

To: Agriculture Ministers of EU Member States

Cc: Executive Vice-President for the European Green Deal, Commissioners for Agriculture, for Health and Food Safety, and for Environment, and the Chairs of the European Parliament Agriculture and Environment Committees

Re: Input to the EU Agriculture and Fisheries Council Meeting, Brussels, 10-11th December 2023

Brussels, 5th December 2023

Dear Minister,

On behalf of the European Environmental Bureau, I am writing to share with you our views on some of the issues on the agenda of the forthcoming EU Agriculture and Fisheries Council on 10-11th December 2023. We have structured the letter according to our understanding of the Council Agenda, mainly focusing on your deliberations within our expertise and priorities.

I invite you to take our concerns into account during the final official level preparations, as well as at the meeting itself. I would welcome an opportunity to discuss our input and recommendations in a meeting with you in the margins of the Council meeting on 10-11th December.

1. Stocktaking of the first year of implementation of the CAP Strategic Plans

While the new CAP which entered into force on 1st January 2023 contained welcome improvements and provides all the instruments needed to facilitate the transition of the agriculture sector to sustainability, independent assessments to date (see below) have concluded that CAP Strategic Plans (CSPs) fall far short of the mark. The triple climate, pollution and biodiversity crises we are facing, which farmers are both contributors to and victims of, require deep changes in how food is produced, at a scale and speed not nearly matched by the Call for a detailed impact assessment of the impact of th

level of ambition of CAP Strategic Plans. The report published by the Commission on 23rd November only timidly recognises these shortcomings, while placing most emphasis on (over)stating the positive potential of CSPs, which contrasts with the more cautious tone of the mapping and analysis of CSPs delivered by consultants which underpins this Commission publication.

We therefore call upon the Agriculture and Fisheries Council to:

- Recognise the **scale and urgency of the changes in required in agriculture** to address the environmental crisis and make the sector future-proof;
- Acknowledge and act upon the need to **better target CAP support** to the transition to more diversified, sustainable and resilient agriculture, including by encouraging and supporting the wide **uptake of agroecological practices** through more ambitious schemes and increased funding for environmental objectives;
- **Refrain from watering down crucial environmental regulations** or CAP conditionality requirements on the basis of “food security” or market-related arguments which instead **require**

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doubling down on supporting a structural transformation of the agriculture sector towards sustainability and resilience.

Please find further information here:

- Joint EEB-BirdLife-WWF report “[New CAP unpacked and unfit](#)”
- IEEP-Ecologic assessment of the French, Polish, Spanish and German CSPs: [Environmental and climate assessments of CAP Strategic Plans](#)
- OECD report [Policies for the Future of Farming and Food in the European Union](#)
- Mapping and analysis of CSPs by Ecorys, Metis and Agrosynergie: [Full report](#) and [Executive summary](#)

2. Regulation on the sustainable use of pesticides

The proposal for a regulation on Sustainable Use of Pesticides (SUR) is an essential part of the EU Green Deal, and a prerequisite to secure long-term sustainable food production in the EU, halt the biodiversity crisis and protect citizens’ health. During the Plenary vote of the EU Parliament, the proposal was first deprived of its key positions and hence of its substance, followed by a rejection of the proposal, as well as a rejection to reconsider the proposal in the ENVI Committee. The annulment of the proposal in the Parliament represents a worrying disregard for science and the public interest.

The continued delays in legislative deliberations in the Council are also most concerning and unjustified in light of the reassurances provided by the Commission in their additional study in July 2023. The excruciatingly slow progress on the SUR contrasts with the rushed process on the NGTs deregulation proposal, where highly valid concerns with regards to the impacts of the Commission proposal seem to be brushed aside by both Commission and Council, pointing to double standards when it comes to the handling of evidence in legislative processes. It is now essential that the Council takes on full responsibility for the conclusive adoption of the SUR and engages in science-based decision making in the interest of these and future generations.

As pointed out in the [additional study](#) to the impact assessment published by the European Commission, as well as repeatedly stressed by the [scientific community](#), the biodiversity and climate crisis, landscape and soil degradation and loss of ecosystem services pose serious and urgent threats to food security. On the contrary, the [additional study](#) of the European Commission confirms that a well-managed transition to meet the targets of the SUR proposal will not entail negative impacts for food security. Pesticide use is linked to decreases in pollinators, while 84% of crop species and 78% of wild flower species in the EU depend at least partly on [pollination](#). [Natural pest control](#) is essential to food security, while pesticide use severely impacts beneficial organisms and natural enemies.

Pesticide exposure is associated with negative impacts on [human health](#), such as an increased risk of a variety of illnesses, including different forms of cancer, neurological diseases, neurodevelopmental alterations and fertility disorders. Integrated Pest Management (IPM) is mandatory in the EU since 2014, but implementation has been lacking. Full implementation of Integrated Pest Management (IPM) and ambitious reductions of pesticide are urgently needed to protect and restore the ecosystems and their services food systems depend on, to increase the resilience of farming systems against pests and extreme weather events and to protect citizens’ health.

We therefore call upon the Agriculture and Fisheries Council to:

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- **Stand firmly behind the SUR proposal**, and secure an ambitious Council General Approach before the end of the year to **end the long stalemate** on this key element of the European Green Deal and the Farm to Fork Strategy. Moving towards sustainable and resilient food systems and reversing biodiversity loss are urgent and essential in the context of the climate and biodiversity crises;
- Defend a SUR that effectively improves upon the Sustainable use of Pesticides Directive (SUD), taking in account its **identified weaknesses**, including implementation of IPM, **lack of targets** and the need to **protect sensitive areas**, while preserving and not weakening core provisions of the SUD, such as the precautionary principle and mandatory IPM;
- Resolutely protect the core elements of the proposal on **mandatory IPM** and directly **binding crop-specific rules**. Clearly define the different steps of IPM, with IPM obligations entailing the application of all these steps, before using, if needed, only as a last resort, chemical pesticides;
- Strengthen the provision on protection and enhancement of **important beneficial organisms**, including beneficial plant protection measures or the utilisation of ecological infrastructures inside and outside production sides, acknowledging the pivotal role of **functional biodiversity** for **long-term food security** and the **provision of ecosystem services**.
- Improve the **integration of the SUR with the Common Agricultural Policy (CAP)**, endorsing that CAP funds should be used to cover the costs associated with the implementation of the SUR. Public money should be maximally deployed to protect, restore and provide public goods, such as ecosystem services. Hence CAP subsidies should be used to support farmers in **reducing pesticides and implementing IPM** during a transition period. CAP Strategic Plans can and should be amended to direct sufficient funding to supporting farmers in this transition;
- Prioritize **protection of citizens and environment** against exposure to pesticides by defending **protective buffer zones** around sensitive areas. Considering the far distances pesticides can travel, **buffer zones** should be as wide as possible, and **at least 100m wide**;
- Ensure the SUR includes a **robust indicator to monitor reductions in pesticide** use and risk, by **replacing the Harmonised Risk Indicator (HRI) 1**, which is unfit for purpose as stressed by many experts. The HRI 1 indicates pesticide reductions, where no real reductions take place in practice. The SUR must also include provisions on **monitoring of pesticides residues** in different matrices (soil, water, indoor dust, humans, ...) and science-based indicators to **monitor risks for different groups of organisms**, e.g. pollinators, soil organisms, aquatic organisms;

3. Deregulation of New Genomic Techniques

New genomic techniques (NGTs) are currently regulated as GMOs under Directive 2001/18/EC, which foresees risk assessment, traceability, monitoring and labelling for all organisms issued from the application of genomic modification, including NGTs. On 5th July, the European Commission published a legislative proposal which would substantially weaken existing requirements for NGT plants. We regret that our contributions and that of our member organisations during several consultations leading up to the publication of the proposal, seem not to have been taken into account.

Many concerns raised by civil society experts are disregarded by the proposal, such as coexistence with GMO-free and organic agriculture and transparency for consumers. There is no scientific basis for the criteria to exempt (deregulate) NGT plants from current GMO regulation, as no conclusions can be drawn on the safety and potential equivalence between conventionally derived plants and NGT plants without detailed molecular risk assessment. The proposed deregulation of NGTs therefore raises safety concerns for the environment and human health. Therefore, the process-based approval process should not be fragmented and Category 1 should be deleted.

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Furthermore, the proposed process for decisions on the necessity of further risk assessment, the lack of differentiation between (annual) domesticated plants and (perennial) non-domesticated plant species, and the delegated powers to the Commission to change the criteria of category 1 without involving the Parliament and the Member States are also highly concerning.

Finally, deregulating NGTs is likely to drive further monopolisation of the seed sector, which is already extremely concentrated. This would also concern conventional plant breeding by restricting access to biological material needed by all breeders. Already now, NGTs are often used simply as a 'technical topping' to extend the scope of patents to native traits, randomly occurring gene variants and conventionally bred plants. Without solving this problem and tightening patenting rules, NGT plants should not be introduced into the market.

We therefore call upon the Agriculture and Fisheries Council to:

- Call for a detailed **impact assessment** of the impact of the **NGT proposal on breeders, farmers and the environment**, especially with regards to impacts of **patenting**, and pause further legislative deliberations until this critical issue is resolved;
- **Delete the proposed criteria** and to continue to carry out process-based risk assessment, traceability, monitoring and labelling for **all NGT organisms**;
- Reinforce the **prohibitions of Article 53 (b), European Patent Convention**, in regard to plant and animal varieties and conventional breeding by correcting the interpretation of European patent law and restrict the scope of the patents to the specific technical processes.

Please find further information here:

- [Background on the EU Commission draft proposal for criteria concerning the equivalence of NGT plants to conventional plants](#)
- [New genetic engineering: EU Commission proposal for new regulation endangers nature, the environment and our future livelihoods](#)

Thank you in advance for your consideration of these points which support the ambitions of the European Green Deal and will help Europe deliver on its climate and biodiversity commitments for the benefit of European people and businesses. I would welcome an opportunity to meet with you in the margins of the Council meeting on 10-11th December to discuss our input and recommendations.

Yours sincerely,



Patrick ten Brink,
Secretary General of the European Environmental Bureau

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