

COUNCIL DECISION (EU) 2021/1102**of 28 June 2021**

requesting the Commission to submit a study on the Union's situation and options regarding the introduction, evaluation, production, marketing and use of invertebrate biological control agents within the territory of the Union and a proposal, if appropriate in view of the outcomes of the study

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 241 thereof,

Whereas:

- (1) Biological control agents are natural enemies, antagonists or competitors, or other organisms which are used to control, either directly or indirectly, plant pests, including quarantine pests, by controlling their vectors, weeds and invasive alien plants.
- (2) For the purpose of this Decision, only invertebrate Biological Control Agents such as insects, including male sterile insects, mite and nematode species (BCAs) are covered.
- (3) There is a wide diversity between Member States in their approaches and the types of regulations that they apply to the release, evaluation and movement of BCAs. However, BCAs know no borders and can spread beyond the territories where they have been deliberately released in order to control plant pests, weeds and invasive alien plants.
- (4) Often used in greenhouse production, BCAs have a growing importance in sustainable agriculture and forestry, namely in the implementation of integrated pest management (IPM) and organic farming. Sustainable farming systems provide a vital contribution to the Union's transition to sustainable food systems, as set out in the Commission's Communication 'A Farm to Fork strategy for a fair, healthy and environmentally-friendly food system' and the Commission's Communication on a 'European Green Deal', and supported by the future Common Agricultural Policy. The use of BCAs in this context helps to reduce dependence on chemical plant protection products.
- (5) Regulation (EU) 2016/2031 of the European Parliament of the Council ⁽¹⁾ aims to protect the Union against the introduction of new pests, whilst tackling existing pests more effectively. The plant health policy contained in that Regulation focuses in particular on screening for new plant pests worldwide, preventing the entry of such plant pests into the Union territory and, in the event of their introduction, early detection and eradication.
- (6) The entry, establishment and spread of plant pests can endanger the sustainability of agriculture, forests, natural environments, biodiversity and ecosystems. Global trade, movement of people, climate change and extreme weather phenomena increase the prevalence of pests and phytosanitary risks. New exotic pest species are also a threat to existing Union agriculture and forestry production systems as well as to native flora and fauna. The introduction of a natural enemy from the region from which the pest originates may contribute to a suitable control strategy but may bear risks for native flora and fauna. Thus, a scientific assessment of the possible impacts on plant health and biodiversity, using standard methodology, including on potential undesirable impacts on non-targeted species, ecosystems and biodiversity in general, needs to be made before the introduction of any BCA.
- (7) It is recognised that the use of BCAs has been growing, given the greater demand from farmers, green space managers and gardeners, who are seeking to reduce their dependence on chemical plant protection products.

⁽¹⁾ Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317 23.11.2016, p. 4).

- (8) International organisations, in particular the Food and Agriculture Organization of the United Nations through the International Plant Protection Convention (IPPC) and the European and Mediterranean Plant Protection Organisation (EPPO), have developed international phytosanitary standards and guidance on the safe use of BCAs, and play an important role in developing standards for risk analysis and research.
- (9) Producers of BCAs, including small and medium-sized enterprises (SMEs), provide innovative and specific solutions for crop protection. Quality control of BCAs is an essential requirement for ensuring their safety and performance.
- (10) A more consistent approach between Member States could facilitate the development of and market access to safe BCAs. This would help create opportunities for agriculture and forestry production systems and for control of plant pests, while ensuring protection of health and of the environment.
- (11) The Council considers that a study on the Union's situation and options regarding the introduction, evaluation, production, marketing and use of BCAs within the territory of the Union is necessary for improving their availability and accessibility for users while ensuring the safety of humans, animals, plants, the environment and food security, in accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽²⁾, and in particular paragraph 10 thereof on the application of Articles 225 and 241 of the Treaty on the Functioning of the European Union.
- (12) Such options may include assessing the potential for harmonisation of criteria, procedures and decision-making in the Union; for Union research, innovation and knowledge dissemination programmes and for reinforced cooperation with relevant international organisations in order to speed up market access and increase the accessibility of BCAs; and for supporting investment, innovation and the safe use of BCAs in plant pest control, as a first step towards a harmonised definition of a broader concept of biocontrol,

HAS ADOPTED THIS DECISION:

Article 1

The Council hereby requests the Commission to submit, by 31 December 2022, a study on the situation regarding the introduction, production, evaluation, marketing and use of invertebrate Biological Control Agents (BCAs) within the territory of the Union. The possibilities for the harmonisation of procedures throughout the territory of the Union should also be evaluated, so as to facilitate the promotion of the deployment of, and market access to, BCAs, to support investment and innovation in, and to contribute to the safe use of, BCAs, including where they are needed for quarantine pest control as imposed by plant health authorities.

Article 2

The Council requests the Commission to submit a proposal, if appropriate in view of the outcomes of the study, or otherwise to inform the Council about any possible measures as a follow-up to the study.

Article 3

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

⁽²⁾ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Done at Luxembourg, 28 June 2021.

For the Council
The President
M. do C. ANTUNES
