IBMA
INTERNATIONAL BIOCONTROL MANUFACTURERS ASSOCIATION

# IBMA POSITION

## on the Sustainable Use Regulation of Plant Protection Products proposal

# EXECUTIVE SUMMARY

IBMA welcomes that the **Directive is being upgraded to a Regulation**, which will certainly give it an implementation force that is quite different to its previous position as a Directive. IBMA also welcomes the **coherence with the CAP Strategic Plans** as MSs may apply financial incentives or mitigation to offset some impacts.

IBMA appreciates that an EU **definition of 'biological control'** that encompasses the four categories of biocontrol has been included in the Regulation. These categories are: invertebrate biocontrol agents, microbials, semiochemicals and natural substances.

The text of the Regulation contains mainly references to 'low-risk' products as products that preferably should be used. IBMA advocates that this should be extended to **biocontrol products** in general. To promote the use of biocontrol even more the **definition of 'non-chemical methods'** can be expanded by explicitly mentioning biocontrol. In addition, all products that are currently **authorised for non-professional use** should remain available for 'non-professional users'. Distributors should be stimulated to recommend not only low-risk products, but **low-risk and/or biocontrol products**.

IBMA advocates that the use of biocontrol as well as low-risk PPPs should be permitted in **sensitive areas**.

In the Regulation it is stated that each MS should include **an indicative positive target for biocontrol in their NAPs**. IBMA recognises the reduction targets and asks for an equivalent positive target to provide legal clarity for investment in biocontrol in Europe. IBMA advocates that a **75% positive target for biocontrol** at EU level would be necessary to achieve the full agro-ecological transition. Relevant indicators to measure and monitor this transition are provided.

IBMA welcomes the inclusion of **biological control adoption measures** and **national indicative target for each "non-chemical method"** in National Action Plans including a list of the obstacles to biocontrol and the steps being taken to remove these obstacles.

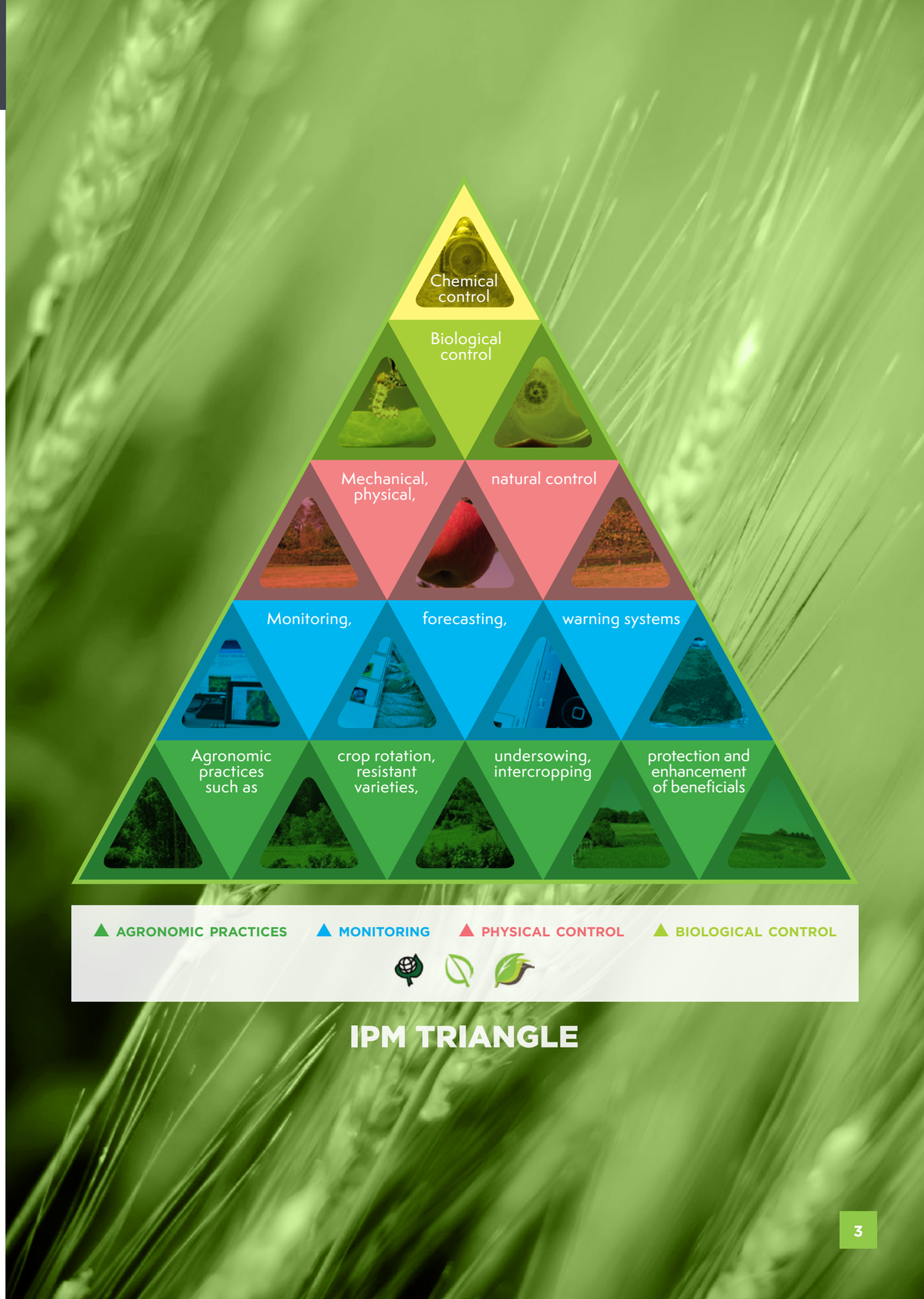
The definition of **Integrated Pest Management (IPM)** has not really been 'modernised' compared with the one in the Sustainable Use Directive and is still considered not strong enough as it should explicitly refer to **prioritise biological control** and using chemicals only if essential. The definition of IPM should also reflect that IPM is 'an ecosystem-based strategy'. In this respect also the contribution from IPM to the **EU Biodiversity Strategy for 2030** and the functioning of ecosystems and ecosystem services should be more emphasised and **indicators for IPM** such as the presence of pollinators and beneficial invertebrates should be established in this context.

IBMA welcomes the **mandatory training** for professional users and advisors on IPM and biocontrol, as well as the incentive for advisors to attend such training through conditional renewal of professional advisory qualification. The establishment of mandatory IPM advice records through an electronic IPM register to justify the treatment programmes used, is considered essential to compare IPM practices. The knowledge and experience that growers have gained on IPM methods need to be communicated more widely. To achieve this appropriate training and communication tools need to be used. Also **'Crop-profiles'** or **'IPM Profiles'** that provide an overview of production and pest management practices for a specific crop can become important tools to achieve these goals.

**Drone (UAV) application** should apply both to biocontrol products and to low-risk products. IBMA welcomes that a competent authority designated by a Member State may permit **aerial application** by a professional user.

**Harmonised Risk Indicators** should allow separation from chemical control, measurement of biological control and to apply a fair weighting system. Measurement of biological control should be based on area treated.






IPM TRIANGLE

# IN SUMMARY

## IBMA welcomes:

- The inclusion of a definition of biological control including the 4 categories
- The coherence with the CAP Strategic Plans
- IPM being defined as a hierarchy with chemistry as a last resort
- The inclusion of biological control adoption measures and indicative targets in National Action Plans.
- Preparation of a list of the obstacles to biocontrol and the steps being taken to remove these obstacles
- Training in IPM and biocontrol for advisers and farmers

## IBMA is keen to see the following amendments:

- Broadening of the definition of biological control to include other natural substances
- That in the text of the Regulation reference is made to biological control products as products that preferably should be used
- Allowing the use of biological control in sensitive areas
- Clearly mention that macro-organisms/invertebrates can be used in general, for professional and non-professional use and in sensitive areas
- Further rigour in the IPM definition to ensure a hierarchy of preventative measures supporting an ecosystem approach and biodiversity
- To include a definition and specific article in the Regulation for non-professional use
- To establish a list of biological control PPP and invertebrate macro-organisms that can be used e.g. in NAPs to set positive targets, to indicate what is allowed in sensitive areas and for non-professional use, to set crop-specific rules, and to separate biological control from chemical PPPs for HRI calculations
- HRI to be carefully considered to allow separation and measurement of biological control from chemical control and to apply a fair weighting system

## IBMA's comments are grouped around the following topics:

1. General statement
2. Definition of 'biological control'
3. Sensitive areas
4. (Positive) targets
5. Integrated Pest Management (IPM)
6. Non-professional users
7. Training
8. Aerial spraying
9. Harmonised Risk Indicators



# GENERAL STATEMENT

**IBMA welcomes that the Directive is being upgraded to a Regulation, which will certainly give it an implementation force that is quite different to its previous position as a Directive. IBMA also welcomes the coherence with the CAP Strategic Plans (Article 8(1)) as MSs may apply financial incentives or mitigation to offset some impacts.**

# DEFINITION OF BIOCONTROL

IBMA welcomes the recognition of biological control as a specific form of plant protection through an EU **definition of 'biological control'** including the four categories of biocontrol (Article 3(23)). These categories are: invertebrate biocontrol agents, microbials, semiochemicals and natural substances. The definition of 'biological control' should read as follows: *'biological control' means the control of organisms harmful to plants or plant products using natural means of biological origin or substances identical to them, such as micro-organisms, semiochemicals[1], extracts from plant products as defined in Article 3(6) of Regulation (EC) No 1107/2009, and other natural substances[2], or invertebrate macro-organisms.*

The text of the Regulation contains mainly references to **'low-risk' products** as products that preferably should be used (e.g. Article 15(6), Article 22(3), Article 24(4)). IBMA advocates that this should be extended to biocontrol products as (i) biocontrol products in general are considered safe, since biocontrol is based on substances originating from nature and present in environments and biocontrol products are only applied locally and temporarily, in an increased concentration; (ii) the majority of biocontrol products have not yet been evaluated for 'low-risk'; (iii) the current number of low-risk products is insufficient to replace chemical products; and (iv) the current procedure to distinguish between 'low-risk active substances and 'low-risk products' is considered too complicated. An additional argument to consider biocontrol products as products that preferably should be used is that the majority of biocontrol substances is listed as 'provisionally low risk' according to *COMMISSION NOTICE concerning a list of potentially low-risk active substances approved for use in plant protection (2018/C 265/02)*.

Biological control is used in organic farming as well as conventional agriculture.

[1] Semio-chemicals, which are substances emitted by plants, animals and other organisms which are used for intra- and inter-species communication, have a target-specific and non-toxic mode of action and are naturally occurring. They are generally effective at very low rates, often comparable to levels that occur naturally. In light of current scientific and technical knowledge it is also appropriate to provide that semio-chemicals should be considered as low-risk substances (recital 7 of Regulation (EU) 2017/1432).

[2] Natural substances consist of one or more components that originate from nature, including but not limited to: plants, algae/micro algae, animals, minerals, bacteria, fungi, protozoans, viruses, viroids, peptides and mycoplasmas. They can either be sourced from nature or are nature identical if synthetised (IBMA definition).



# SENSITIVE AREAS

The Regulation provides for an extensive definition of 'sensitive areas'. In practice as the vast majority of gardens are in human settlements on the CORINE LAND COVER map, they fall under definition c) of the sensitive areas. This means that consumer use immediately around the home, in the domestic garden will be forbidden. This is the same for products to control turf pests & diseases on stadiums (which could result in injuries to players and even make some stadiums unusable), golf courses, sports fields, training facilities, horse racecourses, and all other turf based sports surfaces. Therefore, some provisions in Article 18 on the use of plant protection products in sensitive areas should be reconsidered to allow biocontrol in these areas.

The use of **biocontrol (including invertebrate macro-organisms)** should be permitted in **sensitive areas** as the current text now states that *"The use of all plant protection products is prohibited in all sensitive areas and within 3 metres of such areas"* (Article 18(1)). As a general principle, biocontrol products should be allowed to be used in all areas used by the general public, such as a public park or garden, recreation or sports grounds, or a public path. The use of biocontrol would also allow the continuation of organic farming in ecologically sensitive areas as it is today, such as crop production, forestry and grassland use. It is recommended to distinguish between "sensitive areas relating to human activity e.g. public spaces" and "ecologically sensitive areas" because human and environmental exposure scenarios are different in urban and rural situations.

Therefore, it is recommended to amend Article 18(1)) as follows: *"The use of all plant protection products* ***except biological control plant protection products and invertebrates macro-organisms as defined in (Article 3(23))*** is prohibited in all sensitive areas and within 3 metres of such areas. This 3 meter buffer zone shall not be reduced by using alternative risk-mitigation techniques.".

If **permits for the use in sensitive areas** are issued by competent authorities, IBMA questions how harmonisation between MSs can be guaranteed and how the competent authorities deal with the differences between a 'human health sensitive area' and an 'ecologically sensitive area'.

# (POSITIVE) TARGETS

In the Regulation it is stated that each MS should include **an indicative positive target for biocontrol in their NAPs** (Article 9). IBMA recognises the reduction targets and asks for an equivalent positive target to provide legal clarity for investment in biocontrol in Europe. IBMA advocates that a **75% positive target for biocontrol** at EU level would be necessary to achieve the full agro-ecological transition.

Relevant indicators to measure and monitor this transition are:

- Number of biological control PPPs authorised;
- Percentage of label uses covered by biological control PPPs;
- Number of macro-organisms authorised;
- Percentage of biocontrol market value within the overall PPPs market value;
- Percentage of the area (in hectares) treated with biological control;
- Use of biological control on a field is an indicator of IPM and as such should be rewarded through a CAP payment, thus linking the NAP to the CAP National Strategic Plans and enabling hectare measurements.

In order to identify and measure the increase of the use of biological control PPPs and invertebrate macro-organisms a list with authorised biocontrol products should be established at national level (and EU level). Alternatively, the **national authorisation database of products** can be adapted to identify and facilitate searching for biocontrol solutions. An overview of authorised biocontrol solutions should already be prepared prior to entry into force of the Regulation to have this information available to be considered as **alternatives to 'the 5 chemical active substances that most strongly influence the trend of the reduction in the use of chemical PPPs'** (Article 9(1). IBMA recommends to develop a harmonised procedure at EU level and set criteria how to determine *'most strongly influence'*, e.g. it should be clarified if the criteria correspond to acute pest problems or correspond to common practices.

The Commission committed, in line with the Farm to Fork Strategy, to take action to reduce by 50% the overall use and risk from chemical pesticides by 2030 and reduce by 50% the use of more hazardous pesticides by 2030 (Article 4(1)). Biocontrol holds the greatest potential to achieve these targets, yet the EU's implementation of Regulation (EC) No 1107/2009 applicable to microbials, natural substances and semiochemicals results in multiple obstacles and consequently delays in getting biocontrol products into the hands of European farmer. The EU's current snail-paced regulatory process is taking up to 10 years for biocontrol product authorisations and hence, it may be difficult, if not impossible, to meet the targets in the Farm to Fork Strategy. To speed up the regulatory process and to increase coherency with the goals of this Sustainable Use Regulation IBMA advocates a three step plan (i) establishment of a biocontrol definition (addressed by this Regulation) (ii) to implement Regulation (EC) No. 1107/2009 properly, in the way it was intended (proper implementation and functioning of the zonal system, to re-instate the option of the provisional authorisation (Article 30 of Regulation (EC) No 1107/2009) to facilitate the placing on the market of PPPs containing new biological active substances that have been evaluated and assessed by the RMS and concluded that the substance can be approved, etc.) and to prioritise this newly defined group within the authorisation process.

This will drastically shorten the time to market for biocontrol, and (iii) the development of a new and dedicated legislation for biocontrol products. In this context IBMA welcomes the revised data requirements for micro-organisms that are considered crucial to the Farm to Fork initiative and to the delivery of new solutions to the farmers for the transition to sustainable agriculture. However, the regulatory process should be fundamentally reshaped to be appropriate to biocontrol technologies and reduce time to market to 2 years.

IBMA welcomes the inclusion of **biological control adoption measures and national indicative target for each "non-chemical method"** in National Action Plans (Article 9) including a list of the obstacles to biocontrol and the steps being taken to remove these obstacles (Art. 9(3)).

# INTEGRATED PEST MANAGEMENT (IPM)

The definition of **Integrated Pest Management (IPM)** has not really been 'modernised' compared with the one in the Sustainable Use Directive (Article 3(15)). The definition of IPM is still considered not strong enough as it should explicitly refer to **prioritise biological control** and using chemicals only if essential. Only in Article 13(4) it is stated that *"Professional users shall use biological controls, physical and other non-chemical methods. Professional users may only use chemical methods if they are necessary to achieve acceptable levels of harmful organism control after all other non-chemical methods … have been exhausted"*.

**While article 13 of the SUR does recall the eight principles of IPM defined, it fails to rank them. It is considered essential to apply a preventative approach, in line with the IOBC, IBMA and PAN Europe triangle on IPM[3].**

It is also recommended that the definition of IPM reflects that IPM is 'an ecosystem-based strategy' or "nature-based strategy" (or similar wording) rather than just a number of different measures. Such terminology would also fit better within the language used in the Farm-to-Fork Strategy. In this respect also the contribution from IPM to the **EU Biodiversity Strategy for 2030** (Recital 42) and the functioning of ecosystems and ecosystem services should be more emphasised in the core text of the Regulation and **indicators for IPM** such as the presence of pollinators and beneficial invertebrates should be established in this context. The emphasis on ecosystems based strategies could be created by reinstating the following statement in the definition: *"Integrated pest management' emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms"*.

To promote the use of biocontrol even more the **definition of 'non-chemical methods'** (meaning alternatives to chemical plant protection products, Article 3(22)) can be expanded by explicitly mentioning biocontrol, e.g. 'non-chemical methods' means alternatives to chemical plant protection products *like biological controls, physical and other non-chemical methods*.

IBMA welcomes the establishment of **crop-specific rules** that a professional user should follow in relation to the specific crop and region in which the professional user operates (Article 15(1)). Such rules should convert the requirements of integrated pest management into verifiable criteria that apply to the specific crop. In the Regulation it is specified that to ensure that the **crop-specific rules** are in accordance with the requirements of integrated pest management, *"detailed rules should be laid down as to what they should contain and the Commission should verify their development, implementation and enforcement on the ground"* (Recital 20). It is considered essential to prepare and implement these rules as much as possible in a harmonised way between MS (e.g. harmonised template, crop-profiles or IPM-profiles and work plan). This should avoid differences between MS in the implementation of IPM and support a harmonised use of biological control. However, it should be acknowledged that IPM strategies may differ from region to region. The establishment of mandatory IPM advice records through an electronic IPM register to justify the treatment programmes used, is considered essential to compare IPM practices. The recording of preventing measures and the stimulation of strategic long-term planning is acknowledged to be of utmost importance. Many biocontrol measures must be applied in a broader context of the crop rotation. Learning between farmers and exchange of information between farmers and advisors is considered crucial to facilitate the agro-ecological transition.

The knowledge and experience that growers have gained on IPM methods need to be communicated more widely. To achieve this appropriate training and communication tools need to be used (e.g. forecasting advice, warning systems). Advisors are the link between growers and research and play a key role in communication and the dissemination of information. **'Crop-profiles'** or **'IPM Profiles'** can become important tools to achieve these goals. 'Crop-profiles' or 'IPM-profiles need to provide an overview of production and pest management practices for a specific crop: (i) information on abiotic factors affecting its growth; (ii) the biology of key disease, insect and mite and weed problems as well as cultural and chemical methods of control; (ii) detailed information on pest occurrence, integrated pest management options, as well as registered pesticides available to growers. These profiles should also provide baseline information at different levels (e.g. EU, zonal, national, regional) on crop production and IPM practices and the issues faced by growers. These 'crop-profiles' or 'IPM Profiles' can also be used to train advisors. This would increase transparency and could partly overcome this problem of **'independency'** as advisors most likely will not be governmental/publicly funded, but they may be trained and paid by private companies. IBMA welcomes the designation of a competent authority at MS level to establish, oversee and monitor the operation of a system of **independent advisors** for professional users (Article 26(1)).

Examples are the **Canadian Crop Profiles** or the **IOBC Crop Specific Technical Guidelines for Integrated Production**.

IBMA wants to stress that all parties involved in the regulatory process (applicants/biocontrol industry, national regulatory authorities, and Commission representatives) have to play their **role in the communication** of the environmental benefits of biocontrol, IPM and other non-chemical alternatives.

[3] https://ibma-global.org/ibma-value

To clarify the position of the non-professional user it is recommended to include a definition and specific article in the Regulation for **non-professional use**. Provisions for non-professional users now only appear in Article 22(3) where it is indicated that *'non-professional users may only use low-risk plant protection products'* and Article 24(4) where it is stated that a *'distributor shall provide general information to non-professional users on the risks'*. According to the current text non-professional users are also not allowed to use PPPs in sensitive areas (Article 18(1).

It is recommended to include the following definition: 'Non-professional user' means any person who uses a plant protection product or an invertebrate macro-organism in the course of their personal activities.

All biological control PPPs, low-risk PPPs and invertebrate macro-organisms (which are not PPPs according to Regulation (EC) No 1107/2009), can be used by non-professional users. The use of these products should also be allowed in domestic gardens in human settlements. In addition, the definition should be extended to include biological control products in the concentrate form (e.g. capsules). This would allow non-professionals to access suitable products which are low hazard and reduce the cost of transporting water-based products.

Proposal for an article in the Regulation for **non-professional use**: *A 'non-professional user' means any person who uses a plant protection product or an invertebrate macro-organism in the course of their personal activities. Non-professional users may only use biological control or low-risk plant protection products. These can be ready to use formulations or concentrates (including ready-to-dilute solutions). The use of these products may also be allowed in sensitive areas as domestic gardens in human settlements.*





IBMA welcomes the **mandatory training** for professional users and advisors on IPM and biocontrol, as well as the incentive for advisors to attend such training through conditional renewal of professional advisory qualification (Article 25(2)). Annex III TRAININGS SUBJECTS refers explicitly to the relevant legislation regarding plant protection products and their use and risk. Also the topic of IPM is well elaborated: *"Integrated pest management strategies and techniques, integrated crop management strategies and techniques, organic farming principles, **biological pest control methods**, harmful organism control methods, the obligation to apply integrated pest management as set out in Articles 12 and 13 of this Regulation, and the obligation to enter records in the electronic integrated pest management and plant protection product use register, as set out in Article 14 of this Regulation"*. However, the use of low-risk products should have a more prominent place in the **training subjects** for professional users and advisers.

Distributors should be stimulated to recommend not only low-risk products, but **low-risk and/or biological control** (Article 24(4)). In this respect distributors should also recommend biocontrol substances that are listed as 'provisionally low risk' according to *COMMISSION NOTICE 2018/C 265/02*.

**Drone (UAV) application** should be permitted for both biological control and low-risk products and should explicitly follow the principles of IPM. IBMA welcomes that a competent authority designated by a Member State may permit **aerial application** by a professional user (Article 20(2)). If **permits for aerial application** are issued by competent authorities, IBMA questions how harmonisation between MSs can be guaranteed.





In the current SUR proposal the calculation of HRI 1 will be based on statistics on the **quantities of active substances** placed on the market in plant protection products under Regulation (EC) No 1107/2009 (Article 4, Annex I). IBMA asks that HRI 1 measurement be adapted for biological control because, contrary to chemical active substances, biocontrol may work at hundreds of grammes or be measured in different units such as colony forming units (cfu). The current system favours chemical plant protection products. Measurement of biological control should be based on area treated, not volume. To overcome the limitation posed by volume the French calculation of NODU[4] allows to convert quantities of active substances into treated areas.

While we recognise that data available to include in HRI will be governed by the Statistics of Agricultural Inputs and Outputs (Draft Regulation on SAIO)[5] which is currently under review, IBMA considers that an HRI based solely on quantity of active substance is limiting visibility of the achievement of the Farm to Fork objectives. It is important that the HRIs provide a measure of progress towards pesticide reduction targets and indicate the growth of alternative methods such as biological control.

To do this requires:

- Separation of biological control from chemical PPPs so they can be measured separately. For this, biocontrol PPPs should be clearly identified on a list.
- Quantity of active substance can be used but should be noted that modern chemistry has application rates of a few grammes while biocontrol may work at hundreds of grammes or being measured in different units such as colony forming units (cfu's)
- Replacement of uses with biological product alternatives is a measure that can be used and is applied in Article 9 in the preparation of National Action Plans. It may be necessary to take this into consideration when evaluating any modifications in the HRI

The calculation of HRI 2 should be adapted for Biological control. It is recommended that biocontrol and low-risk products should be treated similarly regarding the calculation for **Harmonised Risk Indicator 2** (number of emergency authorisations, Annex VI) as these type of products should preferably be used. Although a hazard weighting is applicable for low-risk substances, this is currently not foreseen for biocontrol products in general. Now biocontrol products could even be weighted with a factor 8 or even 64. Therefore, biological control should be treated similarly to low-risk products and be included in 'group 1' or, alternatively, both groups should be excluded from this calculation. This would result in a fair weighting system.

**REMARK:** With effect from 1 January 2027, the methodology of harmonised risk indicator 2 **(based on the number of granted emergency authorisations)** will be replaced by the methodology of harmonised risk indicator 2a **(based on the number of and areas treated under granted emergency authorisations)**.

[4] NODU stands for Nombre de Doses Unités

[5] SAIO covers inputs to and outputs of the agricultural sector, with regard to agricultural production (crops and animals) as well as organic farming, plant protection products, nutrients and agricultural prices data, with a view improving the quality, comparability and coherence of European agricultural statistics.

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