

COMMISSION IMPLEMENTING REGULATION (EU) 2023/564**of 10 March 2023****as regards the content and format of the records of plant protection products kept by professional users pursuant to Regulation (EC) No 1107/2009 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 67(4) thereof,

Whereas:

- (1) Pursuant to Article 67(1) of Regulation (EC) No 1107/2009, professional users of plant protection products are to keep records of those products they use, containing the name of the product, the time and the dose of application, the area treated and the crop where the product was used.
- (2) Under Article 67(1) of Regulation (EC) No 1107/2009, professional users are also to make the relevant information available to the competent authority on request. Furthermore, third parties may request the competent authorities to provide access to that information and competent authorities are to provide such access in accordance with applicable national or Union law.
- (3) The Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system ('the Farm to Fork Strategy') ⁽²⁾, adopted by the Commission in 2020, aims to reduce dependency on, and use of, chemical plant protection products. Adequate recording of the use of plant protection products, and national authorities' monitoring and control activities based on such records, are therefore instrumental to the achievement of the Farm to Fork Strategy's objectives.
- (4) There are differences between national regimes as regards the records kept by professional users of plant protection products under Article 67(1) of Regulation (EC) No 1107/2009 and whether they are kept electronically. Therefore, this Regulation establishes detailed rules on the content and format of those records.
- (5) Those rules define how the elements listed in Article 67(1) of Regulation (EC) No 1107/2009 relating to the use of plant protection products (name of the product, time, dose, area and crop of application) are to be recorded, so that the adequate and uniform quality of records kept under that article is ensured throughout the Union.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system (COM(2020) 381 final).

- (6) As the use of plant protection products by professional users most often occurs as part of agricultural activities and in order to align with existing requirements relevant for agriculture, when possible, identification of the location of the area or facility where the plant protection product was used should be done through the unit of land within the scope of the geo-spatial aid application of the integrated administration and control system as referred to in Commission Implementing Regulation (EU) 2022/1173 ⁽³⁾. When this is not possible, Member States should provide professional users with appropriate alternative methods for the identification of the location of the area where the plant protection product was used, and, where relevant, the geospatial location.
- (7) To achieve uniformity of the records, the crop names, situations or land uses should be recorded, where applicable, in line with the codes used by the European and Mediterranean Plant Protection Organization ('EPPO codes') and the growth stages of plants, where applicable, in accordance with the BBCH monograph ⁽⁴⁾.
- (8) In order to avoid requiring professional users to create multiple sets of records for the same use to comply with different obligations, it is appropriate to clarify that Member States have the possibility to require the users to include other information in combination with the records required under Article 67(1) of Regulation (EC) No 1107/2009.
- (9) Records should be kept electronically, as electronic means of record-keeping are best suited to enable a uniform application of the record-keeping obligation. This ensures greater reliability of the records, facilitates their collection and verification by the competent authorities and ultimately supports accurate, efficient and effective monitoring and control activities by Member States. To this end, the electronic formats used should also be machine-readable as defined in Directive (EU) 2019/1024 of the European Parliament and of the Council ⁽⁵⁾.
- (10) To reduce the administrative burden, professional users should have sufficient time between recording of each use of plant protection products and the transfer of the records into electronic format.
- (11) A professional user may use plant protection products under contractual arrangements for another natural or legal person. In those cases, the professional user should provide access to or a copy of the relevant records kept to that person without any undue delays or restrictions.
- (12) This Regulation is without prejudice to the use of the data contained in the records for other purposes outside of the scope of Regulation (EC) No 1107/2009 in accordance with Union or national law. The availability of harmonised electronic records can facilitate the use of the information for other legitimate purposes, thereby avoiding duplication of efforts and reducing the burden on professional users and public authorities.
- (13) In order to allow professional users to prepare themselves to meet the requirements set out in this Regulation, they should be given reasonable time before its requirements become applicable.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽³⁾ Commission Implementing Regulation (EU) 2022/1173 of 31 May 2022 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to the integrated administration and control system in the common agricultural policy (OJ L 183, 8.7.2022, p. 23).

⁽⁴⁾ Meier, Uwe, ed. Growth stages of mono- and dicotyledonous plants. BBCH Monograph. Quedlinburg 2018. Open Agrar Repositorium. doi: 10.5073/20180906-074619 ISBN: 978-3-95547-071-5.

⁽⁵⁾ Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

HAS ADOPTED THIS REGULATION:

Article 1

Content of the records

1. Professional users of plant protection products shall provide in the records referred to in Article 67(1) of Regulation (EC) No 1107/2009 ('the records') the information as set out in the Annex to this Regulation.
2. Where the location of an area or facility where a plant protection product was used cannot be identified through the unit of land within the scope of the geospatial aid application of the integrated administration and control system as referred to in Article 8(3), point (b), of Implementing Regulation (EU) 2022/1173, or where pursuant to paragraph 1, this is not required for a type of use, Member States shall provide professional users with appropriate alternative identification methods. Such identification methods shall enable the identification of the location of the area, unit, or facility where the plant protection product was used, and, where relevant, its geospatial location.
3. Member States shall make available to professional users common names of crops, situations or land uses corresponding to EPPO codes and of growth stages of crops, in accordance with the BBCH monograph for recording the use of plant protection products.
4. The provisions in this Article are without prejudice to the possibility of Member States to require that professional users include other information outside the scope of Article 67(1) of Regulation (EC) No 1107/2009 in the records.

Article 2

Format of the records

Professional users of plant protection products shall keep the records electronically using a machine-readable format as defined in Article 2(13) of Directive (EU) 2019/1024.

Article 3

Timing of recording and of transfer to electronic format

The professional user shall record each use of a plant protection product without undue delay.

Where the records are not initially created in the prescribed electronic format, they shall be transferred into such a format no later than 30 days from the date of use of the plant protection product. For uses of plant protection products on their territory, Member States may provide for shorter periods for the transfer into the prescribed electronic format.

For uses of plant protection products on their territory before 1 January 2030, Member States may allow for longer periods than those set out in the second paragraph, within which the records shall be transferred into the prescribed electronic format, as long as all records are available in the prescribed electronic format before 31 January of the year following the year of use of the plant protection product.

Article 4

Provision of information to the competent authorities and other natural or legal persons

When requested by the competent authority pursuant to Article 67(1) of Regulation (EC) No 1107/2009 to provide information contained in the records, the professional user shall provide the information without undue delay.

When the competent authority explicitly requests information contained in the records created for uses of plant protection products in the prescribed electronic format as set out in Article 2 before the relevant period set out in Article 3, second and third paragraph, has expired, the professional user shall provide the information in the prescribed electronic format before the expiration of that period or within 10 working days, whichever comes first.

Professional users that act under contractual arrangements for another natural or legal person, shall provide access to or a copy of the records to that contracting person without undue delay or restrictions.

Article 5

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2026.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

Information to be included in the records as provided for in Article 1

Type of use	Plant protection product used	Time of use	Dose of application ⁽¹⁾	Location or identification of treated area or unit ⁽²⁾	Size or amount of treated area or unit ⁽³⁾	Crop or situation/land use
Treatment of surface areas (such as agricultural fields, amenity areas, railway tracks, non-crop areas or greenhouses other than those referred to in the next row)	Product name and authorisation number	Date and where relevant ⁽⁴⁾ start time (hour)	Amount in kilograms/litres of plant protection product applied per hectare	Where available, the unit of land within the scope of the geo-spatial aid application of the integrated administration and control system as referred in Article 8(3), point (b), of Implementing Regulation (EU) 2022/1173. Where the area cannot be identified within the scope of the geo-spatial aid application as referred above, identification method referred to in Article 1(2).	Number of hectares treated	Crop names, situations/land uses in line with the EPPO codes ⁽⁵⁾ , where applicable and growth stage in line with BBCH monograph ⁽⁶⁾ , where relevant ⁽⁷⁾
Treatment of or in closed spaces (such as fogging/spraying storage facilities, empty grain storage rooms or permanent greenhouses as defined in Article 3(27) of Regulation (EC) No 1107/2009)	Product name and authorisation number	Date	Amount in kilograms/litres of plant protection product applied per cubic metre or per square meter	Store/greenhouse number and identification method referred to in Article 1(2).	Volume in cubic metres or surface area ⁽⁸⁾ in square meters of the facility treated	Crop names, situations in line with the EPPO codes, where applicable and growth stage in line with BBCH monograph, where relevant
Treatment of seeds or plant reproductive material (such as seed potatoes)	Product name and authorisation number	Date	Amount in kilograms/litres of plant protection product applied per kilogram, tonne or number of seeds ⁽⁹⁾	Identification method referred to in Article 1(2).	Amount treated in kilograms, tonnes or number of seeds	Crop names in line with the EPPO codes, where applicable and batch number, where applicable

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- (¹) Units for recording the amounts can be adjusted, where appropriate.
- (²) Indicated what fraction of the unit or area is treated, if appropriate.
- (³) Units for recording the area and volume can be adjusted, where appropriate.
- (⁴) e.g. when the use of plant protection product is restricted to specific times of the day or when the time of use is relevant in the context of the particular use.
- (⁵) <https://gd.eppo.int/>
- (⁶) Meier, Uwe, ed. *Growth stages of mono- and dicotyledonous plants. BBCH Monograph*. Quedlinburg 2018. Open Agrar Repositorium. doi: 10.5073/20180906-074619 ISBN: 978-3-95547-071-5.
- (⁷) e.g. when the use of plant protection product is restricted to particular growth stages or when the growth stage is relevant in the context of the particular use.
- (⁸) For multi-layered facilities, the total area treated should be recorded.
- (⁹) Units for recording the amounts treated can be adjusted, where appropriate.
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