adoption and implementation of measures to ensure the achievement of national targets in accordance with Article 5 to achieving by 2035 an up to 50 % Union wide reduction of both the use and risk of chemical plant protection products ('Union 2035 reduction target 1') and the use of more hazardous plant protection products ('Union 2035 reduction target 2'), compared to the average of the years 2011, 2012 and 2013 (collectively referred to as 'the Union 2035 reduction targets').

2. Progress towards achieving the Union 2035 reduction targets shall be calculated annually by the Commission in accordance with the methodology set out in Annex I.

2a. The Commission shall, by 31 December 2029, carry out an evaluation of the feasibility to achieve the Union 2035 reduction targets, on the basis of the availability of alternative non-chemical pest control instruments and low-risk plant protection products, following the crop-specific rules laid down in Article 15.

CA 3 - Article 5

Article 5

Member States 2035 reduction targets for chemical plant protection products

1. By ... [OP: please insert the date – 6 months after the date of application of this Regulation] each Member State shall adopt national targets in its national action plan to achieve by 2035 a reduction set in accordance with this Article, from the average of the years 2011, 2012 and 2013, of the following:

(a) the use and risk of chemical plant protection products as defined in Annex I ('national 2035 reduction target 1');

(b) the use of more hazardous plant protection products as defined in Annex I ('national 2035 reduction target 2').

For the purposes of this Regulation, the two national reduction targets listed in points (a) and (b) of the first subparagraph, are collectively referred to as the 'national 2035 reduction targets'.

2. The progress of each Member State towards achieving the national 2035 reduction targets shall be calculated annually by the Commission in accordance with the methodology set out in Annex I.

3. Each Member State shall reach the targets referred to in paragraph 1 by 2035. A Member State that reaches the level of one of its 2035 national reduction targets before 2035 shall not

be required to undertake additional reduction efforts. It shall monitor annual fluctuations in order to maintain the progress achieved in relation to that 2035 national reduction target.

3 a. Each Member State shall establish a minimum reduction rate of 35 % in its national reduction targets between the average of the years 2011, 2012 and 2013 and the year 2035 in order to achieve the reduction targets set out in Article 4(1).

3 b. By ... [*OP: please insert the date – 7 months after the date of application of this Regulation*], each Member State shall communicate its national 2035 reduction targets to the Commission.

3 c. If a Member State fails to adopt a national 2035 reduction target by ... [*OJ: please insert the date –6 months after the date of application of this Regulation*], that target shall be deemed to be 50%.

CA 4 - Article 6 & Recital 13

Article 6 is deleted

Related changes to Recital 13:

(13) Given the different levels of historical progress and differences in intensity of pesticide use between Member States, it is necessary to allow Member States some flexibility when setting their own binding national targets (“national 2030 reduction targets”). Intensity of use is best measured by dividing the total quantity of active substances placed on the market, and therefore used, in the form of plant protection products in a particular Member State by the surface area over which the active substances were applied. Intensity in the use of chemical pesticides, and in particular of the more hazardous pesticides, correlates with greater dependency on chemical pesticides, greater risks to human health and the environment and less sustainable farming practices. It is therefore appropriate to allow Member States to take their lower intensity of use of chemical pesticides than the Union average into account in setting their national 2030 reduction targets. It is also appropriate to require them to take their higher intensity of use of chemical pesticides than the Union average into account in setting their national 2030 reduction targets. In addition, in order to give recognition to past efforts by Member States, they should also be allowed to take into account historical progress prior to the adoption of the Farm to Fork Strategy when setting national 2030 reduction targets. Conversely, where Member States have increased, or made only limited reductions in, their use and risk of chemical plant protection products, they should now make a greater contribution to the achievement of the Union 2030 reduction targets, while also taking account of their intensity of pesticide use. In order to ensure a fair and collective effort towards the achievement of Union-wide targets and an adequate level of ambition, minimum limits should be laid down for national 2030 reduction targets. The EU’s outermost regions, as listed in Article 349 of the Treaty, are located in the Atlantic, Caribbean and Indian Ocean. Due to permanent constraints such as their remoteness to the European continent, insularity and high exposure to climate change, it is appropriate to allow Member States to take into account the specific needs of these regions as regards the use of plant protection products and measures tailored to specific climatic conditions and crops. In order to ensure a fair and collective effort towards the achievement of

Union-wide targets, where a Member State reaches the level of its 2030 national reduction target before 2030, it should not be required to undertake additional reduction efforts, but it should closely monitor annual fluctuations in the use and risk of chemical plant protection products and in the use of more hazardous plant protection products to ensure progress towards meeting the respective 2030 national reduction target. ~~*In the interests of transparency, Member State responses to any Commission recommendations in relation to the level of ambition of national targets and the annual progress made towards them should be publicly accessible.*~~

CA 5 - Article 14 & Recital 20

Article 14

Records of preventative measures and interventions for crop protection by professional users, and of advice on use of plant protection products

1. Where a professional user takes a preventative measure or performs an intervention, the professional user shall enter the following information in the electronic integrated pest management and plant protection product use register referred to in Article 16, which covers the area where the professional user operates, if this is deemed relevant information to demonstrate that the professional user has applied integrated pest management:

(a) any preventative measure, or combination of preventive measures, or intervention, including the identification and assessment of pest level, where no crop or crop group specific guidelines have been adopted for the relevant crop and area by the Member State in which the professional user operates;

(b) any preventative measure, or combination of preventive measures, or intervention, including the identification and assessment of pest level, performed with a reference to measurable criteria, when available and set out in the applicable crop or crop group specific guidelines, where crop or crop group specific guidelines have been adopted for the relevant crop and area by the Member State in which the professional user operates.

2. A professional user shall enter an electronic record in the electronic integrated pest management and plant protection product use register, referred to in Article 16, of the name of its advisor or decision support system, and the dates and the content of the advice received from it in accordance with Article 26(3).

3. A professional user shall enter an electronic record of each application of a plant protection product under Article 67 of Regulation (EC) No 1107/2009 in the electronic integrated pest management and plant protection product use register referred to in Article 16. A professional user shall also enter an electronic record specifying whether the application was done by aerial or land-based equipment. In the case of aerial application, a professional user shall specify the type of equipment used.

3a Member States shall provide professional users who lack the capability, access, or possibility to use electronic means with the necessary mechanisms and resources to ensure the right to transmit information and to communicate with the electronic register by non-electronic means, thereby guaranteeing the fundamental rights of equality before the law and

of not being discriminated against on the grounds of economic or technological capacity, as well as the right to good administration.

4. In order to ensure a uniform structure of the entries to be made by professional users in the electronic integrated pest management and plant protection product use register in accordance with paragraphs 1, 2 and 3, the Commission shall, by means of implementing acts, adopt a standard template for such entries. The Commission shall ensure that the standard template limits the additional administrative burden for professional users to a necessary minimum. Any such template shall include fields for inputting records that need to be kept in accordance with Article 67 of Regulation (EC) No 1107/2009 and shall require the use of a recognisable ID. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(2) by *[OP: please insert the date = the first day in the month following 1 month after the date of entry into force of this Regulation]*.

Related changes to Recital 20:

(20) An approach to pest control that follows integrated pest management in ensuring careful consideration of all available means that discourage the development of populations of harmful organisms, while keeping the use of chemical plant protection products to levels that are economically and ecologically justified and minimising risks to human health and the environment is necessary for the protection of human health and the environment. ‘Integrated pest management’ emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems, encourages natural pest control mechanisms and uses chemical control only when all other control means are exhausted. To ensure that integrated pest management is implemented consistently on the ground, it is necessary to lay down clear rules in this Regulation. In order to comply with the obligation to follow integrated pest management, a professional user should consider and implement all methods and practices that avoid the use of plant protection products. Chemical plant protection products should only be used when all other control means have been exhausted. In order to ensure and monitor compliance with this requirement, it is important that professional users keep a record ~~of the reasons why~~ **when** they apply plant protection products or ~~the reasons for~~ any other action taken in line with integrated pest management and of advice received in support of their implementation of integrated pest management from independent advisors. These records are also required for aerial applications.

CA 6 - Article 17

Article 17

General requirements for the use of plant protection products for professional use and of application equipment in professional use

1. A plant protection product authorised for professional use may only be used by a professional user who:

(a) has been issued with a training certificate for following courses for professional users in accordance with Article 25, or has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5), and

(b) uses, when appropriate, the services of an independent advisor or decision support system in accordance with Article 26(3).

2. Plant protection products that contain one or more active substances that are classified as candidates for substitution according to Article 24 of Regulation (EU) 1107/2009 may only be used and purchased by professional users.

3. Application equipment in professional use may only be used by professional users that hold a training certificate issued to them for following courses for professional users in accordance with Article 25 or have a proof of entry in a central electronic register for following such courses in accordance with Article 25(5).

4. Within 3 years starting from date of first purchase, and every 3 years thereafter, a professional user shall submit his or her application equipment in professional use for inspection pursuant to Article 31. Where 3 years have passed from the date of first purchase of application equipment in professional use, a professional user may only use it for the application of plant protection products, if that equipment meets any of the following conditions:

(a) the equipment has successfully passed inspection;

(b) a derogation under Article 32(1), or Article 32(3) applies to that equipment.

At the time of submitting the equipment for inspection, the owner of the equipment or his or her representative shall provide to the competent authority or body carrying out the inspection, the information necessary for the competent authority to comply with its record-keeping obligations pursuant to Article 30(1), point (b).

5. A professional user shall inspect and operate application equipment in accordance with the manufacturer's manual of instructions.

CA 7 - Article 18

Article 18

Use of plant protection products in sensitive areas

1. In line with Article 3, Member States shall define sensitive areas as part of their National Action Plans in such a way that the general public, vulnerable groups and ecologically sensitive areas are appropriately protected. These definitions shall be assessed by the Commission before approving the relevant Member States' National Action Plan. The use of all plant protection products shall be restricted to "biological control" defined in Article 3, paragraph 1 point 23, low-risk and other approved substances (group 2 of Annex I), substances that are authorised by Member States for use in their national certification schemes for integrated pest management, in accordance with Article 14 of Directive 2009/128/EC, as well as all plant protection products allowed in organic agriculture in sensitive areas as defined by Member States, and within 3 meters of such areas. Deviation of this 3 meter buffer zone shall be justified by the Member State in its National Action Plan, if the risk for the sensitive area is negligible, by the use of alternative risk-mitigation techniques.

Member States can further restrict the use of plant protection products in sensitive areas on the basis of an evaluation of the potential public health and environmental risks.

2. Member States may establish larger mandatory buffer zones adjacent to sensitive areas.

3. By way of derogation from the measures established by a Member state according to paragraph 1, a competent authority designated by a Member State may permit a professional user to use a plant protection product in a sensitive area for a limited period with a precisely defined start and end date that is the shortest possible but does not exceed 120 days, provided that

(a) one of the following two conditions is met:

(i) a proven serious and exceptional risk of the spread of quarantine pests or invasive alien species exists,

(ii) a proven serious and exceptional risk exists of the spread of new quarantine pests or invasive alien species, which are at the pre-assessment stage in accordance with subsection 1 of Section 3 of Annex I to Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants,

(b) and

there is no technically feasible lower risk alternative control technique to contain the spread of quarantine pests or invasive alien species as set out in points (a)(i) and (ii) of this paragraph.

4. The competent authority referred to in paragraph 3 shall decide on the application for a permit for the use of a plant protection product in a timely manner to ensure that the risk as referred to in point (a) of paragraph 3 is avoided, and at the latest within 1 week of its submission.

5. The permit to use a plant protection product in a sensitive area as referred to in paragraph 3 shall indicate all of the following:

(a) the conditions for limited and controlled use;

(b) if necessary for the protection of the general public and vulnerable groups, the obligation to display notices regarding use of plant protection products on the perimeter of the area to be treated, and any specific form such display is to take;

(c) risk mitigation measures;

(d) the duration of validity of the permit.

6. If necessary for the protection of the general public and vulnerable groups, professional user that has been granted a permit to use a plant protection product in a sensitive area shall display notices to that regard on the perimeter of the area to be treated in the form indicated in the permit.

7. Where a permit for use of a plant protection product in a sensitive area is granted, before the first day of its validity, the competent authority referred to in paragraph 3 shall make publicly available the following information

- (a) the location of the use;
- (b) the start and end date of the approval period of the permit, which shall not exceed 120 consecutive days;
- (c) the relevant weather conditions allowing a safe application;
- (d) the name of the plant protection product or products;
- (e) the application equipment to be used and the risk mitigation measures to be taken

CA 8 - Article 42b (new) & Recital 15

Article 42b (new)

Amendments to Regulation (EU) 1107/2009

After Article 30, the following Article is added:

'Article 30a (new) - Provisional authorisations of biological control plant protection products derived from natural substances

1. By way of derogation from Article 29(1)(a), Member States may authorise for a provisional period not exceeding 5 years, the placing on the market of biological control plant protection products containing an active substance not yet approved, provided that:

- (a) pursuant to Article 9 the dossier on the active substance is admissible in relation to the proposed uses; and
- (b) the Member State concludes that the active substance can satisfy the requirements of Article 4(2) and (3) and that the plant protection product may be expected to satisfy the requirements of Article 29(1)(b) to (h).
- (c) maximum residue levels have been established in accordance with Regulation (EC) No 396/2005.

2. In such cases the Member State shall immediately inform the other Member States and the Commission of its assessment of the dossier and of the terms of the authorisation, giving at least the information provided for in Article 57(1).'

Article 82 is amended as follows:

By 31 December 2026 the Commission shall present a report to the European Parliament and the Council on providing new data requirements to facilitate the approval of biological control products including semiochemicals, extracts from plant-products, peptide- and protein-based products including enzymes and antibodies, RNA, hormones, dead cell and fermentation products. Further to this, the Commission shall assess establishing a fast-

track approval process for low-risk and biological control products under this Regulation and also assess if measures under this Regulation sufficiently facilitate the availability of effective alternatives, or if this would be achieved more effectively in the long term by a new dedicated framework for the approval and authorisation for biological control products. In the report, the Commission will also provide explanation on how the provision under Article 30(3) of

Regulation (EC) No 1107/2009 can be used to accelerate the approval of new substances and assess whether Member States' planned and adopted measures contributing to the acceleration of the market introduction of low-risk plant protection products, non-chemical methods of plant protection and biological control products are sufficient to achieve the goals of the SUR Regulation [add reference once adopted]. The Commission will also assess whether competent authorities have sufficient budget, staff and expertise to carry out their tasks. The report may be accompanied, if necessary, by the appropriate legislative proposals to amend those provisions.

Related changes to Recital 15:

(15) In order to achieve the Union-wide reduction targets ('Union [20XX] reduction targets') as well as national [20XX] reduction targets, it is necessary to increase the availability and use of biological control and other non-chemical alternatives. ***The achievability of these targets is strongly dependent on the availability of effective alternative methods of plant protection, particularly including new low-risk plant protection products, non-chemical methods and biological control products. However, the approval of active substances under Regulation 1107/2009 is a significant obstacle to the market introduction of these new products, as procedures are lengthy, legal deadlines often not met and guidelines and data requirements not matching the specific characteristics of biological control products, leading to excessive burden, costs and delays. In that regard, Member States should prioritize the assessment of applications for approval of active substances that exert biological control in order to avoid unduly delaying the assessment procedures of these active substances.*** Availability of these alternatives will incentivise the adoption of low pesticide-input pest management practices such as organic farming.