



**2022/0196(COD)**

8.3.2023

# **DRAFT OPINION**

of the Committee on Development

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council  
on the sustainable use of plant protection products and amending Regulation  
(EU) 2021/2115  
(COM(2022) 0305 - C9-0207/2022 – 2022/0196(COD))

Rapporteur for opinion: Michèle Rivasi

PA\_Legam

## AMENDMENTS

The Committee on Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Citation 1

###### *Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

###### *Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) **and Article 208** thereof,

Or. en

### Amendment 2

#### Proposal for a regulation

##### Recital 3

###### *Text proposed by the Commission*

(3) The European Parliament resolution of 12 February 2019 on the implementation of Directive 2009/128/EC on the sustainable use of pesticides<sup>41</sup> noted that the Union must act without delay to transition to a more sustainable use of pesticides and called on the Commission to propose an ambitious Union-wide binding target for the reduction of pesticide use. The European Parliament re-affirmed its call for binding reduction targets in its resolution of 20 October 2021 on a Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system<sup>42</sup>.

###### *Amendment*

(3) The European Parliament resolution of 12 February 2019 on the implementation of Directive 2009/128/EC on the sustainable use of pesticides<sup>41</sup> noted that the Union must act without delay to transition to a more sustainable use of pesticides, ***including addressing imported agricultural products treated with banned or restricted pesticides in the European Union***, and called on the Commission to propose an ambitious Union-wide binding target for the reduction of pesticide use. The European Parliament re-affirmed its call for binding reduction targets in its resolution of 20 October 2021 on a Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system<sup>42</sup>.

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<sup>41</sup> P8\_TA(2019)0082, 12 February 2019.

<sup>42</sup> P9\_TA(2021)0425, 20 October 2021.

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<sup>41</sup> P8\_TA(2019)0082, 12 February 2019.

<sup>42</sup> P9\_TA(2021)0425, 20 October 2021.

### Amendment 3

#### Proposal for a regulation Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(3 a) Decades of research have resulted in the banning and severe restriction of some highly hazardous pesticides. However, an international legally binding agreement to regulate pesticides does not currently exist, meaning that the number of hazardous substances banned globally is extremely limited. For instance, the Stockholm Convention on Persistent Organic Pollutants only restricts or prohibits a few pesticides globally. Other international agreements regulate only certain aspects of pesticides trade. For example, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention) requires States to share information on the export and import of certain hazardous pesticides and the Basel Convention regulates the international trade of hazardous pesticides only after they become waste.***

Or. en

### Amendment 4

#### Proposal for a regulation Recital 3 b (new)

*Text proposed by the Commission*

*Amendment*

***(3 b) Many States have been taking domestic action on the use or market access of certain pesticides due to the risks to human health or the environment. Regulatory actions include banning these substances, refusing their approval, or***

*severely restricting their use. In France, for example, the law of 30 October 2018, on the agricultural and food sectors, foresees in its Article 83 a new prohibition relating to the production, storage and circulation of plant protection products containing unapproved substances in the European Union.*

Or. en

## **Amendment 5**

### **Proposal for a regulation Recital 3 c (new)**

*Text proposed by the Commission*

*Amendment*

*(3 c) However, locally banned or unapproved pesticides are still manufactured for export and use in other parts of the world. This practice has been characterized as a “double standard,” as high-income countries continue to allow the production of their unwanted substances for export. In 2018 alone, more than 81,000 tonnes of pesticides containing 41 different hazardous chemicals banned for agricultural use in the EU, were exported by European corporations*

Or. en

## **Amendment 6**

### **Proposal for a regulation Recital 3 d (new)**

*Text proposed by the Commission*

*Amendment*

*(3 d) Countries receiving pesticides often have less stringent protective regulations and limited technical capacity to handle hazardous substances, resulting in toxic exposure affecting their populations and their environment, with severe impacts on human health, ecosystems, and the economy. These*

*circumstances are especially relevant in low- and middle-income countries, which have been at the receiving end of hazardous chemicals and pesticides from high-income countries for decades.*

Or. en

## **Amendment 7**

### **Proposal for a regulation Recital 3 e (new)**

*Text proposed by the Commission*

*Amendment*

*(3 e) The United Nations Report of 24 January 2017 of the Special Rapporteur on the right to food, written in collaboration with the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, stresses that excessive use of pesticides are very dangerous to human health, to the environment and that the claim that they are vital to ensuring food security is misleading. In this regard, it called for establishing policies to reduce pesticide use worldwide and develop regulatory framework, grounded on a human rights approach, for banning and phasing-out of highly hazardous pesticides, coupled with a transition towards agro-ecology, to achieving the Sustainable Development Goals.*

Or. en

## **Amendment 8**

### **Proposal for a regulation Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*(4 a) In its Chemicals Strategy for Sustainability, the EU committed to prohibiting the exports of domestically*

*banned substances.*

Or. en

## **Amendment 9**

### **Proposal for a regulation Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***(4 b) This Regulation should comply with the principle of policy coherence for development, as enshrined in Article 208 of the TFUE, bringing an end to the causing of serious harm to developing countries caused by the non-extension of the Union's legal ban on highly hazardous pesticides to export of these pesticides to third countries.***

Or. en

## **Amendment 10**

### **Proposal for a regulation Recital 4 c (new)**

*Text proposed by the Commission*

*Amendment*

***(4 c) Pesticides are widely used throughout developing countries, and the demand for them is increasing due to the shift in agricultural policies, from traditional food production for local consumption to export-oriented cash crops. The Commission should work in partnership with developing countries for the sustainable use of pesticides, through provision of technical and financial assistance, strengthen research and capacity building programmes in the framework of the Rotterdam Convention, and support collaboration among developing countries to reinforce pesticide risk regulation.***

Or. en

## Amendment 11

### Proposal for a regulation Recital 4 d (new)

*Text proposed by the Commission*

*Amendment*

***(4 d) According to the Legal Opinion of the Center for International Environmental Law (CIEL), the failure by European States to ban the export of banned or unapproved pesticides impairs the right to health in the importing States, and it, therefore, constitutes a breach by European States of their international human rights obligations. Hence, the Union and its Member States have a legal obligation to completely and immediately ban all exports of these hazardous chemical active substances and pesticides and end this illegal and dangerous trade, in line with the Commission's Chemicals Strategy for Sustainability.***

Or. en

## Amendment 12

### Proposal for a regulation Article 12 – paragraph 3 (new)

*Text proposed by the Commission*

*Amendment*

***3. The Commission shall support the implementation of integrated pest management in developing countries, through provision of technical and financial assistance and strengthen research in the fields of agroecology, organic farming and integrated pest management.***

Or. en

## Amendment 13

### Proposal for a regulation Chapter VI a (new)



***Trade and cooperation with third countries.***

***Article 1 - Import of agricultural and agri-food products from third countries***

***1. The import of agricultural and agri-food products from third countries is prohibited if they have been treated or produced with substances that do not meet the approval criteria set out in points 3.6.2 to 3.6.5, 3.7 and 3.8.2 of Annex II of Regulation 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market.***

***2. The production, storage and export from the European Union of banned active substance and plant protection products not approved by Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing on the market of products phytopharmaceuticals or not complying with the identification and traceability requirements imposed by this same regulation is prohibited.***

***Article 2 - International cooperation on information on the use of plant protection products***

***1. The Commission shall start a dialogue with third countries to set up partnerships and cooperation mechanisms to strengthen the collection and transparency of data on the use of plant protection products in third countries and to allow the exchange of information between those countries on the one hand, and the Commission and the Member States on the other.***

***2. These partnerships and cooperation mechanisms may include structured dialogues, support programs and measures, and administrative procedures.***

*They shall aim to promote the reduction in the use of plant protection products in third countries and a transition towards non-chemical alternatives to pesticides and integrated pest management practices.*

*3. The Commission shall encourage third countries to set up public databases containing precise information on the use of plant protection products.*

*4. The Commission shall encourage third countries to require producers, suppliers, distributors, importers and exporters to keep registers of the plant protection products they produce, import, export, store or place on the market for at least five years. In addition, third countries shall be encouraged to require professional users of plant protection products, to keep for at least three years a record of each use of such as product, containing the name of the plant protection product, the time and the dose of application, the area and the crop treated. The information contained in these registers shall be available to be communicated on request to the competent authorities of third countries as well as to interested third parties, such as the drinking water industry, retailers or residents.*

Or. en

## **Amendment 14**

### **Proposal for a regulation Article 27 – paragraph 4 (new)**

*Text proposed by the Commission*

*Amendment*

*4. The Commission shall support developing countries in accessing up to date information on risks associated with the use of plant protection products through the website or websites referred to in paragraph 2.*

**Amendment 15**

**Proposal for a regulation**  
**Article 39 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 39 a***

***The Commission shall support developing countries in establishing an efficient process of re-evaluating pesticide registrations according to contemporary good regulatory practices, in line with the FAO/WHO Code of Conduct.***

Or. en