Joint View
on the need
to fund initiatives
to support
speciality crops and
minor use authorisations

The common view of:
Executive summary

“Minor use”\(^1\) applies in particular to fruits and vegetables, storage, transport and trade of cereals, seeds and flowers. Speciality crops, which include most vegetables, fruits, nurseries and flowers, accounts for an EU production value of greater than €60 billion per year, representing more than 20% of the value of EUs total agricultural production. Regulation (EC) No 1107/2009/EC relative to the placing of plant protection products on the market includes specific provisions for the use of such products on crop with limited acreage (minor crops) and/or to control limited problems, the so-called ‘minor uses’.

This document sets out the view of ‘food chain partners’ on the issue of speciality crops and finding solutions for minor use problems that currently exist in the European Union\(^2\). This paper highlights the areas where progress can and should be made, as follows:

General regulatory and administrative measures

1. EU database on products and uses
2. Common system for minor use extensions
3. Greater use of mutual recognition
4. Common protocols for simplified studies on minor uses and speciality crops

Funding to support initiatives on minor use and speciality crop authorisations

a) Research project: inventory of current national situation, the problems and looking towards solution finding
b) EU coordination forum for all players involved in solution finding for minor uses
c) Co-financing for the development of relevant authorisation data
d) Establishment of an Advisory Group to assess the consequences of regulatory action

---

\(^1\) Minor use is defined under Regulation 1107/2009 concerning the placing of plant protection products on the market in article 3 as meaning the “use of a plant protection product in a particular Member State on plants or plant products which are: (a) not widely grown in that Member State, or (b) widely grown to meet an exceptional plant protection need”.

\(^2\) It should be noted that the current document does not repeat the arguments set out and agreed at the food chain workshop held in November 2009. Those arguments are included as an annex to this document.
On behalf of the above-mentioned participating food chain partners:

1. AREFLH Assemblée des Régions Européennes Fruitières, Légumières et Horticoles  
   www.areflh.com
2. CELCAA European Liaison Committee of Agricultural and Agri-Food Trade  
   www.celcaa.eu
3. COCERAL Comité du Commerce des céréales, aliments du bétail, oléagineux, huile d’olive,  
   huiles et graisses et agrofournitures www.coceral.com
4. COPA-COGECA European Farmers and European Agri-Cooperatives  
   www.copa-cogeca.eu
5. ECPA European Crop Protection Association  
   www.ecpa.eu
6. ESA European Seed Association  
   www.euroseeds.org
7. FRESHFEL European Fresh Produce Association  
   www.freshfel.org
8. PROFEL European Association of Fruit and Vegetable Processors  
   www.profel-europe.eu

Introduction

This document sets out the view of ‘food chain partners’ on the issue of speciality crops and finding solutions for minor use problems that currently exist in the European Union. This paper is being prepared as an input into the study being commissioned by the European Commission on the possible establishment of a European fund for minor uses in crop protection.

In order to improve the current situation for minor uses in the European Union, a number of measures need to be considered. Some measures have been highlighted in the paper agreed after the workshop organised in November 2009. This paper highlights some additional areas where we believe that progress can be made, and these are divided into two sections:

1. General regulatory and administrative measures
2. Funding to support initiatives on minor use authorisations

Regulatory and administrative measures

There are a number of regulatory and administrative measures that need to be put in place at the EU level in order to improve the overall availability of products, not only for minor uses. The majority of these measures are related to the need for greater coherence between Member States to ensure that decisions are based on a common set of rules. For example, there are different national measures to provide minor use solutions at the Member State level – but these measures lack synergy at the zonal or European level. A greater consistency and synergy would greatly increase resource efficiency.
The key measures identified are:

1. **EU database on products and uses**
   There is currently a lack of knowledge exchange between Member States, of the products and uses authorised at the country level. This is not limited to minor uses and there is a need to develop an EU wide database of all product and use authorisations in the EU. Such a database would highlight the solutions available and may offer opportunities for the efficient use of the mutual recognition provisions.

2. **Common system of product authorisation extensions for minor uses and speciality crops**
   At the present time, Member States have different methods of providing solutions for speciality crop and minor use authorisations at a national level. It is important that urgent solutions are found for acute problems while a sustainable long-term system needs to be developed that is consistent throughout the European Union. A number of Member States use an ‘off label’ authorisation system. In line with Article 51(4) and 51(5) of Regulation 1107/2009, such a system would offer the greatest benefits in ensuring minor use authorisations, by providing timely and workable solutions where specific use gaps/needs are identified. A system of ‘off label’ authorisations would require the user to take responsibility when considering the efficacy of the product, while guarantees for the safety of the product would need to be linked to existing authorisations in other Member States. There is however a need for all Member States to cooperate and implement such a system in a coherent manner, while also ensuring the collaboration of the authorisation holder.

3. **Greater use of mutual recognition**
   Greater use could be made of the mutual recognition procedures set out both in Directive 91/414/EEC and Regulation 1107/2009, in particular in the extension of uses for existing products. Progress is needed to ensure the use of mutual recognition as the main tool to extend minor use and speciality crop authorisations, particularly within the same zone.
   Lack of acceptance of efficacy data is one blocker. For speciality crops in particular, the acceptance of biological efficacy data from other countries is essential as requests for MS specific data are in the majority of cases not necessary. Biological efficacy data should not be a blocker to minor use and speciality crop authorisations, where those authorisations are granted under Article 51.
4. Common protocols for simplified studies on minor uses and speciality crops

A number of Member States accept simplified studies to support the granting of authorisations for minor uses and speciality crops at the national level – but these studies are not accepted by other Member States. While these simplified national study protocols are helpful at the national level, there is a need to ensure acceptance of these protocols across Member States while at the same time developing common ‘simplified minor use protocols’ to apply in all Member States.

Where common EU protocols cannot be put in place, a minimum acceptable standard should be developed, and all specific national protocols must comply with this standard. Where national protocols do meet the minimum acceptable standard, mutual recognition of minor use authorisations should take place without the need for any additional national data. We would envisage an important role for the Food and Veterinary Office (FVO) in this process to ensure that national protocols meet the minimum acceptable standard. This would ensure independent verification of the national protocols, thus giving a high level of confidence in the national protocols.

Funding to support initiatives on minor use authorisations

We do believe that a EU funding is required for initiatives to identify current and future needs, and to assist the granting of authorisations for minor uses and speciality crops. While in some cases, support would be considered necessary to develop specific new initiatives, we believe that the main aims of any EU financial support should be to encourage cooperation and coordination between the many initiatives that exist in Member States.

There is already a level of cooperation between initiatives in a number of different Member States, but many other national initiatives are not well linked in. We believe that an EU funds could and should bring together all relevant partners to develop and/or strengthen the level of cooperation. There are three types of cooperation that we have identified as being key:

- Research project to support cooperation and solution finding
- EU coordination forum for all players involved in solution finding for minor uses
- Co-financing for the development of relevant authorisation data
a) **Research project: inventory of current national situation, the problems and looking towards solution finding**

A number of specific research projects need to be considered to bring together the key players. The aims should be to develop

- An inventory of existing solutions (and of the public and private bodies involved in solution finding) in different EU Member States
- A database of the main problems that currently exist in the different countries,
- An inventory listing the solutions that are currently being developed by different bodies.

Such a project should also look to develop common solutions and multi Member State platforms to ensure that these solutions are developed and implemented across Member States. Given the type of programme being considered, we would envisage that EU Research funding should be ear-marked for such a project.

b) **EU coordination forum for all players involved in solution finding for minor uses and speciality crops**

A European fund should be put in place to support the development of a stronger *network and a solution finding forum* for minor use problems. At present, there are a number of examples where growers groups in different countries have developed solutions at a national level, unaware that opportunities for cost sharing would have been possible with other groups in other countries. The *network and forum* should play a role of facilitator in bringing together the different groups and helping identify the needs at an EU level, and ensuring that solutions are developed in a manner that benefits a number of Member States.

While no consolidated data is currently available, it is understood that €30-60 million are made available in different EU countries to find national solutions for existing crop protection gaps for minor use and speciality crops. By developing a communicative *network and forum*, we believe that the overall benefit to farmers could be greatly increased by ensuring greater cooperation (it is not unreasonable to expect a doubling of the overall benefit for farmers). It should also be noted that the benefits of such cooperation would be even greater with a higher level of acceptance between Member States of existing national minor use testing protocols (as mentioned in point 4 above).
Such a network and forum needs to bring together all players with an interest in finding solutions for minor use problems – including growers representatives and the food chain, the crop protection industry, research bodies and regulatory authorities. As this network and forum would be solution oriented, we could also see potential opportunities for growers groups from third countries to participate (e.g., there may be a need for the parallel development of an EU MRL and an import tolerance for a particular use).

While authorities have an important role in the development of solutions, we also appreciate the need for authorities to meet and discuss policy oriented issues. For that reason, we would continue to support the rapid re-instatement of the EU’s minor use groups and we would expect that these groups would work in parallel with the network and forum. In parallel, there is a need to ensure a higher level of cooperation between authorities at the zonal level in order to ensure that authorities cooperate effectively.

c) Co-financing for the development of relevant authorisation data
In considering ways of finding solutions for minor uses and speciality crops, reference is often made to the US IR-4 programme which not only brings together growers groups and identifies solution finding priorities, it also provides financial support to ensure that adequate solution are developed. In the EU, while funding is available at the Member State level, we believe that there is an important role for an EU fund to co-finance a percentage of the data generation costs of key projects. In order to ensure greater co-operation, funding should be limited to cases where a minimum number of Member States are involved in a project.

d) Establishment of an Advisory Group to assess the consequences of regulatory action
The availability of plant protection products for minor crop protection depends on a range of active substances that have usually been developed for major crops. With availability already being limited, each further withdrawal or non-renewal of an active substance may lead to severe problems for speciality crops and other minor uses. Experience has shown that the consequences have not been adequately recognised to ensure the timely development of alternatives. To analyse the impact, there is a need to financially support the establishment of a European Advisory Group.
This could be set up in the form of a working group under the framework of the Advisory Group of the Food Chain, Animal and Plant Health, and would have the task to:

- Assess the consequences on speciality crops and minor uses, of the loss of active substances from the European market.
- Provide advice to policy makers on possible solutions
- Ensure close cooperation with the EU coordination forum, in order to promote the developments of replacement plant protection solutions at the EU level.
ANNEX

Conference Conclusions:
Speciality Crops and “Minor Uses” Conference
4th November 2009

Introduction
A Conference on speciality crops and minor uses was held on 4th November 2009 by eight food chain organisations. It looked at the impact and challenges resulting from Regulation 1107/2009 on the authorisation of plant protection products for speciality crops and minor uses.

In practice, “minor use” applies in particular to fruits and vegetables, storage, transport and trade of cereals, seeds and flowers. Speciality crops, which include most vegetables, fruits, nurseries and flowers, accounts for an EU production value of greater than €60 billion per year, representing more than 20% of the value of EU total agricultural production.

The conference was attended by more than 100 participants from the food value chain and including national and European authorities. The conclusions hereinafter represent the views of the participants at the Conference including the eight co-organising food chain organisations.

Key conclusions of the Speciality crops and Minor uses Conference 4 November 2009

- PROTECTION OF SPECIALTY CROPS AND USES: Minor use authorizations ensure the protection of high value specialty crops and uses that contribute to the availability of high-quality healthy and affordable food for all consumers and upholding of the biodiversity.

The sustainable production of high quality, high value crops is vital for both the EU economy and also for securing the future of the European continent’s food supply at an affordable cost to consumers.

This continuous challenge for a sustainable agriculture is intrinsically linked to the discussion on minor uses and the need to maintain existing solutions as well as developing new solutions that will minimise the impact of the current and future legislation on the crop protection toolbox available to our farmers and our farmers’ ability to produce minor crops in the future. This will help delivering high quality healthy affordable food for all consumers whilst upholding biodiversity.

---

3 The eight food chain organisations are: AREFLH, CELCAA, COCERAL, COPA-COGECA, ECPA, ESA, FRESHFEL and OEITFL.


5 Minor use is defined under Regulation 1107/2009 concerning the placing of plant protection products on the market in article 3 as meaning the “use of a plant protection product in a particular Member State on plants or plant products which are: (a) not widely grown in that Member State, or (b) widely grown to meet an exceptional plant protection need”.

Page 9 of 11
• **GREATER COORDINATION:** There is a need to have specific EU workgroups and coordination units to look at minor use issues and find common crop protection solutions for specialty crops. The Commission’s commitment given at the Conference to re-instate these groups as soon as possible was supported by all participants.

The EU working groups, which brought together the different Member States, are an important centre of expertise which ensure continuity and cooperation between the work being carried out on minor uses in different EU countries. The expertise available in the minor uses teams is an indispensable tool to support the work on the envisaged Commission report⁶ and to consider the available options for the way forward. In addition, the working groups could also be an adequate forum for coordinating and identifying minor uses lists⁷. Participants therefore highly support the Commission’s commitment to restart the working groups as soon as possible and make best use of their expertise to support the aims set out in Regulation 1107/2009.

• **A STEP TOWARDS IMPROVED COOPERATION:** The workshop was a first step and broader cooperation between all the players in the public and private sector is required, including wider cooperation with third countries. Such cooperation needs to have a holistic approach that will also consider the implications of the implementation of the Sustainable Use Directive⁸.

The minor use issue and its impacts on the increasing lack of economically viable crop protection solutions has not only economic consequences for growers confronted with lower productivity and less quality, but also raises concerns for Integrated Pest Management with an increased danger of disease or pest resistance developing. Ultimately it may no longer be economically viable to grow certain crops in the EU, and that in turn will lead to further problems with crop rotation, biodiversity and last but not least availability and affordable prices. Hence, a holistic understanding of the minor uses situation is needed in order to take into account all potential consequences.

In order to tackle the “minor use” challenge, cooperation is key. The conference enabled to gather not only 8 food chain associations but also participants from national and European authorities. It is believed that the conference will be a kick-off for enhanced, transparent and trustful cooperation between all actors. The re-instatement of the European working groups on minor uses will definitively create the required frame for such cooperation. This goes in addition to the importance of exploring opportunities for work sharing on different solutions and methods applied with third country authorities, through the establishment of a euro-transnational platform. In order to further improve cooperation, having a dedicated secretariat would be a very efficient tool.

---

⁶ Article 51 §9 of Regulation 1107/2009 concerning the placing of plant protection products on the market states that: “By two years after the entry into force of this Regulation, the Commission shall present a report to the European Parliament and the Council on the establishment of a European fund for minor uses, accompanied, if appropriate, by a legislative proposal.”

⁷ Article 51§8 of Regulation 1107/2009 states that: “Member States shall establish and regularly update a list of minor uses.”

MINOR USE FUND: The IR-4 programme from the United States is an excellent model that provides solutions and has shown a high return on the investment made. A similar approach could be beneficial in Europe.

The American IR-4 programme is a US government funded research programme to facilitate registration of sustainable pest management technology for speciality crops and minor uses. It particularly supports field trials and extrapolations researches following growers requests.

Annually, the IR-4 Project conducts about 100 studies consisting of approximately 600 field trials with an annual budget of about $18 million of direct funding and $18 million of in-kind contributions. This effort leads to nearly 1000 specialty crop registrations that contribute approximately $4,5 billion to the US gross domestic product.

During the Conference, a call was made for more investment to ensure the availability of crop protection solutions for speciality crops and minor uses in the European Union. Building upon the IR-4 results, we strongly support the establishment of a similar approach for Europe.

By two years of the entry into force of Regulation 1107/2009, the Commission will come up with a report on the establishment of a European fund for minor uses. This report should apprehend all the complexities and impacts of the minor uses issues in order to pave the way towards appropriate and concrete solutions. Such a fund would not only ensure a coordinated approach towards authorisation of plant protection products on speciality crops and minors uses throughout the European Union. It would also ensure better cooperation between relevant parties in the Member States in order to improve information sharing, including the development of an extensive database of problem areas and potential solutions. In the meantime, provisional solutions for growers need to be analysed and identified in cooperation with stakeholders and authorities.

---

9 [http://ir4.rutgers.edu](http://ir4.rutgers.edu)
11 See footnote 4.