

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, 25th July 2023

Brussels, 19th July 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 25th July 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 25th July.

1. Regulation on the sustainable use of pesticides

The proposal for a regulation on Sustainable Use of Pesticides (SUR) is an essential opportunity to secure long-term sustainable food production in the EU, halt the biodiversity crisis and protect citizens' health. As pointed out again in the [additional study](#) to the impact assessment, recently 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. 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. Pesticides also impact [soil biodiversity](#) and [soil health](#) overall. On the contrary, the [additional study](#) of the European Commission confirms that a well-managed transition to meet the targets of the SUR proposal won't entail negative impacts for food security, while the short-term disruptions due to the Ukraine war won't impact the feasibility of reaching the SUR targets. Pesticide exposure is also associated with negative impact on [human health](#) and increased risk of a variety of illnesses, such as different forms of cancer, neurological diseases, neurodevelopmental alterations and fertility disorders. Full implementation of Integrated Pest Management (IPM) and ambitious reductions of pesticide are urgently needed to protect and restore the natural resources 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, a 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 of 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 on 90% of utilised agricultural area in all Member States and 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. The provision must be in line with the objective of at least 10% of utilised agricultural area under high diversity landscape features, a key objective of the Biodiversity Strategy.
- 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. Hence CAP subsidies should be used to support farmers in transitioning to sustainable practices, implementing IPM and decreasing pesticide use. 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 robust indicators to monitor reductions in pesticide use and risk, by tackling the identified weaknesses of the Harmonised Risk Indicator and providing for a systematic review of SUR indicators to update them in light of new scientific insights. The SUR must also include science-based indicators to monitor risks for different groups of organisms, e.g. pollinators, soil organisms, aquatic organisms, which should be taken up in the National Action Plans and reported on yearly;
- Secure effective progress on the SUR proposal in the Council, prioritising the continuation of discussions and providing a clear timeline for their conclusion.

2. 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

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for the environment and human health. Therefore, the process-based approval process should not be fragmented and Category 1 should be deleted.

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:

- 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](#)

Further analysis of category 2 NGT plants will follow and be made available soon.

3. Market situation (in light of the Russian invasion of Ukraine)

The continued impacts of the Russian war in Ukraine on our agri-food system highlight the need for the EU to reduce its dependency on imports of non-renewable energy sources, mineral fertilisers, and grains and oilseed for feed. This is consistent with the vision and concrete objectives set out in the Farm to Fork Strategy and other European Green Deal initiatives and would strengthen the resilience of the EU's food system to external shocks. While current disruptions to agricultural markets and speculation jeopardise the food security of import-dependent low-income countries and more and more families across the EU are struggling to afford food, the evidence is unequivocal, and confirmed by [the Commission](#) and empirical data, that food availability is not and never was an issue in the EU.

On the other hand, it is becoming increasingly evident that the climate and environmental crises jeopardise the natural resources our food production relies on. The droughts and heatwaves Europe is coping with this year are yet another wake up call to the need to reform and adapt our agricultural systems to ensure sustainable food production in an increasingly unstable and extreme climate. This calls for a deep rethink of our production and consumption models, which must be steered and supported by enabling policies.

We therefore call upon the Agriculture and Fisheries Council to:

- Ensure that there are no further derogations to the Common Agricultural Policy's conditionality after 2023 and refrain from using ungrounded "food security" arguments to justify watering down of crucial environmental regulations;

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- Provide full support to the Environment Council in its work on crucial initiatives for more sustainable and resilient land management, such as the new Soil Law and the Nature Restoration Law.

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 25th July to discuss our input and recommendations.

Yours sincerely,



Patrick ten Brink,
Secretary General of the European Environmental Bureau

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