Sustainable Use of Pesticides Regulation proposal

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European Commission to withdraw proposed strategy for sustainable use of pesticides

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

Update

On 6 February 2024, European Commission President Ursula von der Leyen announced that the Commission will withdraw its own proposal for a Regulation on the sustainable use of plant protection products (pesticides) (European Commission 2024a). That proposal set out an ambitious strategy for reducing pesticide use by establishing targets (50% reduction by 2030); enhancing the measurement of pesticide use; and harmonising integrated pest management (IPM) practices. The decision comes in the context of weeks of protests by EU farmers (Euractiv 2024). These protests reflect concerns about the future of farming, including the impacts of new regulations with stricter environmental demands. Withdrawal of the proposal follows its rejection by the European Parliament in November 2023, and the failure of the Council of the EU (the Member States) to reach agreement on an alternative.

The Commission has also launched a Strategic Dialogue on the Future of EU Agriculture (European Commission 2024b) – a close consultation of all stakeholders in the food supply chain – which will come up with new recommendations on the future agricultural policy. The Commission may put forward a new proposal on the sustainable use of pesticides taking into account the outcome of this Strategic Dialogue.

What is changing?

European Commission to withdraw proposal

The EU's global aim is to reduce dependence on chemical pesticides. However, in the light of recent farmer protests, the Commission recognises that:

"Many [farmers] feel pushed into a corner. Farmers are the first in line feeling the effects of climate change. Droughts and floods have destroyed their harvests and threatened livestock. Farmers are feeling the impact of the Russian war. Inflation, the rising cost of energy and fertilisers." (European Commission 2024a)

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In this context, the Commission's proposal on the sustainable use of pesticides became "a symbol of polarisation". This led the European Parliament to reject the Commission proposal in November 2024, and has prevented the Council of the EU from making progress on an alternative proposal. The Commission therefore decided to withdraw the proposal.

In parallel, the Commission has launched a Strategic Dialogue on the Future of Agriculture in the European Union (European Commission 2024b), recognising that "to move forward, more dialogue and a different approach is needed". This dialogue may lead to a new proposal "with much more matured content and with the stakeholders together" (European Commission 2024a).

The proposal was likely to have a far greater impact on EU farmers than on non-EU agri-food suppliers. Non-EU suppliers are most affected by reduced maximum residue levels (MRLs) where pesticides are no longer approved for use in the EU. The current trend of reducing the number of authorised pesticides is not likely to be affected by the withdrawal of this proposal.

Main points in the original European Commission proposal

Set pesticide reduction targets

The Commission proposed an EU-wide reduction of 50% by 2030 in both the use and risk of chemical pesticides; and the use of more hazardous pesticides (Art. 5). Those targets were to be measured against the average pesticide use during 2015–2017, and each EU Member State was expected to adopt its own national targets towards those goals. The national targets were intended to reflect existing practices, defined as pesticide intensity (use per hectare). Member States with high intensity use during 2015–2017 were expected to decrease by 65%, and those with low intensity use by 35%. To monitor the use of hazardous pesticides, each substance was to be given a hazard weighting.

The proposal set out a number of strategies to support pesticide reduction:

- Integrated pest management (IPM) (Arts 12–13): professional pesticide users woud have to demonstrate that all other options had been considered before resorting to the use of chemical pesticides (e.g. crop rotation, use of resistant cultivars).
- Ban on pesticides in sensitive areas (Art. 18) including public parks, sports grounds, urban areas with water features, and ecologically sensitive areas.
- New rules on aerial application (Arts 20–21), which would be prohibited except where Member State authorities determined that no alternative was feasible, or where impacts on human health or the environment were limited.
- Obligatory training for professional use of pesticides (Art. 17), and requirements that more hazardous pesticides could only be applied by professional users. Application equipment would be registered by owners (Arts 29–33) and checked every 3 years. Advice was to be given only by trained advisors.

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- Member States would have to put in place structures to facilitate the safe disposal of pesticides (Art. 22).
- Member States would have to designate a competent authority responsible for awareness-raising programmes and setting up websites to inform the public about pesticide risks (Art. 27). A further competent authority would monitor acute/ chronic poisoning incidents from exposure to pesticides (Art. 28).

Carry out accurate measurement of pesticide use

According to the original proposal, whenever a professional pesticide user within an EU Member State used a pesticide, they would have to enter an electronic record in a register established by the Member State authorities. This included information on the identified pest level, the reason for the preventive measure, and the name of the advisor who proposed the intervention (any professional user of pesticides would have to consult at least once a year with an independent advisor) (Arts 14–16).

Apply integrated pest management

In the proposal, Member States would have to adopt crop-specific rules implementing the principles of IPM. These rules would identify the most economically significant harmful organisms affecting the crop, and set out the non-chemical interventions that are effective against these pests, and the conditions of application. They would also identify low-risk plant protection products, and conditions in which chemical products may be used after all other means of control have been exhausted.

Council request for impact assessment study

Due to developments including the war in Ukraine, and the resulting increases in energy, fertiliser, and food prices, the Council requested an additional impact assessment on the implications of reducing pesticides on food and feed security. The Commission produced an additional study in July 2023 that aimed to address these concerns.

Timeline

The Strategic Dialogue on the Future of EU Agriculture, formally launched on 25 January 2024, will hold a series of meetings in the first 6 months of 2024 and aim to present recommendations to EU institutions by the end of the EU summer. This may lead to a new proposal on the sustainable use of pesticides, but there is currently no timeline for this process.

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What are the major implications for exporting countries?

Implications of withdrawal of the proposal

In recent years, there has been a continual and significant reduction in the number of pesticides approved for use in the EU, due to the strict safety and environmental criteria set by the EU. This includes phasing out and setting low MRLs for many older pesticides that are often used only in low- and middle-income countries. The proposed changes would have reinforced this process by setting stringent targets and improving monitoring of pesticide use.

However, the overall trend in the reduction of approved pesticides in the EU is unlikely to change, and exporting countries will still need to adapt to continually changing MRLs.

Implications of the original Commission proposal

Opportunities

Various studies have aimed to quantify the possible impacts of the original targets, taking into account reduced use of pesticides and fertilisers, and increases in organic area, for example:

- decreases in production: cereals (–15%), vegetables (–12%) (Barreiro-Hurle et al. 2021)
- decreases in production: milk (–6.3%), beef (–20%), cereals (–21.4 %), oilseeds (–20%) (Henning et al. 2021)
- decreases in supply: meat (–14%), milk (–10%) (Barreiro-Hurle et al. 2021)
- 12% reduction in agricultural production (Beckman et al. 2020)
- production declines of 10–20% (disregarding organic targets) (Bremmer et al. 2021).

These analyses suggest the potential for a significant increase in imports into the EU from non-EU countries, regardless of any changes to consumption (such as increased consumption of fruit and vegetables promoted by the Farm to Fork Strategy). But the validity of these projections has been challenged (European Commission 2021, 2023; Joint Research Centre 2023). Some stakeholders argue that a 50% reduction in pesticide use would not require a sufficient change of practices, or cause significant yield reductions (PAN Europe 2022).

Challenges

The proposal focused on reducing pesticide use, rather than on approvals of specific pesticides. However, the EU's existing pesticide strategy is likely to reduce the number of authorised substances available to farmers (CropLife Europe 2022). Where this happens, in many cases MRLs may be reduced to a default level of 0.01 mg/kg, affecting the use of these substances on crops for export.

This could mean challenges for non-EU producers who face different climatic conditions and have different pesticide needs. There is some recognition of this problem in the proposal. Member States with "outermost regions" (such as France, with French Guiana, Guadeloupe, and

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Réunion) would be permitted to "take measures tailored to these regions in the national action plans taking into account the particular needs related to the specific conditions and crops in these regions" (Art. 8(5)). But it is not clear how such needs would be taken into account in practice, including in non-EU countries.

In some countries, alternative solutions may not be available to the same extent as in the EU. Alternative, lower-risk pesticides are often more expensive and less effective, and are frequently unavailable (not registered in non-EU countries).

These issues are particularly challenging for speciality (minor) crops, including most fruit and vegetables. The range of tools available for growers of these crops is already very limited, and further reductions in the availability of active substances could render production unviable in some cases.

The rejected proposal emphasised IPM as a solution to the loss of pesticide active substances. However, the current uptake of IPM varies considerably between countries. While the concept is widely understood, the availability of practical and effective strategies adapted to specific crops and local agroecological circumstances may, in reality, be very limited. Underfunding of national research and extension programmes may limit the development and adoption of IPM strategies.

Any increased demand that may result from reduced EU production comes with costs for developing countries. Lower production implies higher world market prices, a particular problem for developing countries dependent on food imports (Matthews 2022).

Some European farmers criticised the proposal for not setting out alternatives to chemical pesticides, and for the additional bureaucratic burden of mandatory record-keeping on IPM practices and plant protection strategies (CEJA 2022). IPM is already broadly applied and therefore is not seen as a solution (COPA-COGECA 2022).

Background

The EU already has a strategy set out in the Sustainable Use of Pesticides Directive 2009/128/EC. But this strategy has been weakly implemented by Member States (Ramboll & Arcadia International 2021), and its goals do not reflect the ambitions for agricultural transformation set out in the Commission's Farm to Fork Strategy. One of the Directive's key flaws is the lack of monitoring data with which to assess progress on reducing pesticide use. The Commission's proposal proposed more explicit requirements for Member States regarding many issues that are already included in the 2009 Directive, such as limits on aerial application, rules on handling, and limits on use in specific areas.

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Resources

Barreiro-Hurle, J. et al. (2021) Modelling environmental and climate ambition in the agricultural sector with the CAPRI model.

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Bremmer, J. et al. (2021) Impact assessment of EC 2030 Green Deal targets for sustainable crop production.

CEJA (2022) Sustainable use of pesticides: On-field practicability remains a challenge.

COPA-COGECA (2022) SUR: Mandatory reduction targets but with limited answers on the ways to achieve them on-field.

CropLife Europe (2022) The Sustainable Use Regulation must embrace innovation as its key enabler.

European Commission (2021) Green Deal targets for 2030 and agricultural production studies.

European Commission (2023) Commission Response to Council Decision (EU) 2022/2572 of 19 December 2022 requesting that the Commission submit a study complementing the impact assessment of 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.

European Commission (2024a) Speech by President von der Leyen at the European Parliament Plenary on the conclusions of the European Council meetings, 6 February.

European Commission (2024b) Strategic Dialogue on the Future of EU Agriculture.

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Henning, C. et al. (2021) Ökonomische und Ökologische Auswirkungen des Green Deals in der Agrarwirtschaft.

Joint Research Centre (2023) Pesticide reduction amidst food and feed security concerns in Europe.

Matthews, A. (2022) Implications of the European Green Deal for agri-food trade with developing countries. European Landowners' Organization.

PAN Europe (2022) Pesticides regulation: European Commission moves forward towards 50% less pesticides.

Ramboll & Arcadia International (2021) Study Supporting the Evaluation of Directive 2009/128/EC on the Sustainable Use of Pesticides and Impact Assessment of its Possible

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Sources

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