



Brussels, 14 November 2008

Re: 2nd reading on Revision of Directive 91/414/EEC concerning the placing of plant protection products on the market

Dear,

Our associations, AREFLH¹, FRESHFEL² and OEITFL³, representing the **European fruit and vegetables sector** are writing to you with regard to the final negotiations on the future EU pesticide legislation.

We fully acknowledge the need for updating EU pesticide legislation, to provide for a continued high level of consumer protection. Therefore we support the Council common position which provides appropriate health and environmental protection, and which already constitutes a challenge for our sector.

In the light of last week's vote in the European Parliament's Environment Committee, the European fruit and vegetable sector would like to provide some comments regarding the adopted amendments:

- **Minor uses (Amendments 150,153 and 154):**
As all fruit and vegetables fall within the category of minor uses, we **support these amendments** which would help to address the existing and future gaps in plant protection solutions for minor uses. We're particularly interested in the establishment of an **EU Promotion fund for minor uses**, as there exists little incentive for pesticide industry to incur the research cost for minor use registrations. The publicly funded IR-4 project in the USA provides first hand experience how such a fund could introduce safer and more efficient pesticides for fruit and vegetable production and other specialty crops (<http://ir4.rutgers.edu/>). The provisions of the future EU authorisation rules entail the need for an EU coordinated approach in this matter.

¹ AREFLH is the assembly of fruit, vegetable and horticulture producing European Regions. It unites 28 regions : SPAIN: Andalucia, Aragon, Cataluña, Extremadura, Murcia, Navarra, Valencia. FRANCE : Aquitaine, Basse-Normandie, Bretagne, Centre, Ile-de-France, Languedoc-Roussillon, Limousin, Midi-Pyrénées, Pays de la Loire, Provence-Alpes-Côte d'Azur, Rhône-Alpes. ITALY : Basilicate, Bolzano, Emilia-Romagna, Lombardia, Piemonte, Toscana, Trento, Veneto. PORTUGAL : Lisboa e Vale do Tejo. BELGIUM : Flandres.

² Freshfel Europe is the European Fresh Produce Association, representing the interests of operators across the supply chain of fresh fruits and vegetables in Europe and beyond. Freshfel Europe currently has over 200 members, including both companies and associations.

³ Over 500 companies affiliated via our member associations producing more than 6 million tonnes of processed fruit and vegetables each year (approximately 650.000 t of fruit preserves, 1.200.000 t of canned fruit, 2.300.000 t of canned vegetables, 2.500.000 t of frozen vegetables and 35.000 t of dried vegetables).

- Zones (Compromise package A):**
As the current system for the approval of plant protection products at national level has led to competition distortion among farmers in different Member States and in some cases confused the public on supposedly illegal pesticides, the principle of enhanced **mutual recognition** among Member States should be safeguarded as much as possible and **opt-outs reduced to a strict minimum**.
- Cut-off criteria (Compromise package B):**
The Council common position will phase out some key active substances for the horticulture sector, leaving growers with no products to control certain pests. As such, we stress the need for the **derogation clause** authorising Member States to continue the use of certain active substances until suitable alternatives have been developed, in particular for minor crops.
Besides **bee toxicity**, we reject the introduction of **additional cut-off criteria**, while the criteria adopted by the Council have been judged stringent enough to reach a satisfactory level of protection of human health and the environment.
- Substitution (Compromise package C):**
Whilst the substitution and comparative assessment provisions contain several safeguards, in particular for minor crops, we're concerned with compromise amendment **C.21**. This amendment introduces the option of restricting or not authorising candidates for substitution for specific product-commodity combinations (*for use in a given crop*). This well meant provision will have a serious impact on minor uses, as manufacturers might no longer support their products if they lose the principal uses. Minor uses represent on average 10-20% of the turnover for a given plant protection product.
- Information (Compromise package D):**
We reject the proposed package. Records of pesticide use are already available on request within the supply chain. Whilst the sector has initiated further developments with regard to information exchange (beyond plant protection products) through due diligence schemes and so called private standards, we see no reason to regulate such initiatives as this risks to entail a costly proliferation of systems (a standardised format is but one small part of such systems) and is not feasible for all commodities.

Finally, we'd like to insist to have an impact assessment of the proposals on raw material availability, the competitiveness of agriculture and the wider socio-economic context (i.e. food demand, evolution of food prices, availability of agricultural land) carried out as soon as the legislation is published.

We would like to thank you in advance for your consideration of our concerns on this important issue for the EU food chain.

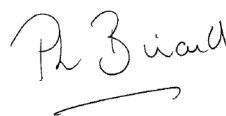
Yours sincerely,



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