



EurEau Position Paper on the draft Sustainable Use of Plant Protection Products Regulation

Strengthening the Regulation is essential to protecting human and environmental health

Summary

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EurEau welcomes the legislative proposal of the Regulation on the Sustainable Use of Plant Protection Products (SUR), enshrining the European Commission's Zero Pollution ambition in pesticides policy to protect human health and the environment.

This legislative proposal heralds good news for water operators: water suppliers need water resources that are protected from pollution so that tap water remains safe and affordable, and the right to water is not jeopardised.

Agriculture is considered as the greatest contributor to pesticides in surface water and in groundwater used for the abstraction of drinking water, through application, runoffs or incorrect disposal. Pesticides are more and more having a negative impact on the quality of drinking water resources and drinking water operators have to increasingly resort to expensive and energy-intensive extra-treatments while water consumers bear the costs.

While the legislative proposal represents a major step in the right direction, we urge the European Parliament and the Council of the EU to embrace the change and support a European food system that protects water resources.

The Commission proposal is the response to a Sustainable Use of Pesticides Directive (SUD) that failed to deliver tangible results with plant protection products (PPP) continuing to put the health of people and the environment at risk.

We regret, however, that Regulation (EC) No 1107/2009 on placing pesticides on the EU market will not be revised, since this legislation is key to restricting harmful pesticides. It must be ensured that only those substances that have no detrimental effects on human health, the environment, and more specifically, drinking water production, are allowed for use. This is not the case today. Furthermore, more attention should be paid to the possible combination effects of substances and regrettable substitutions of substances.

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EurEau wishes to comment the draft Regulation as follows. Annex I contains all proposed amendments.

1. Article 1 - Subject matter

It is crucial to maintain the aim of the Regulation as already formulated in the Sustainable Use of Pesticides Directive (SUD), which is the protection of human health and the environment, and the subsequent shift away from the use of chemical PPP. Otherwise, Article 1 would fail to explain why the substantial efforts proposed in this Regulation are necessary.

2. Article 4 –Union 2030 reduction targets for chemical plant protection products; and Article 5 – Member States 2030 reduction targets for chemical plant protection products

The European Commission's analysis of the SUD shows that the measures currently in place are inefficient in achieving the adequate protection of water resources from PPP pollution. In many countries, drinking water suppliers must revert to costly and resource- and energy-intensive extra treatment to remove PPP and their metabolites from raw drinking water in order to protect human health. This may jeopardise the affordability of water services. In particular smaller water suppliers lack the technical and financial capacity to implement such advanced treatment.

This situation contradicts the Treaty for the Functioning of the EU, Article 191.2, which calls on Union policy to be based on the Precautionary Principle and control-at-source measures. Ambitious and binding reduction targets for PPP are fully in line with these basic principles. As a result, the contamination of water resources by PPP and their metabolites must fall to concentrations that are no longer hazardous for people and the environment, in all Member States¹.

Although we expect a reduction of emissions to water bodies through the reduction of PPP use, stricter requirements for the placing of these products on the EU market must be implemented in parallel by revising regulation (EC) No 1107/2009.

3. Article 8 - National Action Plans

EurEau largely supports the provisions of this Article, including those relating to PPP use (para. 1 (b)) and the public consultation (para. 2).

EurEau strongly supports paragraph 4 on the consistence of Nation Action Plans with

¹ [See Zero Pollution Action Plan](#) (European Commission, 2021).



action plans drawn up under other Union legislation, in particular, Directives 91/676/EEC (the Nitrates Directive) and 2000/60/EC (the Water Framework Directive). A coherent and consistent set of actions avoids duplication and confusion, ensures a holistic approach adapted to local needs and, hence, minimises implementation costs. The SUR must emphasise that the National Action Plans work towards meeting any threshold values for PPP and (non-)relevant metabolites of PPP contained in those other plans and seek consistency with the risk assessment and risk management measures taken under Article 8 of Directive 2020/2184 (the Drinking Water Directive).

The River Basin Management Plans implemented under Directive 2000/60/EC refer to EU and national environmental quality standards and groundwater quality standards. Those include a threshold for PPP of 0.1 µg/L for each pesticide and their relevant metabolites in groundwater (Directive 2006/118/EC, the Groundwater Directive), and are likely to include a threshold of 0.1 µg/L for non-relevant metabolites of pesticides in groundwater.² They may also refer to the requirements of Directive 2020/2184 (0.1 µg/L for each pesticide and their relevant metabolites in drinking water, 0.5 µg/L for the sum of pesticides and their relevant metabolites in drinking water).

4. Article 9 - Information on national 2030 reduction targets in National Action Plans

EurEau fully supports measures to increase the transparency of pesticide use and reduction measure, and to improve the understanding of emissions to soil and water through monitoring.

Given the fact that the water-protection-related plans referred to in Article 8 (for example under Directive 2000/60/EC) clearly include threshold values for PPP metabolites, the information provided in Article 9 should include these substances.

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

Paragraph 5 is highly relevant for the public authorities and drinking water suppliers in charge of implementing Articles 8 (Risk assessment and risk management of the catchment areas for abstraction points of water intended for human consumption and Article 9 (Risk assessment and risk management of the supply system) of Directive 2020/2184. The efficiency and effectiveness of risk assessment and risk management measures largely depend on the availability of reliable local data, including on PPP use. Synergies with Regulation XXX (Statistics on Agricultural Input and Output must be sought).

The information referred to in paragraph 1 (c) must also be made available to local drinking water operators. The data must be up-to-date, detailed, down to the level of

² SCHEER - Final Opinion on Groundwater quality standards for proposed additional pollutants in the annexes to the Groundwater Directive (2006/118/EC), 2022.



individual plots and must not be anonymous. Confidential data should be used exclusively to conduct risk assessment and risk management measures in accordance with Directive (EU) 2020/2184. The frequency of data provided should be determined according to local conditions.

Paragraph 1 stipulates that the registers contain information for a period of at least three years. Since active substances and their metabolites often take many years of underground passage to drinking water abstraction points, a much longer period is needed. EurEau suggests at least 10 years, but there are no obstacles from a data management point of view for even longer periods.

As stated in this Article, the records must provide real data on the plant protection products applied. They should not be based on a statistical selection/ estimate of applications which is subsequently extrapolated to the entire Member State.

It needs to be clarified that harmonised data formats should be used, showing at least the following:

- ~ Area with parcel number and area size
- ~ Farmer
- ~ Application date
- ~ Active ingredient used per operation with application rate in kg or kg/ha
- ~ Reason for application (reason why integrated pest management measures are not applicable)
- ~ Crop, weather, crop rotation.

6. Article 18 - Use of plant protection products in sensitive areas

The provisions of this Article are crucial for the protection of drinking water resources. In particular, the reference to Directives 2000/60/EC and 2020/2184 in the definition of "sensitive area" (Article 3 (f) (i) is relevant in this context. This must include water protection areas, i.e. groundwater and spring water catchment areas for drinking water production.

EurEau fully supports the provision that the use of all PPP is prohibited in sensitive areas (paragraph 1).

The buffer zones of 3m are welcome, but may not be enough. In fact, buffer strips should apply based on the risk of the product entering the water course and impacting the ecology. The buffer is written on the PPP label and is generally 1-5m depending, among other factors, on the application mode. For example, spraying PPP involves a high risk of air transport into the sensitive area.

Taking into account inherent application risks, EurEau strongly recommends an extension of the buffer zone to at least 5m.

As to paragraph 8(e), for transparency reasons and to facilitate the risk assessment



of drinking water authorities and local drinking water operators, the competent authority should also make publically available the quantity and the number of doses of the plant protection product to be applied under a given permit.

7. Article 19 - Measures to protect the aquatic environment and drinking water

This article is of the utmost importance to drinking water operators and must be maintained and even strengthened.

The measures to protect the aquatic environment and drinking water resources must go beyond those for sensitive areas and the minimum buffer zone should therefore be increased to 10m from the average shoreline of surface waters.

Paragraph 3 must ensure full policy coherence with the Union action listed in that paragraph. The River Basin Management Plans (Directive 2000/60/EC) refer to EU and national environmental quality standards and groundwater quality standards. Those include a European threshold of 0.1 µg/L for each pesticide and are likely to include a threshold of 0.1 µg/L for non-relevant metabolites of pesticides in groundwater³.

Directive 2020/2184 (annex I, part B) sets a parametric value of 0.1 µg/L per 'pesticide and their relevant metabolites' in water intended for human consumption. Member States must define a guidance value to manage the presence of 'non-relevant metabolites' of pesticides in water intended for human consumption.

Article 19 of the SUR must therefore explicitly refer to PPP and their metabolites.

8. NEW Article 19a – Extended Producer Responsibility

In line with Article 191.2 of the TFEU, Article 9.1 of Directive 2000/60/EC, the opinion of the European court of Auditors⁴, the Council conclusions regarding the European Court of Auditors' report on the implementation of the Polluter Pays Principle⁵, and the European Commission's Zero Pollution Action Plan, the Polluter Pays Principle should be implemented to cover the cost for drinking water operators of ensuring compliance with the parametric values for pesticides and their metabolites defined in directive 2020/2184.

As shown in annex II of this paper, these costs can be substantial. Today, they are borne by water consumers and affect the affordability of water services, in particular for lower income households.

³ SCHEER - Final Opinion on Groundwater quality standards for proposed additional pollutants in the annexes to the Groundwater Directive (2006/118/EC), 2022.

⁴ Special Report 12/2021: The Polluter Pays Principle: Inconsistent application across EU environmental policies and actions (2021).

⁵ European Court of Auditors' Special Report No 12/2021 entitled "The Polluter Pays Principle: Inconsistent application across EU environmental policies and actions" - Council conclusions (2021).



9. Article 25 - Training and Certification

EurEau fully supports the training and certification requirements, including the subjects listed in annex III. Farmers must be enabled to understand the impact of their choices on the aquatic environment and on drinking water resources.

10. Article 26 - Independent advisory system

We welcome this article since independent advisory services are paramount for the better application of the IPM mechanism. Indeed it is crucial that each Member State designates a competent authority to establish, oversee and monitor the operation of such system of independent advisors for professional users.

11. Annex I – Methodology for calculating progress towards achieving the two Union and two national 2030 reduction targets

Section 1.1 limits the methodology to “quantities of chemical active substances placed on the market in plant protection products under Regulation (EC) No 1107/2009 (the Plant Protection Products Regulation), whereas the quantities applied by professional users are of far higher interest. This information is available and should be used for the calculation of progress.

12. Annex VI – Methodology for calculating harmonised risk indicators at Union and national levels

By analogy, in Section 2.1, the harmonised indicators should be based on statistics of the amount of active substances in plant protection products placed on the market **and used (applied) by professional users** according to Regulation (EC) No. 1107/2009.



ANNEX

Examples of extra-costs for drinking water operators to comply with the parametric value for PPP defined in directive 2020/2184

PRAGUE (CZ)

Water treatment plant Zelivka (Drinking water production: 110 million m³/a)
Additional activated carbon filtration (+ ozonation) due to pesticides in drinking water resources (2018-2020) => **EUR 50 M**

WTP Podoli (40 million m³/a) => **EUR 5 M**

PILSEN (CZ)

Upgrading drinking water treatment plant due to pesticides (2013-2017)
=> **Investment cost: EUR 4 M**

HALTERN (DE) (100 million m³/year)

- Average activated carbon costs (PAC: 300 t/year) => **EUR 0.6 M**
- Average costs cooperation with farmers => **EUR 1 M/year**



About EurEau

EurEau is the voice of Europe's water sector. We represent drinking water and waste water operators from 30 countries in Europe, from both the private and the public sectors.

Our members are 35 national associations of water services. At EurEau, we bring national water professionals together to agree European water sector positions regarding the management of water quality, resource efficiency and access to water for Europe's citizens and businesses. The EurEau secretariat is based in Brussels.

With a direct employment of around 476,000 people, the European water sector makes a significant contribution to the European economy.



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