Revision of Directive 2009/128/EC on the sustainable use of pesticides

SUMMARY
Pesticides and their use are regulated at EU level. Directive 2009/128/EC (‘SUD’) of the European Parliament and the Council establishes a framework to achieve sustainable use of pesticides that are plant protection products, by reducing the risks and impact of pesticide use on human health and the environment, and promoting the use of integrated pest management and of alternative approaches or techniques such as non-chemical alternatives to pesticides. A recent ex-post evaluation by the European Commission shows that the directive's implementation has only been ‘moderately effective’ overall in achieving this objective.

Based on publicly available sources, this implementation appraisal provides information on the implementation of the directive and thus aims to support its ongoing revision, where the Parliament is a co-legislator.

Background
Plant protection products (PPPs) are pesticides used to fight plant pests and diseases, and to control weeds. PPPs can be insecticides, fungicides, herbicides, acaricides, repellents or plant growth regulators. PPP uses occur mainly in agriculture, but also in forestry and green urban areas. PPPs contain at least one active substance; the active substances can be chemicals or microorganisms. PPPs might be harmful to human health and the environment, and are thus a source of concern for citizens. Therefore, the marketing of pesticides that are PPPs, their use in a sustainable way (including the machinery for pesticide application) and their maximum residue levels in food and feed, as well as relevant statistics, are subject to legal regulation at EU level.

The European Parliament has actively scrutinised the implementation of the legal framework. This briefing provides information on the implementation of Directive 2009/128/EC, which specifically regulates the use of pesticides in a sustainable way, and which is being revised.

EU policy and legal framework
The year 2006 marked a major development of the EU pesticides policy. In particular, the European Commission published a communication on a thematic strategy on the sustainable use of pesticides. Its purpose was to fill in certain gaps in the policy framework, especially as regards the use-phase of pesticides. The strategy envisaged legislative and non-legislative policy measures whose implementation was expected to reduce the risks and negative impact on human health and the environment provoked by the use of pesticides that are PPPs. It led to the adoption of a package containing proposals to amend the broader EU regulatory framework on pesticides and proposals for completely new legislative acts, among them a proposal for a directive on the sustainable use of pesticides. The implementation of the latter directive is closely interlinked with the EU legislative framework regulating pesticides that are PPPs and its implementation. Therefore, the presentation of the SUD below is preceded by a short introduction to other relevant pieces of EU legislation on PPPs.
The main piece of EU pesticides legislation relevant to the SUD and its implementation is Regulation (EC) No 1107/2009 concerning the placing of PPPs on the market (the 'PPP Regulation'). It governs the approval of active substances and the authorisation of PPPs containing or consisting of such substances. In particular, the approval of active substances ('risk management') is done at EU level by the Commission, based on a two-step approach: the first step is a 'hazard assessment' (against a set of 'cut-off' criteria defined by the same regulation) performed by the Member State(s) acting as (a) rapporteur(s); the second step is a 'risk assessment' performed by the European Food Safety Authority (EFSA). The authorisation of PPPs containing or consisting of approved active substances is done at national level by Member States' competent authorities, depending on local conditions and needs. Article 53 of the PPP Regulation allows Member States to grant emergency authorisation for the use of non-authorised PPPs in exceptional circumstances and for a limited period of time.

Regulation (EC) No 1185/2009 (the 'Pesticides Statistics Regulation') contains the rules on statistics concerning the marketing and use of pesticides that are PPPs (to be repealed once the Regulation on statistics on agricultural input and output, proposed by the Commission in the context of the European Green Deal and the farm to fork strategy, enters into force).2 Regulation (EC) No 396/2005 (the 'MRL regulation') sets up maximum residue levels of pesticides in or on food and feed of plant and animal origin. The machinery for pesticides application is regulated by Directive 2006/42/EC on machinery (as amended by Directive 2009/127/EC), which is currently being reviewed.3 Another relevant piece of EU law is Regulation (EU) 2017/625 on official controls performed to ensure the application of food and feed law, which directly concerns PPPs and their use.

Directive 2009/128/EC of the European Parliament and the Council (‘SUD’, or simply ‘the directive’) establishes a framework to achieve sustainable use of pesticides by reducing the risks and impact of pesticide use on human health and the environment and promoting the use of integrated pest management (IPM) and of alternative approaches or techniques such as non-chemical alternatives to pesticides.

Reducing the use of pesticides has never been an explicit policy objective of the SUD. It was assumed that the implementation of IPM and an increased use of alternative methods to control pests would lead to a reduction in the use of pesticides and, as a result, to a reduction of the risks for and impact on human health and the environment.

To achieve the above objective, the directive requires Member States to:

1. take all necessary measures to promote low pesticide-input pest management;
2. adopt national action plans (NAPs) to set up their quantitative objectives, targets, measures and timetables to reduce the risks and impact of pesticide use on human health and the environment and to encourage the development and introduction of IPM and of alternative approaches or techniques in order to reduce dependency on the use of pesticides.

Eight general principles of integrated pest management – A mandatory practice to be followed to reduce the risks of pesticide use (Annex III, SUD)

1. The prevention and/or suppression of harmful organisms should be achieved or supported among other options, especially by crop rotation; use of adequate cultivation techniques; use, where appropriate, of resistant/tolerant cultivars and standard/certified seed and planting material; use of balanced fertilisation, liming and irrigation/drainage practices; preventing the spreading of harmful organisms by hygiene measures; protection and enhancement of important beneficial organisms.
2. Harmful organisms must be monitored by adequate methods and tools, where available. Such adequate tools should include observations in the field as well as scientifically sound warning, forecasting and early diagnosis systems, where feasible, as well as the use of advice from professionally qualified advisors.
3. Based on the results of the monitoring, the professional user has to decide whether and when to apply plant protection measures. Robust and scientifically sound threshold values are essential components for decision-making. For harmful organisms, threshold levels defined for the region, specific areas, crops and particular climatic conditions must be taken into account before treatments, where feasible.
4. Sustainable biological, physical and other non-chemical methods must be preferred to chemical methods if they provide satisfactory pest control.
Revision of Directive 2009/128/EC on the sustainable use of pesticides

- require professional users to follow safety precautions when handling and storing pesticides and treating their packaging and remnants;
- ensure that all professional users, distributors and advisors are given adequate training;
- require pesticide application equipment (PAE) to undergo regular inspections (at least once by 2016, then every 5 years up to 2020 and every 3 years thereafter);
- ensure that the use of pesticides is reduced or banned in specific areas such as playgrounds, public parks, sports fields or close to healthcare facilities;
- ban the spraying of pesticides by air;
- protect water from the impact of pesticides and, in particular, drinking water;
- inform the general public and promote awareness-raising programmes about the potential risks from the use of pesticides.

The directive also envisages the establishment of harmonised risk indicators (HRIs) to estimate the trends in risks associated with pesticides. The Commission established two such indicators – HRI 1 and HRI 2 – for the first time in May 2019; they referred to the period 2011-2017. In August 2021, the Commission updated the HRIs to refer to the period 2011-2019.

The SUD sets the following deadlines for Member States and the Commission:

- by 26 November 2011, for Member States to transpose the requirements of the directive into national law (Article 23(1)); more than half of the Member States (EU-28) missed the deadline, which led the Commission to launch several infringement procedures for non-transposition;
- by 26 November 2012, for Member States to submit their initial NAPs to the Commission and the other Member States (Article 4(2)(1)) (several Member States missed this deadline); the plans must be reviewed at least every 5 years and any substantial changes must be reported to the Commission without undue delay – a large majority of Member States missed their individual deadline, which depends on the submission date of the initial NAP;
- by 26 November 2014, for the Commission to submit a report on the NAPs to the European Parliament and the Council (Article 4(3)(1)); the Commission submitted the report in 2017;
- by 26 November 2018, for the Commission to submit a report to the European Parliament and the Council on the progress made by Member States in implementing their national targets (Article 4(3)(2)); the Commission submitted the report in 2020.

On 22 June 2022, the Commission submitted a proposal for a revision of the SUD. According to the Commission work programme for 2022, this was initially expected on 23 March 2022, but it was delayed, reportedly, as a result of Russia’s war on Ukraine. The proposal is part of a package on nature protection, which also includes a proposal for legally binding rules on nature restoration. Both proposals come in the context of the European Green Deal and, in particular, its farm to fork, biodiversity and zero pollution strategies.

As stated by the inception impact assessment of the revision of the SUD published on 29 May 2020, the main problem, which triggered the revision, is the limited effectiveness of the implementation of the directive, i.e. its failure to achieve the main objective of reducing the risks that the use of pesticides poses for human health and the environment. The revision thus aims to improve certain

Harmonised risk indicators (Article 15, SUD)

HRI 1 is based on statistics on the quantities of active substances placed on the market (sales) of PPPs under the PPP Regulation provided by Member States to the Commission (DG Eurostat) under Annex I to the Pesticides Statistics Regulation. HRI 2 is based on the number of authorisations granted for PPPs under Article 53 of the PPP Regulation as communicated by Member States to the Commission in accordance with Article 53(1) of that regulation.

5. The pesticides applied shall be as specific as possible for the target and shall have the least side effects on human health, non-target organisms and the environment.

6. The professional user should keep the use of pesticides and other forms of intervention to levels that are necessary, e.g. by reduced doses, reduced application frequency or partial applications, considering that the level of risk in vegetation is acceptable and they do not increase the risk for development of resistance in populations of harmful organisms.

7. Where the risk of resistance against a plant protection measure is known and where the level of harmful organisms requires repeated application of pesticides to the crops, available anti-resistance strategies should be applied to maintain the effectiveness of the products. This may include the use of multiple pesticides with different modes of action.

8. Based on the records on the use of pesticides and on the monitoring of harmful organisms, the professional user should check the success of the applied plant protection measures.
aspects of the design and practical implementation of the directive, in order to: significantly reduce the use of pesticides that are PPPs and the risks they pose; the dependency on pesticides; and enhance the IPM approach. A significant feature of the proposal for revision is the upgrade of the directive to a regulation, i.e. it would be directly applicable in its entirety in all Member States, and therefore seeks uniform implementation of the EU rules at national level. The proposal for a regulation takes a new approach by setting reduction targets – to be achieved collectively by the Member States by 2030 – which refer to both the risk and use of pesticides. This is a major difference from the current SUD, which, as explained, only aims to reduce the risks from the use of pesticides but does not have as an explicit objective a reduction in the use of pesticides.

The proposal for revision is based on a large number of information sources, among them an ex-ante impact assessment (ex-ante IA) and an ex-post evaluation – both supported by externally prepared studies at the Commission’s request, the Commission’s reports on the implementation of the SUD published in 2017 and 2020, a foresight study on future vision scenarios on the sustainable use of pesticides, various stakeholder consultation activities, etc. The next section of this briefing presents the main findings of the Commission’s ex-post evaluation.

**European Commission**

**Ex-post evaluation of the implementation of the directive**

The ex-post evaluation was launched following the publication of the farm to fork strategy and, in particular, its draft action plan in May 2020. This was done in parallel to the ex-ante IA of the proposal for a regulation. The results of this ‘back-to-back’ exercise were published on 22 June 2022, together with the legislative proposal for an upgrade of the directive to a regulation. A short account of the results of the ex-post evaluation is published in a Commission staff working document, which is part of the ex-ante IA accompanying the proposal.

The implementation of the directive was evaluated against the criteria established by the Better Regulation agenda, namely relevance, effectiveness, coherence, efficiency and EU added value.

The objectives of the SUD and the actions it requires from Member States are still highly relevant to current needs to address the risks that the use of pesticides pose to human health and the environment. In particular, health issues (such as potential exposure to pesticides) and environmental issues (such as biodiversity and pollinator decline) have persisted or even worsened since its adoption in 2009, which makes a strong case for continuing EU regulation of risks related to pesticide use. Furthermore, the SUD is relevant to problems identified and commitments taken to protect human health and the environment by the EU biodiversity and farm to fork strategies, but also in the context of the EU pollinators initiative.

In terms of effectiveness, the key question is whether the objective of the directive is being met (or progress is being achieved) as a result of its implementation. Answering this question was a challenge for the Commission’s evaluation. In particular, as already explained, the SUD assumes that implementing the mandatory IPM principles and increasing the use of alternative methods to control pests would lead to a reduction in the use of pesticides and hence to a reduction in the relevant risks for and impact on human health and the environment, which is the ultimate objective of the SUD. However, it is not certain whether this causal link has materialised in practice, due to the lack of consistent monitoring of the implementation of the IPM principles by Member States; this makes it impossible to establish the level of IPM implementation at national level and, hence, whether it was effective or not. The Commission finds that ‘the assessment of IPM uptake at farm level by Member States was the weakest point of implementation across the EU’ and, therefore, this aspect needs to be improved. Furthermore, the national measures aimed at promoting the IPM principles vary strongly from one Member State to another in terms of both ‘existence and design’.

The systematic application of IPM could not be taken for granted either. The Commission finds that IPM enforcement is ‘low across most Member States’. Among the main obstacles for the proper implementation and enforcement of the IPM on the ground are: the fact that the general IPM principles (presented above) are not yet translated into assessable criteria for supporting, monitoring and enforcing the implementation of IPM at farm level; the limited availability of
practical guidelines on crop- and sector-specific requirements and of integrated approaches to cropping systems combining different techniques to control pests; the lack of practical alternatives in the form of biological, physical and non-chemical methods for pest control; economic concerns that the IPM principles serve mostly environmental protection and food safety rather than productivity and livelihoods, as well as concerns that there is limited benefit from placing on the market agricultural products grown in specific and alternative pest management systems.

Other than in the context of implementing the IPM principles, the difficulty of assessing the effectiveness of the SUD’s implementation is also commented on by the externally prepared study, underpinning the Commission’s evaluation. It notes that many of the SUD provisions have been implemented in most Member States, and have likely contributed to a reduced risk of pesticide use, as suggested by the decrease of HRI 1 (based on quantities of active substances sold) by 20 % from 2014 to 2018. However, this result is challenged by other indicators, such as observed loss of biodiversity in rural ecosystems, a trend of MRL exceedances and increasing HRI 2 (based on the number of emergency authorisations granted by Member States). These contradictory results are yet another reason why it is difficult to judge whether risks have been reduced or not, and hence whether the implementation of the directive has been effective or not. Below are the Commission’s main conclusions on the effectiveness of the various SUD requirements.

The NAPs are a key instrument envisaged by the SUD, with the aim of adapting the implementation of its requirements to local conditions. All Member States have adopted NAPs but, as mentioned, with a delay in several cases. The Commission’s review of these initial NAPs, published in 2017, showed that they suffered from deficiencies and that quality improvements were needed. In particular, Member States had to establish specific and measurable targets and indicators allowing progress in implementing the SUD on the ground to be monitored and adaptations of the strategies to be made. However, less than a third of Member States managed to review their initial NAPs within the five-year legal deadline and most of them failed to establish the quantitative goals, targets, indicators and timetables required by Article 4(1) of the SUD. According to the Commission report on the implementation of the SUD published in 2020, only a few of the reviewed NAPs set quantitative targets. This hinders the quantification of achievements and is thus another issue in terms of evaluating the effectiveness of the SUD. In particular, when the impact of NAPs at EU level is assessed, it is very difficult to establish the effectiveness of the various actions included in each NAP, which is mainly due to the lack of consistent and quantifiable data.

The Commission’s 2017 report indicated high compliance in terms of control systems ensuring the safe handling and storage of pesticides. Furthermore, in the Commission’s view, the feedback received from the online public consultation, open to the general public between January and April 2021, shows that the SUD might have improved pesticide users’ behaviour when, for example, disposing of empty pesticide containers (by rinsing and sending them to a collection centre for empty pesticide packaging) and wearing gloves and/or face masks when handling pesticides. However, feedback received via targeted surveys is mixed – pesticide users agree that measures to ensure appropriate storage, handling, dilution and disposal of pesticides have been implemented both at EU and national level, while NGOs, consumer organisations and civil society believe that the implementation of this requirement is either limited or absent.

On training, the evaluation notes that most Member States have established training and certification systems, resulting in a high level of compliance with the SUD’s provisions on training and certification of professional users, distributors and advisors. However, implementation across the EU is found to be inconsistent, which results in limited effectiveness of IPM and hence of the SUD, especially in terms of reducing dependency on the use of pesticides.

The Commission notes that PAE testing systems are available in all EU Member States (in some cases even prior to the adoption of the SUD) and that technical assistance has been ensured through the development of harmonised (ISO) standards for PAE testing. It appears, though, from the external study, that, while the directive had a certain role in improving the accuracy of PAE, quantifying this trend was difficult due to factors such as users’ proficiency. Quantifying the share of PAE which has been inspected, as required by the SUD, was also difficult. Furthermore, the effective carrying out of inspections is hampered by the lack of national PAE registers. The competent
authorities of only a small number of Member States appear to know how many pieces of PAE exist or are being used in their country. The evaluation concludes, therefore, that the SUD’s effectiveness as regards PAE inspections is ‘overall mixed’.

The Commission notes that a majority of Member States have taken measures to address the SUD’s requirement to reduce PPP use in specific areas such as playgrounds and public parks. It warns that measuring progress is difficult because measurable use targets are not available. Furthermore, the Commission notes that the lack of specificity in the HRIs and the lack of pesticide use data at EU level do not allow it to assess the reduction in PPP use or the risk in specific areas.

The SUD requires Member States to ban the spraying of PPPs by air. The evaluation confirms that all Member States have introduced such a ban in their national legal orders. However, a large majority of Member States have allowed for a derogation from this ban and aerial spraying is still performed on the ground. Nevertheless, areas treated by aerial spraying are assessed as ‘declining’ and the requirements for aerial applications for training of operators and inspection of equipment as ‘improving’. In the context of aerial spraying, the Commission notes stakeholders’ opinion that innovation and technological development could be strengthened and better supported, especially as regards the use of drones in precision farming. However, drones are not specifically mentioned by the directive, and therefore their use for spraying of PPPs by air is currently considered to fall within the scope of the ban imposed by the SUD, which stakeholders such as pesticide users, surveyed as part of the externally prepared study, think is hindering the application of new technologies in agriculture. Many stakeholders, specifically pesticide users and competent authorities, think that drones allow for a targeted application of pesticides and could thus reduce both the risk for them to be exposed to PPPs and the quantities used. This group of stakeholders think that specific training and inspection of drones would be needed to ensure they are used in a responsible way. However, some stakeholders are more sceptical as, in their view, the claimed risk reduction has not been proven. Some stakeholders consider that technological developments in the field of digitalisation and precision agriculture should be promoted instead of the use of drones.

Regarding the SUD’s requirement for Member States to protect water from the impact of pesticides and, in particular, drinking water, there are some indications of an overall decline of pesticide prevalence in water bodies. It is difficult, however, to link this decline to effective SUD implementation, as this trend may be attributed to other (regulatory) factors such as the fact that the approval of certain active substances, which pollute the aquatic environment, has not been renewed under the PPP Regulation. The Commission further notes that the lack of data on the use of pesticides at EU level – when combined with HRIs that are not specific enough – does not allow it to assess the reduction in PPP use or risk in specific areas of the environment.

Under effectiveness, the Commission also commented on the HRIs. Some stakeholders, whose feedback has been analysed by the external study, are concerned that indicators, and the HRIs specifically, are not effective because ‘they do not reflect clearly the actual impacts of pesticides on human health and the environment’. In particular, the use of data on sales of pesticides (for HRI 1 as a proxy for pesticide use data, which are not available at EU level) does not determine the application rate and method or the area of land where the pesticides have been applied. In this context, a key stakeholder suggestion is that alternative indicators need to be developed by taking a more holistic approach, which would allow for the use of pesticides to be monitored in the context of other parameters. However, this alternative approach would require the collection of additional data concerning pesticide use specifically.

Against the above backdrop, the implementation of the SUD was evaluated as being, overall, only ‘moderately effective’ in achieving its objective. The implementation of some SUD requirements such as IPM enforcement, PAE and NAPs was even evaluated as being ‘particularly poor’.

On efficiency, the evaluation finds that the likely benefits of the achieved risk reduction outweigh the costs stemming from the implementation of the directive. Health and environmental benefits are felt mainly by society at large and by the environment, and this in turn results in economic benefits ‘and/or reduced costs’. Direct costs (such as training, inspections, IPM) are borne mainly by the professional users of pesticides, and especially farmers. The Commission notes that the latter stakeholder category, including farmers who are the largest group affected by the SUD and in
charge of applying many of its provisions, has little direct economic benefit from the implementation of the directive.

The Commission notes that most of the directive’s provisions are internally coherent. However, there are deficiencies – such as the directive’s inability to ‘adequately monitor’ the use of pesticides and the risk they pose – which hamper the measurement and hence the assessment of whether its objectives are being achieved. Furthermore, when monitoring data is available, it has limitations, which makes it difficult to assess the uptake of IPM practices and how this affects the reduction of risks. Furthermore, the adoption of HRIs based on sales of pesticides rather than their use trends makes it impossible to evaluate the effects of the implementation of the directive.

The SUD was also assessed as being coherent with EU policies on health and safety of workers, as well as water protection. However, certain examples of incoherence were noted between the SUD, on the one hand, and the EU common agricultural policy (CAP) and the EU regulation on biocides on the other. The CAP and the SUD are intrinsically related and the successful implementation of the SUD depends on the CAP’s implementation. However, so far, the ongoing CAP (as designed for 2014-2020 and extended to the end of 2022) has not played a key role in the implementation of the SUD – for example, by ‘promoting/rewarding more sustainable practices’. The Commission notes that, although a few incentives in support of a change in agricultural practices exist, so far the CAP has not been specifically used as a policy instrument facilitating the transition towards IPM. In particular, although some Member States have invested in demonstration farms which have shown promising results, these have not yet been transformed into a systemic change in pest control practices. The Commission notes that the reformed CAP – to be implemented as of 1 January 2023 – may offer increased potential and more effective instruments to better support the achievement of the SUD’s objectives in the future.

The issue with biocides concerns the scope of the SUD, which, contrary to what is anticipated by Recital 2 of the SUD, has not been expanded to cover biocides. Before the SUD was adopted, only some Member States implemented measures aimed at the sustainable use of pesticides, and measures that did exist differed from country to country. Some Member States did not implement any measures. Hence, measures were neither harmonised nor uniform, which resulted in an uneven playing field for pesticide users and producers and different levels of protection of health and the environment across the EU. The Commission’s ex-post evaluation notes that the EU added value of the SUD lies in the creation of a harmonised framework for the sustainable use of pesticides, which did not exist before the adoption of the directive at EU level, and which supports a level playing field among Member States in terms of requirements. The evaluation reiterates, though, that the implementation of the relevant rules needs to be improved to ensure maximum EU added value in all Member States.

European Court of Auditors

In February 2020, the European Court of Auditors (ECA) published a special report on the sustainable use of PPPs. Its objective was to assess whether EU action has reduced the risk related to PPP use. The EU auditors found overall that, while action to promote the sustainable use of PPPs had been taken by the Commission and Member States, progress in measuring and reducing the risks of PPP use is limited.

The ECA finds that the implementation of the sustainable use elements of the EU pesticides policy had a ‘slow start’. Furthermore, the Commission and Member States have taken ‘increased’ action to reduce the risk related to PPP use only in ‘recent’ (up to 2020) years, which also includes putting IPM into practice. However, the auditors note that, even if the application of IPM is mandatory for users, Member States’ compliance checks are limited in scope. The report assumes that a reason for the lack of due enforcement is the absence of clear criteria on how users should apply the general IPM principles or how compliance is to be assessed by the competent authorities. The ECA report also notes coherence issues, namely that the CAP does not sufficiently support the implementation of IPM. On the one hand, various measures under the CAP – such as promoting IPM and organic farming, and establishing farm advisory systems to help farmers implement IPM in practice – can support the implementation of the SUD. On the other hand, even if mandatory for farmers, the
general IPM principles are not a condition for CAP payments. A general conclusion of the auditors is that the CAP does not sufficiently deter farmers from using conventional PPPs.

The ECA report notes that, although the ‘low-risk PPP’ concept was introduced as long ago as 2009, in early 2020 only a few active substances had been approved as low-risk. Furthermore, for a PPP to be authorised as low-risk, not only the active substance but also its co-formulants must be ‘of no concern’; this leads to a situation that, in practice, not all PPPs using approved low-risk active substances are authorised as low-risk PPPs, resulting in the low availability of low-risk PPPs for farmers, which hampers the application of IPM. The auditors suggest, therefore, that the Commission and Member States should accelerate the action they are already taking to increase the availability of low-risk PPPs. Another issue is that, while environmental monitoring is instrumental in confirming that there are no unacceptable effects or risks for the environment resulting from the use of PPPs, the focus of EU-level monitoring of PPPs in the environment is mainly on pesticides contained in water, which does not show the full picture on the effects of pesticide use on the environment.

The ECA is also critical about the way – as defined by EU legislation – statistical data on pesticides is collected, processed and made available to the public. Furthermore, the auditors find that data collected on PPPs used in agriculture under the current EU legislation are not comparable, and that Eurostat has never been able to publish EU-wide statistics on PPP use. Against this backdrop, the report suggests that better data on both sales and use of PPPs, including more geographical information, could be used to improve the measurement of environmental risks and impact, including in water bodies used for abstraction of drinking water.

The ECA report also comments on the Commission’s estimation of trends in EU-wide risks and impacts related to PPP use, published in November 2019. It is based on a calculation of the two HRIs adopted in May 2019. The auditors consider that none of the indicators show the extent to which the directive has been successful in achieving the EU objective of sustainable use of PPPs. In particular, the usefulness of the first indicator (using sales statistics for active substances contained in PPPs as a basis) is limited because it does not take into account how, when and where PPPs are used; furthermore, confidentiality rules do not allow for a detailed and useful analysis to be made. The ECA finds that, although the second indicator can be ‘valuable’ in collecting data on the number of emergency authorisations, this number taken alone does not provide information on the use of and risks posed by PPPs.

Based on the above conclusions, the ECA report makes three recommendations to the Commission: i) by 2022, the Commission should, first, check that the Member States convert the general IPM principles into practical and measurable criteria and that they verify these criteria at farm level, and, second, incorporate these measurable IPM criteria into ‘conditionality’ in the post-2020 CAP and ensure that they are enforced; ii) to improve statistics and environmental monitoring, by 2023 the Commission should address the following issues when revising the PPP statistics regulation: first, removing restrictive aggregation requirements for PPP statistics (Article 3(4)) to allow publication of more useful statistics (e.g. low-risk PPPs and active substances with specific properties), and, second, clarify, improve and harmonise the requirements for EU statistics on agricultural use of PPPs (Annex II) to make them more available, comparable and useful; iii) to assess the progress made towards policy objectives, by 2023 the Commission should improve the HRIs, or develop new ones that take into account, for HRI 1, the way PPPs are used and, for HRI 2, agricultural areas or volumes of active substances.

European Parliament

The European Parliament actively scrutinises the implementation of EU pesticides legislation and, in particular, the sustainable use of pesticides. In March 2020, soon after the ECA report was published, the Parliament’s Committee on the Environment, Public Health and Food Safety (ENVI) held an exchange of views with the EU auditors on the findings of their report. The Commission’s report on the implementation of the SUD, submitted under SUD Articles 4(3)(2) and 16 in May 2020, was addressed by ENVI in an exchange of views with the Commission in June 2020.
European Parliament resolutions

The findings of the ECA report were also taken into account by the Parliament’s resolution on a farm to fork strategy for a fair, healthy and environmentally friendly food system, adopted in October 2021. Among the many aspects of relevance to this policy area, the resolution paid specific attention to the EU pesticides policy, including the SUD's implementation and its revision.

On the implementation of the SUD, the Parliament noted that it is necessary to intensify efforts to significantly reduce the dependence on, risk from and use of harmful pesticides. It thus stressed the key role of IPM in reducing pesticide dependency and urged the Member States to ensure that it is applied and that its implementation is assessed and monitored systematically. It also called on Member States to convert the general IPM principles into practicable and measurable criteria and to verify these criteria at farm level. It called on the Commission to ensure that Member States effectively implement the IPM principles through their CAP strategic plans (to be applied under the reformed CAP as of 2023) and urged Member States to include well-defined and tailored measures and practices for every crop, such as flower strips as a baseline to reverse the use of pesticides and the resistance of pests. The Parliament also stressed that fast-track evaluation, authorisation and registration processes for non-chemical, low-risk pesticides need to be established, while ensuring that their assessment is subject to the same level of rigour as for other substances. The Commission was also called on to support Member States in improving their systems of supervision, monitoring and proper enforcement of the rules on the use of pesticides and to enhance communication with and raise awareness among their final users.

The Parliament welcomed the upcoming (as at October 2021) revision of the SUD, and was convinced that the reduction targets for pesticides are within reach but that their achievability depends on the availability of safer, effective and efficient alternatives. It emphasised the need for these reduction targets to be binding and the importance of pursuing them by holistic, preventive and circular approaches such as organic and agro-ecological practices, innovative sustainable agricultural practices, implementing precision agriculture and integrated crop and pest management practices, where appropriate, and the use of sustainable alternatives aided by a life-cycle perspective.

The Parliament insisted that each Member State, depending on its climatic and agricultural production characteristics, should establish robust, effective and time-bound quantitative reduction targets in their reviews of the CAP strategic plans and other relevant policy instruments, with the aim of reducing to zero agricultural emissions to air, soil, ground- and surface-water, in line with the European Green Deal's zero pollution ambition. These should be accompanied by well-defined, crop-specific support measures ensuring accountability and enforceability at all levels, and using independent and complete data to help achieve these targets, as well as support and training for implementation at farm level and further research and development for innovative and sustainable farming solutions. MEPs also called for the reduction targets to be translated into legislation, including through the revision of the SUD, and on the Commission to clarify: how it will deal with individual Member States’ contributions to a Union-wide binding target, while ensuring a level-playing field; the baselines for these targets, taking into account the different starting points of, efforts undertaken by and characteristics of each Member State, and identifying clearly the many non-synthetic and other alternatives known today, their availability, and the impact on the viability of the sector, on farmers’ incomes and on food security.

The Parliament also invited the Commission to draft a plan on minimising synthetic inputs in agriculture, and to support Member States in giving particular attention to the specific conditions that apply to the use of PPPs in groundwater protection zones through better communication, monitoring and inspections.

In its previous legislature, the Parliament expressed views on pesticides and their use in a number of non-legislative resolutions. Three of them were entirely dedicated to plant protection products, namely, the resolution on the Union’s authorisation procedure for pesticides adopted in January 2019 (based on an own-initiative report of the Special Committee on the Union’s authorisation procedure for pesticides (PEST)) and two resolutions based on own-initiative implementation
reports of the ENVI committee – the resolution on the implementation of the SUD, adopted in February 2019, and the resolution on the implementation of the PPP Regulation, adopted in September 2018. All three resolutions are based on, among other things, the findings of two topical European Implementation Assessments (EIA) – on the implementation of the PPP Regulation and on the implementation of the SUD – published by the Ex-post Evaluation Unit of EPRS in 2018.

The Parliament’s resolution on the implementation of the SUD called on the Commission to: propose an ambitious EU-wide binding target for the reduction of pesticide use; further develop guidance on all the IPM principles and their implementation, and, in this context, to establish guidelines on criteria for measuring and assessing the implementation of IPM in the Member States. It also called on both the Commission and Member States to take all requisite measures to promote low-risk pesticides, and to prioritise non-chemical options and methods which entail the least risk of harm to health and the natural environment, while ensuring effective and efficient crop protection. The resolution also stressed that, for this to be successful, the economic incentives for farmers to choose such options must be strengthened. In addition, during its previous legislature, the Parliament addressed the implementation of the SUD in several other resolutions, including the resolution on the draft Commission implementing regulation renewing the approval of the active substance glyphosate, adopted in October 2017, the resolution on low-risk pesticides of biological origin, adopted in February 2017, and the resolution on technological solutions for sustainable agriculture in the EU, adopted in June 2016.

Questions from Members of the European Parliament

In June 2022, soon after it was revived as part of the Parliament’s plenary session, the ‘Question time’ agenda item allowed Members of the European Parliament (MEPs) to discuss with the Commission the implementation of the EU pesticides legislation, with a focus on reducing the use of pesticides and strengthening protection for consumers.

Individual MEPs are also active in raising issues related to pesticides, including their use, by submitting written questions to the Commission. On the implementation of the SUD, in particular, examples of issues raised include suspected illegal aerial spraying in individual Member States, pesticide residues found in the environment (in specific EU regions, sites and animal species), delays in the submission and review of NAPs, pesticides statistics and HRIs. Since 2020, MEPs have also put the use of pesticides in the context of the farm to fork strategy.

Petitions and citizens’ enquiries

As mentioned, pesticides are of concern for citizens. This is evident from the fact that the Parliament has received several petitions and enquiries from citizens and citizens’ organisations concerning the placing of PPPs on the market and their use, including the implementation of the SUD.19

Council of the European Union

The Council expressed its views on the SUD’s implementation and its revision on several occasions. For example, in its conclusions from 1 July 2020 on the ECA special report, the Council agreed with the auditors’ finding that the effective monitoring of PPP use at EU level should be improved by providing for more precise reporting obligations – including more detailed non-aggregated data on their use in accordance with data protection legislation – but in a practical and feasible manner and within the framework of farmers’ existing reporting obligations, to limit the administrative burden as much as possible. Furthermore, it agreed that providing more alternative methods and lower-risk PPPs can help farmers apply IPM, and highlighted the importance of education, training, research, the development of new techniques and technologies, and the application of precision farming, as well as their take-up by farmers. Member State governments took note of the ECA’s finding that the existing HRIs do not entirely show the extent to which the requirements of the SUD have successfully influenced the sustainable use of pesticides, nor do they take into account the differences between Member States. In this context, they welcomed the Commission’s intention to develop better HRIs to reflect more clearly the risks and impact of PPP use for health and the environment. The ministers proposed that the revision of the SUD should include clear and more
ambitious obligations regarding the reduction of risk from PPP use, based on improved HRIs, and encouraged Member States to support this process, while taking into account the objectives of the European Green Deal and the farm to fork and biodiversity strategies.

In December 2020, the Council adopted conclusions on the Commission’s 2020 report. It considered that the findings on the NAPs do not give a complete overview of all measures and policies in the Member States concerning the sustainable use of PPPs, reducing risks and the application of the IPM principles, and stressed that additional policies and measures, strongly related to the SUD, should be taken into account. It also emphasised that variations in climate, agriculture and farming systems and practices among Member States are considerable. Therefore, the Council pointed out that it may not be achievable to harmonise IPM across all crops and all Member States, and consequently encouraged them to establish crop-specific guidelines for each Member State to best fit local circumstances.

Also on IPM, the Council stressed that the introduction of alternative methods and technologies at farm level requires adaptation and adequate investment, but that it should not lead to a disproportionate economic burden for farmers. The Council underlined that, to improve the implementation of IPM, it is necessary to put more effort into training stakeholders and into advisory systems to support farmers in considering alternatives to plant protection products. Member States’ governments noted specifically that translating IPM principles into controllable criteria represents a challenge, and therefore called on the Commission to support Member States in addressing this challenge. On HRIs, the Council pointed to the difficulty in drawing robust conclusions on the performance of a Member State in terms of reducing reliance or dependence on chemical PPPs and reducing the risk associated with PPP use, as required by the SUD. It also strongly recommended further work in this area by taking into account previous efforts by Member States. The Council reaffirmed that the indicators must accurately reflect the risks arising from PPP use, taking into account their possible impact on health and the environment.

**EU advisory bodies**

In April 2021, the European Economic and Social Committee (EESC) adopted an information report, which presented the findings of an evaluation of the SUD run by the Committee itself. The key findings of the report stress, among other things, that the SUD has been effective in achieving better PPP use. In their strong commitment to moving towards more sustainable agricultural practices, farmers also need to have profitable alternatives and solutions. Alternative solutions should be affordable for farmers, in order for them to continue producing food and supply the European and world population with healthy, safe, quality products at good prices. The new (revised) directive must start from a holistic approach and be ambitious enough to ensure that no party falls behind in the common goal of achieving a cleaner and more sustainable Europe.

In its opinion on the farm to fork strategy adopted in December 2020, the European Committee of the Regions (CoR) considered it imperative to reduce the overall use and risk of chemical pesticides by 50 % and the use of more hazardous pesticides by 50 % by 2030. At the same time, the CoR considered that farmers must be provided with ‘genuine alternatives to both the pesticides and farming practices used that do not limit their productivity, with more resources being allocated to research in this area and ensuring faster market access’. 
ENDNOTES

1 Some pesticides are biocidal products governed by Regulation (EU) No 529/2012 concerning the making available on the market and use of biocidal products. This briefing concerns only the use of pesticides that are PPPs. The SUD does not cover biocidal products, and therefore any reference to ‘pesticides' in this briefing should be understood only as ‘pesticides that are PPPs'.

2 At the time of writing, the vote on the provisional agreement on the text of the regulation by the Parliament’s plenary and the Council of the EU is pending. Developments can be followed via the EP legislative train schedule.

3 Developments can be followed via the EP legislative train schedule.


5 The four deadlines follow the corrigendum to the SUD adopted on 21 October 2009.

6 The documents containing the results from both the ex-ante IA and the ex-post evaluation are available here.

7 The final report of the study supporting the ex-post evaluation is available here. The final report of the study supporting the ex-ante impact assessment is available here.

8 The final report of the foresight study is available here.

9 Namely, SWD(2022) 170, part 2/2.

10 See the Commission's Better Regulation guidelines and toolbox.

11 In contrast, the use of drones for crop surveying is not considered to fall within the scope of the aerial spraying ban.

12 The externally prepared study specifies that these opinions come from two interviews with the competent authority of one Member State and ‘one NGO or academia' (see p. 85 of the study).

13 The externally prepared study specifies that these opinions come from one interviewee each from pesticide users, pesticide producers or distributors, and national competent authorities (see p. 85 of the study).

14 The externally prepared study specifies that these opinions come from the following stakeholder categories: EU institution representatives, ‘other' industries impacted by SUD, two NGOs, and seven national competent authorities (see p. 48 of the study).

15 The ex-post evaluation refers to the findings of the 2020 Commission report (under Article 4(3)(2) of the SUD), which included a compliance-monitoring index to quantify progress in implementation by and between Member States. The index showed ‘a particularly poor implementation' of the directive with regard to IPM enforcement (34 % implementation by 2019), PAE (41 %) and NAPs (53 %).

16 Specifically as regards the use of pesticides on a larger scale.

17 See item 6 of the agenda of the ENVI meeting held on 5 March 2020. The video recording is available here.

18 See item 5 of the agenda of the ENVI meeting held on 29 June 2020. The video recording is available here.

19 See, for instance, Petition No 1418/2014 by Harry Durimel (French) on the quality of water in Guadeloupe and Martinique and the inaction of French authorities, which, among other things, claims authorised aerial spraying via derogations. The Commission confirms in its last reply of 8 June 2020 that it has verified the implementation of the SUD in France (via two audits carried out in 2015 and 2018) and has not found irregularities as regards aerial spraying of pesticides.

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