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**From:** César González

**Sent:** 15 December 2016 17:47:15 (UTC+01:00) Brussels, Copenhagen, Madrid, Paris

**To:** SG INPUT ROADMAPS FEEDBACK

**Subject:** Roadmap: Feedback received for REFIT Evaluation of the EU legislation on plant protection products and pesticides residues (Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005) - DG:SANTE - Register ID :09586631237-74

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## **Your Voice In Europe: ROADMAP feedback for REFIT Evaluation of the EU legislation on plant protection products and pesticides residues (Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005)**

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**Related document: REFIT Evaluation of the EU legislation on plant protection products and pesticides residues (Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005)**

### **Feedback:**

*Since more than one decade, the EU has been applying a more restrictive approach to chemicals, and specifically to Plant Protection Products (PPPs). The hazard-based approach results in removal of active substances from the market, whilst at the same time, not many new active substances are coming in. In addition, we see higher political interference in the approval procedures worsening the situation.*

*This situation endangers farmers' ability to effectively fight against pests and diseases. Availability of proper tools (mechanical, chemical or biological) is a key element to properly implement Integrated Pest Management (IPM).*

*Copa and Cogeca are and have always been strong supporters of the mission and objectives of the European Food Safety Authority (EFSA). We believe that it is also essential that EU Institutions and Member States (MS) build confidence in the European food safety system. EFSA provides independent, transparent and professional scientific assessment and plays a key role in the procedure to place PPPs on the market by ensuring consistent evaluations of active substances and the setting*

*up of Maximum Residue Levels (MRLs).*

*The main purposes of Regulation 1107/2009 are: 1) to ensure a high level of protection of both human and animal health and the environment and 2) to improve the functioning of the internal market while improving agricultural production.*

*After 7 years of implementation, the current legislation is clearly failing to deliver the second objective, putting the single market and EU farmers at risk. EU legislation should be based on science and risk, allowing the accomplishment of the two objectives (instead of excluding substances based only on certain hazardous properties).*

*Although Copa and Cogeca see the creation of zones as a positive step in the right direction, the ultimate goal should be the creation of a single zone for the whole EU. We support an EU harmonised authorisation system for PPPs (an operational and up-to-date database for authorised PPPs in all EU MS could be the first step).*

*The principle of Mutual Recognition (MR) is one of the means of ensuring the free movement of goods within the Community. However, we see a clear lack of willingness from MS to properly apply it (among and within zones). The precautionary principle is often misused by MS for political issues at national level, endangering availability of products for farmers and disrupting the single market (recent examples are glyphosate or dimethoate).*

*The delays in granting authorisations of PPPs exceed the legal deadlines for both approval and re-authorisation of PPPs. This is primarily caused by a lack of EU harmonisation and routine requests from MS for additional studies and clarifications. The procedure of MR urgently needs to be reinforced and strengthened (substances approved under the previous Directive can also be granted for MR).*

*Regulation 1107/2009 includes some mechanisms that endanger the functioning of the single market due to the different national implementations (i.e. Candidates for Substitution and Endocrine Disruptors, which work with derogations). In this respect, we consider that working with derogations will only reduce availability of active substances and products. This would create serious market disruptions in several agricultural sectors in the EU and thus leading to distortion of competition between MS.*

*In addition, the EU legislation is not properly addressing the lack of low-risk active substances. Increasing availability of such substances should also be part of the discussion. In this respect, we welcome the draft amendments as regards the criteria for the approval of low-risk active substances. This will offer more solutions for farmers and at the same time, address some of the inconsistencies between Regulation 1107/2009 and Sustainable Use Directive.*

*We welcome the setting up of the Minor Uses Coordination Facility as a forum for discussion among the European Commission, the national authorities and the sector. There is a clear need for a long-lasting and sustained financing. This is especially important in the case of Minor Uses and Specialty Crops (MUSC), where the availability of PPPs is already very limited, due to the inappropriate functioning of the MR, the high costs of development of new substances and the lack of interest to invest in small markets. In this respect, we support a pan-European system of authorisation for MUSC and a common list of major/minor crops to be applied at EU level (instead of 28 different ones).*

*There is a very high level of compliance with the MRLs system among EU farmers (according to EFSA) while a higher prevalence of residues exceeding MRLs is observed for imported products. Therefore, we are not in favour of a change in the system that involves third exporting countries at an earlier stage of the process of*

*definition of MRLs. Despite the huge effort of the sector, European consumers will still be exposed to residues and the effects on the environment of the use of pesticides in third countries will remain.*

*We would like to underline that while the EU is further strengthening its legal framework on PPPs and thus their availability, many of the substances already banned in the EU are still used in several third countries. This represents a clear loss of competitiveness in the long-term for EU in comparison with non EU countries, where the substances would still be part of farmers' toolboxes.*

*Finally, we want to highlight the importance and the need for a consistent approach between different pieces of legislation (PPP, biocides, contaminants). Some substances fall under different categories, leading to different requirements for similar purposes. This is especially the case for rodenticide control in mice or biocides used for disinfection in IPM (ensuring a high level of microbiological safety may reduce the need for PPPs).*

**Feedback file:**