

European Association representing the trade in cereals, rice, feedstuffs,
oilseeds, olive oil, oils and fats and agrosupply
Comité du commerce des céréales, aliments du bétail,
oléagineux, huile d'olive, huiles et graisses et agrofournitures

Brussels, 25 November 2015

**COCERAL preliminary views and recommendations to future proof
Regulation 1107/2009 on placing of plant protection products on the market**

Plant Protection Products (PPPs) are key to securing sustainable yields and qualities of agricultural production in Europe. PPPs are essential for farmers to manage the impact of naturally occurring fungicidal contaminants like mycotoxins but also to control adverse impacts of insects or undesirable weeds that can reduce agricultural output or render produce unsaleable, thus reducing Europe's ability to provide sustainable supply of wholesome cereals oilseeds and arable crops.

COCERAL members, who are in close position to farmers as advisers recommending and stewarding the use of PPPs and suppliers of PPPs but also as buyers and traders of cereals grains, recognize the importance of the availability of PPPs for sustainable agricultural production as part of an integrated pest management programme.

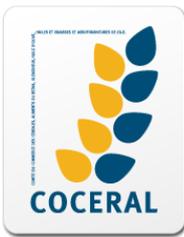
Efforts made at European level with Regulation 1107/2009¹ and Regulation 396/2005² to harmonize the authorisation of PPPs, and the establishment of harmonised Maximum Residue Levels (MRLs) across the Union has been welcome steps to making the internal market more efficient. However, the implementation of European PPPs legislation in recent years, and the combination of several provisions of Regulation 1107/2009 give rise to great concern that in the mid and long-term they have potential to significantly reduce the availability of PPPs, and thus to diminish reliable and safe food and feed supply in the following ways:

- I) The paradigm shift, away from a risk assessment towards a hazard assessment, that took place with the entry into force of Regulation 1107/2009, results in inevitable and increasing indication gaps. PPPs disappear more quickly than plant protection strategies can be adapted or new active substances or techniques can be developed. The result is that production and planning security are at risk.
- II) The efficient harmonisation and mutual recognition of authorisation of PPPs (zonal system) is not yet a living reality (e.g. see German Harmonisation Report³) and new obligations (e.g. possibility to resort to the mutual recognition procedure if the authorisation is granted by a Member State which belongs to the same zone) are likely to increase national differences.
- III) The different speed of implementation of different provisions combined with persisting differences in national implementation and availability of PPPs creates a level of

¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC [OJ L 309, 24.11.2009]

² Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC [OJ L 70, 16.3.2005]

³ Unterrichtung durch die Bundesregierung über den Stand der Harmonisierung der Pflanzenschutzmittelzulassungen im Zonalen Verfahren - insbesondere im Falle gegenseitiger Anerkennungen - und den Umgang mit Pflanzenstärkungsmitteln. Drucksache 18/1591 vom 27.05.2014.



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complexity for applicants but also national authorisation bodies that will further delay processes. Furthermore, this situation implies a specific cost burden for authorization holders.

- IV) Restrictions on the use of authorised substances further limit advisors ability to control serious weeds, pests and diseases with knock on consequences for farmers.
- V) EU restrictions on substances that are commonly used on produce grown outside the EU could significantly impact the EU's ability to import products that could no longer be produced sustainably within the EU.

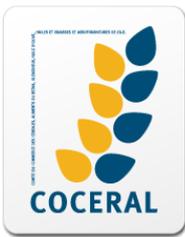
There are several potential impacts that the reduced availability of active substances and restrictions on their use can have on European agricultural production and European seed, food and feed sectors:

- Resistance development or increase: with fewer available products to treat weeds, pests and diseases, there is a growing risk of resistance development or increase. This would result in ineffective or less reliable control. Where alternative active substances exist to control the 'pest' they may be more expensive or have a broader spectrum of activity (which is not required) with knock-on consequences. The risk is particularly acute for minor uses and stored product protection, where the availability of products is already very limited.
- Some products may be no longer viable to grow in some EU countries, if certain PPPs are unavailable (e.g. a UK report⁴ identifies that UK production of iconic British foods such as frozen peas, apples and fresh carrots would be severely curtailed).
- Increasing reliance on imported food and feed may lead to food security issues as supply networks are very fragile.
- The lack of availability of products to treat certain pests and thus, the inability to secure certain yields can alter farmers' decisions on which crop they plant and can consequently impact crop rotation patterns and overall farm profitability and sustainability.
It can also put agrobiodiversity at risk, thwarting national efforts to preserve and sustainably use agrobiodiversity (e.g. the "Sector strategy for agrobiodiversity" of the German Federal Ministry of Food and Agriculture).
- EU growers and traders may find themselves at a competitive disadvantage vis-à-vis their counterparts located outside the EU. At the same time, trade restrictions, should the MRL for withdrawn substances on the imported commodities be reduced to the level of detection, can negatively affect processing stages, when not sufficient supply can be sourced.

Therefore, COCERAL recommends the consideration of the following principles and suggestions to future proof the current legislative framework:

- 1) Commit to an objective of ensuring sufficient availability of active substances, or cost effective alternative techniques, to secure sufficient supply of agricultural production in Europe. This**

⁴ *The Effect of the Loss of Plant Protection Products on UK Agriculture and Horticulture and the wider Economy*. THE ANDERSONS CENTRE, Melton Mowbray, Leicestershire October 2011.



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should take into account the impacts and consequences of all legislation which could impact directly or indirectly on PPPs availability. Ensure that the spirit of Regulation 1107/2009 is maintained through the placing on the market of sufficient (mechanical, biological and chemical) tools to protect crops, allowing European agronomists, growers, processors and traders to remain competitive on international market and address the food security challenges.

- 2) **Ensure that Member States implement harmonization of authorisations without excessive additional national restrictions (one of the main objectives of Regulation 1107/2009).**
- 3) **Commit to a risk-based approach including a full risk-assessment rather than hazard-based authorisation criteria.** An approach based on hazard only has the potential to withdraw substances that could have larger socio-economic benefits than there are actual risks for human health or the environment.
- 4) **Commit to science-based legislative initiatives where necessary complemented by agronomic impact studies.**
- 5) **Ensure that the definition of endocrine disruptors is based on a sound risk assessment of socio-economic impacts, and in particular on European agricultural production as well as on international trade.**
- 6) **Strengthen Commission administrative capacities on plant protection legislation and increase efforts to make collaboration between national competent authorities more efficient and effective.**
- 7) **Provide guidelines to foster harmonisation and mutual recognition by sharing best practices from well performing Member States.**
- 8) **Ensure regular exchange between Member States Competent Authorities to ensure that the comparative assessment of candidates for substitution is implemented in such a way so as to minimise PPPs withdrawal, without distorting competition and trade.**

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COCERAL is the European association of trade in cereals, rice, feedstuffs oilseeds, olive oil, oils and fats and agrosupply. It represents the interest of the European collectors, traders, importers, exporters and port silo storekeepers of the above mentioned agricultural products. COCERAL's full members are **26 national associations in 18 countries** [Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Luxemburg, Poland, Romania, Slovenia, Spain, Sweden, the Netherlands and the UK] and **1 European association** [Unistock]. With about **2500 companies** as part of COCERAL national members, the sector trades agricultural raw materials destined to the supply of the food and feed chains, as well as for technical and energy uses. COCERAL has two associated members in Switzerland and Serbia.