

EEB RESPONSE TO THE FEEDBACK CONSULTATION ON THE SUR PROPOSAL

6 SEPTEMBER 2022

The international scientific community and the EU recognized decades ago the harmful effects of synthetic pesticides on human health and the environment. This is why, the EU has aimed, for decades too¹, at reducing their use and limiting their risk. The fact that these aims have not yet been achieved² points at a fundamental problem in the approach to, design and implementation of EU pesticide related policies.

In this context, the revision of the directive on the sustainable use of pesticides (SUD), this is, the proposal for a sustainable use regulation (SUR), can be a first step towards an effective and coherent pesticide reduction policy in the EU, if the mistakes of the past are not repeated. However, **unless significant improvements are brought to the proposal, the EU and Member States will trip a second time with the same toxic stone and the objectives of the SUR will not be achieved.**

Summary

This document focuses on four key essential aspects that need improvement or inclusion in the proposal. These are presented below and detailed in the following sections. The document complements EEB's position on the revision of the SUD ([here](#)), and the joint civil society statement on the revision of the SUD ([here](#)). Information on how to improve the Harmonized risk indicators (HRI) by Pesticide Action Network (PAN) can be found [here](#) and by Ecologistas en Acción (in Spanish) [here](#).

- I. **Despite being a regulation, the SUR proposal, leaves too much room to Member states for not complying with the legislation.** Such flexibility should not be allowed.
- II. **The definition of IPM, mandatory for farmers since 2014, is unclear. The proposal is confusing (misinformed) on the state of play in terms of existing alternatives to the use of chemical pesticides.** As per the phrasing of several articles in the text, these alternatives would not be yet available, which is not the case. The terms “non-chemical methods”, “preventative measures” and “interventions” need to be clarified to avoid greenwashing. The aim of the proposal must be enlarged to promote low-input agricultural systems.
- III. **Public information campaigns are insufficient in the proposal. Occupational illness linked to exposure to pesticides is not recognized at EU level (not mentioned in the proposal). It should be and pesticide victims should be able to get compensation.** Much of the lack of progress in reducing the use of chemical pesticides is due to the persistence of

¹ The Fifth EC Environmental Action Programme for the period 1993-2000 defined as a target the “reduction of chemical inputs” in agriculture, specifically setting as an objective “the significant reduction in pesticides use per unit of land under production” by 2000.

² The 2022 Food Watch report, [Locked-in Pesticides](#), shows that in the past few decades there has been no overall reduction in the use of pesticides in the EU.

old system of beliefs that, albeit scientific evidence proves otherwise, are locked in the idea that there are no alternatives to the use of pesticides, or that these are not as efficient. It is therefore necessary that the SUR proposal includes education and information measures to make these ideas evolve, so that progress towards achieving the common good - a resilient, future-proof, agricultural sector that produces enough food and protects human health and the environment- is achieved.

- IV. **Given the lack of progress in reducing the use and dependency on synthetic pesticides by Member states, the SUR proposal must include a set of measure to discourage their use, like an EU pesticide tax/levy.** The proposal must include strong provisions to make sure that MS set up a comprehensive sanction and control system for non-compliance with IPM requirements.

I. The proposal leaves too much room to Member states for not complying with the legislation.

One of the problems of the current SUD, being a directive, is its poor implementation by Member states. The new proposal takes the form of a regulation but still leaves too much flexibility to MS, with the likelihood that implementation problems at national level will persist.

1. **Role of the Common Agricultural Policy (CAP).** According to the proposal, the CAP Strategic Plans will be key in the implementation of the SUR³ (**article 8** on National action plans, **article 25** on training and certification and **article 26** on the independent advisory system).

In its 2020 report on the SUD⁴, the European Court of Auditors (ECA) outlined that one of the various problems in achieving its objectives was that the CAP contributed too little to the application of IPM. A recent joint policy briefing by EEB and BirdLife⁵, shows that the problem persists, this is, that the draft Strategic Plans of the new CAP do not contribute to the implementation of the IPM principles nor to the reduction in the use of synthetic pesticides. To solve these problem, eco-schemes and pillar 2 measures need to be strengthened to ensure a shift to agro-ecological practices. CAP subsidies should be result driven and targeted towards supporting farmers financially and technically in their transition to low input farming systems.

2. **Article 6** (Initial assessment of national targets by the Commission) and **article 11** (Commission's analysis of annual progress and implementation reports) of the SUR proposal allow Member States to not follow the Commission's recommendations. This flexibility should be removed.

³ [Regulation \(EU\) 2021/2115](#) of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development

⁴ ECA [Special Report 05/2020: Sustainable use of plant protection products: limited progress in measuring and reducing risks](#).

⁵ [Pesticides in the new CAP: business as usual puts nature and human health at risk](#). EEB, Birdlife (2022).

II. The definition of IPM is unclear and the proposal is confusing (misinformed) about the state of play in terms of existing alternatives to the use of chemical pesticides.

IPM is a “holistic approach” to managing pests and diseases. It includes agronomical practices, monitoring, physical control and biological control, in a certain order. Chemical pesticides are only applied as the very last resort, as they are not a sustainable alternative.

IPM, described by ECA as combining ‘common sense’ practices⁶, has been mandatory for farmers since 2014 and should be a cornerstone of the proposal, but it is not. The definition of IPM remains unclear in the proposal, leaving the door open to loose interpretations, this is, to greenwashing. IPM should be based on agroecological principles, but there is no mention of agroecology in the proposal. The draft proposal also fails to sufficiently recognize already available, albeit in many cases unused, non-chemical methods. The definition (or lack of proper definition) of non-chemical methods opens the door to greenwashing. To be coherent with the objectives of reducing the use and risk of chemical pesticides, one of its aims should be to promote low-input farming systems.

Article 1. Subject matter

- 3. Article 1.** Implementation of IPM is only made at the very end of the article and the objective of **“promoting alternatives approaches or techniques such as non-chemical alternatives to pesticides”**, included in the scope of the SUD (article 1), has been removed in the SUR proposal.

Clear objectives of the SUR should be to achieve the reduction targets and the organic farming target by 2030, to implement IPM and to promote low input farming systems (i.e. agroecology and organic farming) and non-chemical alternatives. While the targets are to be achieved until 2030, the other objectives will remain pertinent after 2030. The rest of the objectives like awareness raising (see section III of the document on how to implement it) can be kept as objectives in the article.

Article 3. Definitions

- 4. Article 3.15. Integrated pest management (IPM).** The following sentence, included in the SUD, has been removed in the SUR proposal, **“Integrated pest management” emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms”**.

This sentence should be maintained in the proposal to avoid greenwashed interpretations of IPM. The article should also better clarify what IPM is by i) mentioning that IPM is a holistic system of pest management that follows the principles of agroecology and ii) including a reference to the Pesticide Action Network (PAN), International Organisation for Biological Control (IOBC-wprs) and the International Biocontrol Manufacturers Association (IBMA) definition (and pyramid) of IPM.

⁶ “IPM is a means to reduce PPP dependency: when applying IPM, farmers use chemical PPPs only if necessary, after exhausting preventive, physical, biological or other non-chemical methods of pest control”. [ECA Special Report 05/2020](#).

5. **Article 3.22. Non-chemical methods.** In the SUD non-chemical methods are defined as: *“alternative methods to chemical plant protection and pest management, based on agronomical practices (...) or physical, mechanical or biological pest control methods”*. In the SUR proposal the last sentence (outlined in the text) has been removed.

This sentence must be maintained in the SUR to clarify the definition of non-chemical methods and avoid interpretations that would, for example, neglect the importance and proven efficacy of existing agronomical practices⁷. The article should clarify that the use of non-chemical methods is also part of IPM and low input systems such as agroecology and organic farming. This clarification is of importance for a better understanding of several other articles of the proposal.

6. Definitions of **“preventative measures”** and **“interventions”** should be included in this article, to bring clarity to the text (to the articles where they are mentioned).

Article 8. National Action Plans (NAPs)

The 2006 Commission’s Thematic Strategy on the Sustainable Use of Pesticides proposed the establishment of National Action Plans by the Member States « which will have to set individual objectives to reduce hazards, risks and dependence on chemical control for plant protection »⁸. It is therefore essential that the NAPs include the necessary measures to do so, including new measures to make sure that these objectives are finally achieved.

7. According to the SUD (**article 4**), the objectives of NAPS include *“(…) to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides”*. This paragraph has been removed in the SUR proposal (**article 8**).

The aim of reducing dependency on the use of pesticides should be reintroduced in the text. This can be done either in the article concerning the NAPs (**article 8**) and in the subject matter of the SUR (**article 1**), where mention of promotion of low input farming systems and non-chemical alternatives to pesticides is to be added. Mention of workers’ health, included in the SUD, has also been removed in the SUR proposal and needs to be included.

8. **Article 8.1. information to be included in the NAPs. (g)** *“national measures for encouraging the use of non-chemical methods by professional users through financial incentives, in accordance with Union legislation on State aid; »*

This article should be modified to include the encouraging of low-input systems and non-chemical methods.

9. **Article 8.1 (h)** *“planned and adopted measures to support, or ensure through binding requirements laid down in national law, innovation and the development and use of non-chemical pest control methods”*.

⁷ For a list of available non-chemical methods see section 5.1 (pp.56-63) of Food Watch study [Locked-In Pesticides](#). The section includes scientific references on their proven efficacy.

⁸ [COM\(2006\) 372 final](#)

This point does not sufficiently reflect the fact that a number of non-chemical practices, namely agronomical practices, exist, are ready to be used (see footnote 7), and do not require high amounts of public spending that could be put to better use i.e. funding public information and education campaigns. It should be modified as follows *planned and adopted measures to support, or ensure through binding requirements laid down in national law, innovation and the development and use of non-chemical pest control methods, when these do not exist*”.

10. Article 8.1.(i) “sustainable use of plant protection products in line with integrated pest management principles”.

IPM is a system according to which synthetic pesticides are to be applied and only as the very last resort because they are not sustainable. All these considered, point (i) amounts to greenwashing of IPM and should be rephrased to adequately refer to the objective of implementing IPM at farm level across the EU. As a general remark, detailed information on the implementation of IPM, including through crop specific rules, should be given in article **Article 10** (Annual progress and implementation reports) and **annex II** (data to be provided in annual progress and implementation reports).

11. Article 8.1 should be modified to include as well i) measures planned by the MS to discourage the application of synthetic pesticides at farm level, including taxation of their use, ii) system of control and penalties for not application of IPM principles at farm level; iii) information (public campaigns) on the negative effects of exposure to synthetic pesticides (human and nature health) as per **article 27** (see amendment proposals for this article in section III of the document. iv) Other measures to favor the uptake on IPM, low input and non-chemical measures by farmers, including information and education campaigns on their efficacy (including in terms of yields) and benefits to professional users. **Article 10** (Annual progress and implementation reports) **and annex II** (data to be provided in annual progress and implementation reports) need to be modified to include annual reporting on these new points. **Article 10** and **annex II** must also include information on the penalties applied to farmers when they fail to apply IPM.

12. According to the proposal some points of **article 8.1** are only to be included in the NAPs from 2030. To ensure transparency and good progress towards achieving the objectives of this legislation, all bullet points in article 8.1 are to be included in the NAPs without delay.

Article 9. Information on national 2030 reduction targets in national action plans

13. According to **article 9.d** – « *for each of the pests referred to in point (c), a list of non-chemical methods used or likely to be available by 2030.* »

This article does not take into account available, albeit not (sufficiently) used, non-chemical methods of scientifically proven efficacy (see footnote 7). It should, therefore, be rephrased to take them into account. The article should also consider that these measures can be more effective when combined.

Article 13. Obligations of professional users and advisors related to integrated pest management.

- 14. Article 13.1.** « *Professional users shall first apply measures that do not require the use of chemical plant protection products for the prevention or suppression of harmful organisms before resorting to application of chemical plant protection products* ».

As redacted, this article leaves the door open to the application of chemical pesticides as preventative measure. Since application of chemical pesticides is an intervention, not a preventative measure, the article should be adequately modified to clarify this. Definitions of “preventative measure” and of “intervention” in article 3 of the SUR will help bring clarity to this point.

Article 14. Records of preventative measures and interventions for crop protection by professional users, and of advice on use of plant protection products.

- 15. Article 14.1** “*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 (...):* » . **12.1. a) and b)** « *any preventative measure or intervention and the reason for that preventative measure or intervention* ».

Preventative measures, which are the base of IPM, are to be used always. Therefore, the use of these measures should therefore not be justified. Instead, farmers should prove that they have applied them, and if they have not, penalties should apply.

Article 15. Implementation of integrated pest management using crop-specific rules

- 16. Article 15.1.** « *Member States shall adopt agronomic requirements based on integrated pest management controls that must be adhered to when growing or storing a particular crop and are designed to ensure that chemical crop protection is only used after all other non-chemical methods have been exhausted and when a threshold for intervention is reached ('crop-specific rules'). The crop-specific rules shall implement the principles of integrated pest management, set out in Article 13, for the relevant crop and be set out in a binding legal act.* » .

IPM consists on agronomical practices, monitoring, physical control and biological control, in a certain order (Chemical pesticides are only applied as the very last resort, as they are not a sustainable alternative). This bullet point needs to be modified to reflect this properly. The notion of “integrated pest management controls” is unclear and should be clarified.

- 17. Article 15. 6.** *The crop-specific rules shall convert the requirements of integrated pest management laid down in Article 13 into verifiable criteria by, among others, specifying the following: (b) « the non-chemical interventions involving cultural, physical and biological control which are effective against the harmful organisms referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;»*

Cultural, physical and biological interventions have proven efficacy against pests and diseases, the article should be clarified to take this into account. For example, by referring to

which are most effective, and the combinations of these which are most effective". The article should refer to both preventative measures and interventions. For the sake of coherence across the text, the term "cultural" should be clarified (i.e., whether it refers to agronomical practices).

Article 16. Electronic integrated pest management and plant protection product use register

18. 1. Each Member State shall designate a competent authority or competent authorities to establish and maintain an electronic integrated pest management and plant protection product use register or registers.

(It) shall contain all of the following information for a period of at least 3 years from date of entry:

(a) any preventative measure or intervention and the reasons for that preventative measure or intervention entered in accordance with Article 14(1);

Preventative measures shall always be used. Therefore, as indicated in previous points, preventative measures should not be justified. Instead, farmers should prove that they have applied them. The article should be modified accordingly.

III. The proposal fails to put in place adequate, coherent and ambitious public information and education campaigns. It also fails to recognize occupational illness linked to exposure to pesticides.

Exposure to synthetic pesticides is a matter of public health (human and nature) and should be treated as such. Transparency in the form of **information and awareness raising campaigns** should be an important part of the proposal. These campaigns must be ambitious, dispose of a substantial budget (that could for example be covered by a tax/levy on the use of pesticides), cover different media/channels (internet, radio, TV, social media, outdoor advertising...), and be the responsibility of Member States' health authorities (i.e., linked to the EU and national cancer prevention programmes). Campaigns should not be based on the need to minimize the risk on human and nature health but on the need to prevent it by preventing exposure, this is, by not using chemical pesticides. Exposure does not only happen when using of pesticides (i.e. it can occur via the skin during the harvest). These campaigns should clearly inform about all the dangers, including for vulnerable populations (pregnant women, children, etc.), and for the environment and biodiversity (i.e., pollinators), on which many human activities, including agriculture, depend. The publicity of chemical pesticides should be forbidden, as should be its use by non-professional users.

Much of the lack of progress in reducing strategic dependency on the use of chemical pesticides is due to the persistence of old system of beliefs that are locked in the idea that there are no alternatives to the use of pesticides, that these are not as efficient. These ideas persist even if scientific evidence proves otherwise. It is therefore necessary that the SUR includes **information and education measures to users** (and relevant institutional actors) to make these ideas evolve so that progress towards achieving the objectives of this legislation can be made.

Occupational illness linked to exposure to pesticides must be recognized across the EU (victims of pesticides should get compensation) and Member states must commit to protect their farm workers,

without whom much of the food production in the European Union would not be possible, by significantly reducing the use of these products. The proposal must also clarify the responsibility of the employer in making sure that the health of its employees (farm workers) is adequately protected.

Article 26 . Independent advisory system (IAS)

- 19. Article 26.** *Each Member State shall designate a competent authority to establish, oversee and monitor the operation of a system of independent advisors for professional users. That system may make use of the impartial farm advisors referred to in Article 15 of Regulation (EU) No 2021/2115, who must be regularly trained and can be funded under Article 78 of the same regulation.*

As the study "Locked-in pesticides" points out citing scientific sources, *"Since the 1990s, publicly funded farm advisory services all over Europe have been largely replaced by private advisory services. Some of these services are directly connected to pesticide companies, while others receive commissions on pesticide sales after recommending their use. A recent study in Switzerland showed that growers advised by public extension services are more likely to apply preventive pest management measures, while farmers advised by private extension services are more likely to use synthetic insecticides"*⁹. If a reduction in the use of chemical pesticides is to be achieved, it is essential that the "independent" advisory system is truly independent. It should also be well funded, to be able to adequately perform its duties and do so maintaining its independence.

According to the proposal, the IASs will provide strategic advice on several topics including *relevant control techniques to prevent harmful organisms", IPM" and non-chemical methods"*. The indiscriminate use of these terms is confusing and should be clarified referring to **article 3** (definitions). The public independent advisory systems should not provide advice or promote private patented technologies.

Article 27. Information and awareness raising

- 20. Article 27.** refers (in **point 27.2**) to the creation of a website, but does not specifically mention any wide, comprehensive, and far-reaching campaign, nor on how should it be funded. This article needs to be modified to include these as detailed in the introduction to this section of the document. Given the very negative effects of exposure to synthetic pesticides, a website on this subject and distributors of these products providing information (**article 24.4**) are very insufficient measures.

Detailed information on the campaigns, including clear targets and funding, put in place by national and regional authorities should be made available to the Commission and the public and included in **Article 8** (NAPs), **Article 10** (Annual progress and implementation reports) and **annex II** (data to be provided in annual progress and implementation reports).

IV. Given the lack of progress in reducing the use and dependency on synthetic pesticides, the SUR proposal must include measures to discourage

⁹ "[Locked-in Pesticides](#)", Food Watch (2022), (pp.49)

their use, like a pesticide tax/levy. Penalties and controls must be stepped up.

Given the lack of progress in achieving the objectives of the legislation on the use of pesticides with the existing policy tools, other measures that the Commission already considered in the past to achieve this aim need to be applied. In its 2006 Thematic Strategy on the Sustainable Use of Pesticides the Commission put forward the idea of **setting-up of a system of taxes/levies to influence qualitatively pesticide use**¹⁰. A very comprehensive 2021 study shows that *« a (tax or non-tax) levy could change the cost-benefit analysis underlying pesticide use so that, due to the economic incentives established by the regulatory framework, pesticides would be used more sparingly, and more non-chemical plant protection methods would come to bear. Experiences in some Member States have already demonstrated such positive effects »*¹¹. The study, that puts the example of the Tobacco Taxation directive, points out that the Danish pesticide tax has succeeded in decreasing the use (sale) of pesticides without negative consequences for productivity.

The 5th Environmental Action Programme already recognized in 1993 that *“systematic use of plant protection products has led to a relative resistance in parasites increasing the frequency and the cost of subsequent treatments and causing additional soil and water pollution.”* and that the agricultural system with its high input use, *“generated surpluses with high costs to the Community budget without improving the income situation of the European farmers”*¹². For years the EU has spent millions (even billions) to reduce the use of chemical pesticides without achieving it and, at the same time, has had to invest millions (even billions) to pay for the negative externalities caused by their use¹³. In this context the tax/levy could help to include the negative externalities in their price better reflecting their real cost, reduce their use (and therefore their negative externalities) and its revenues could be used to fund the independent advisory system and information and education campaigns (to help further reduce the use of chemical pesticides), creating a win-win scenario.

In its 2020 report¹⁴, ECA recommended that Member states reinforce controls and set adequate penalties for non compliance with IPM. **Provisions for controls and sanctions must therefore be strengthened in the SUR proposal**. Repeated non-compliance should result in increased penalties. Information on the system of controls and penalties, on their implementation and on whether these are effective, as well as proposed modifications to make sure they are, should be included in the NAPs (**article 8**), annual reporting to the Commission (**article 10**) and **annex II**. The Commission should, where appropriate, request Member states to reinforce them.

¹⁰ For more information see: « [Pesticide Taxation](#) », PAN

¹¹ [“Pesticide tax in the EU. Various levy concepts and their impact on pesticide reduction”](#). Möckel, Gawel, Liess Neumeister (2021).

¹² “The [Fifth EC Environmental Action Programme](#)” (1993)

¹³ For detailed information on the costs of pesticides see:

« [Pesticides: A model that is costing us dearly](#) », le BASIC (2021).

« [Locked-in Pesticides](#) », Food Watch (2022), section 3.2 (pp.36-46)

¹⁴ ECA [Special Report 05/2020](#).