

## Evaluation of the outcome of the trilogue held on 2 June on the reform of pesticides statistics

6 June 2022

On the basis of the negotiation documents published on 3 June 2022,<sup>1</sup> ClientEarth, GLOBAL 2000 (FOE Austria) and PAN Europe acknowledge and welcome the progress made in the negotiations of the new regulation on the Statistics on Agriculture Input and Output (SAIO), **with regard to pesticide use data**. As explained further below, considering the status quo and the initial reaction of the Council to the Commission SAIO Proposal,<sup>2</sup> the outcome of the negotiations is positive in that it foresees, at least, the potential collection of annual pesticide use data from 2028 and some improvements of these data until then.

However, as further detailed below, the text agreed falls short of ensuring that the relevant data on pesticide use will be collected and published **soon enough** to contribute to measure progress towards the pesticide reduction targets set out in [the Farm to Fork Strategy](#). In addition, the pesticide use data will **only** be collected every year **if and when another EU act is adopted** that would require professional users of pesticides to transmit their pesticide use records in electronic format. The national governments need to clarify when and how such condition will be met.

More specifically, the positive aspects of the text agreed in trilogue can be summarised as follows:

- The text finally foresees the possible **collection and publication of pesticide use data every year in the future**.<sup>3</sup> This is an improvement compared to the initial position of the Council which was to never have pesticide use data every year or use farmers records as a source, essentially proposing to keep the frequency at every five years based on voluntary surveys.<sup>4</sup>
- The data on pesticides sales and use cover **all pesticides**, whether they are sold or used on the basis of a standard authorisation or an “emergency” authorization.<sup>5</sup>
- While the data on pesticide use will not cover all farms or all crops, the coverage seems to guarantee **more representative datasets** than the current situation.<sup>6</sup> However, there are uncertainties on the method that will be used to calculate the minimum coverage and the “list of crops”<sup>7</sup> covered is yet to be defined by implementing act which will need to be closely scrutinized.
- The data on pesticide use will distinguish between **organic** and non-organic farming.<sup>8</sup>
- National governments will not be able to ask for derogations on the basis of “major adaptations in a national statistical system” for pesticide use data<sup>9</sup> though this derogation mechanism will still need to be scrutinized closely.
- Contrary to what the Council initially proposed, the text agreed makes crystal clear that the right of the public to access information **upon request** (for information that was not published), and the rules on access to **environmental information** are still applicable in the context of this regulation.<sup>10</sup>
- The data on chemical input in agriculture will include not only pesticides and fertilisers but also **veterinary products**.<sup>11</sup> This was not initially foreseen by the Commission Proposal and was introduced by the European Parliament for a more comprehensive overview of chemicals input in agriculture.

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1 On the basis of the latest documents published on the Council register dated 3 June 2022: the annex to the new regulation on agriculture statistics available here: [pdf \(europa.eu\)](#) (the “Annex”) and the updated 4 column document: [pdf \(europa.eu\)](#) (the “3 June 4-column document”)

2 See [GLOBAL2000-PANEurope TAKING-AIM-WITH-A-BLINDFOLD-ON.pdf \(pan-europe.info\)](#)

3 See in the Annex p. 16-17

4 [GLOBAL2000-PANEurope TAKING-AIM-WITH-A-BLINDFOLD-ON.pdf \(pan-europe.info\)](#)

5 See 3 June 4-column document, lines 55a and line 75a and Annex p. 17

6 See line 75b Article 4(4)(b)

7 See line 75b

8 See in the Annex p. 17 column 5 “applicable” for the line of pesticide use data

9 See 3 June 4-column document, line 167

10 See 3 June 4-column document, line 39

11 See 3 June 4-column document, lines 24c : the SAIO regulation will not require however more data than what is already collected under Regulation (EU) 2019/6

The major limitations to the text agreed are as follows:

1. No annual collection of pesticide use data before **2028**.<sup>12</sup> Meanwhile, only one transmission of data will be carried out in **2026**,<sup>13</sup> most likely on the basis of voluntary surveys and only for a common list of crops to be defined still by the Commission with the approval of the Member States (implementing act).<sup>14</sup>
2. **No guarantee even in 2028:** this annual collection of pesticide use data **may also not start even in 2028** as it is conditional upon “Union legislation requiring professional users of plant protection products to keep records on the use of such products in electronic format”.<sup>15</sup> The Commission had initially proposed to make the collection of the farmers records electronically an obligation under the SAIO regulation. In case this “Union legislation” is not adopted on time or ever, the data transmission will then only be every two years with the same coverage as in 2026 and most likely the farmers records will remain unexploited.
3. **Uncertainties on the level of details published:** the recitals do provide some guarantees that the data will be published notably per active substances (and not per groups).<sup>16</sup> However, the text agreed<sup>17</sup> does not offer the necessary legal certainty that the data on all pesticide use and sales covered will actually be published per active substance in full compliance with the rules on access to environmental information. This ignores the recent recommendations of the European Ombudsman.<sup>18</sup>

There are also a few other shortcomings in the agreed text worth highlighting such as:

- While some aspects are set in the Annex, all the “variables” or details of the pesticide use dataset will still need to be defined by the Commission via implementing act which will require vigilance.<sup>19</sup>
- The data on pesticide use will not be available per regions but only at **national level**.<sup>20</sup>
- Data on **biocidal** products are still not included in this regulation even though they are also a relevant chemical input in agriculture.<sup>21</sup>

Overall, the key added value of the Commission’s initial SAIO Proposal regarding pesticide data was the annual digital collection of the farmers records. On this topic, **while “late” may be “better than never”, what is concerning in the text agreed is the risk that it could actually still be “never”.**

We understand that the “Union legislation requiring professional users of plant protection products to keep records on the use of such products in electronic format” – which would trigger the annual collection of the data and greater coverage – is planned as an implementing act under Regulation (EC) No 1107/2009. However, no draft has been presented to the PAFF committee to date. **We call on the Commission and the representatives of national governments in the PAFF committee to adopt this act by July 2022.**

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12 See 3 June 4-column document, line 19a

13 See 3 June 4-column document, Line 160d

14 See 3 June 4-column document, Line 160e

15 See 3 June 4-column document, Line 160f

16 See 3 June 4-column document, line 20.

17 See 3 June 4-column document Line 157l to 157p

18 [Decision on the European Commission’s refusal to give full public access to documents concerning statistical data on pesticide active substances reported by Spain \(case 1170/2021/OAM\) | Decision | European Ombudsman \(europa.eu\)](#)

19 Article 5(9)

20 See in the Annex p. 17 column 6 empty for the line of pesticide use data

21 See 3 June 4-column document, lines 24d