

Pesticides: framework for Community action to achieve a sustainable use of pesticides

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The European Parliament adopted a resolution drafted by Christa **KLASS** (EPP-ED, D) on the proposal for a directive establishing a framework for Community action to achieve a sustainable use of pesticides. The main elements agreed by Parliament include a general ban on aerial spraying with some exemptions such as in wine-growing areas, heavy restrictions on using pesticides near schools, playgrounds, parks, recreation grounds and hospitals, and buffer zones set up to separate the usage of pesticides from waterways. However, Parliament rejected the proposal that the EU should be divided into three zones for the purposes of approving new pesticide products, and also rejected the notion of prescribing an exact width for buffer zones.

The main points are as follows:

Objective: the legal bases should be both Articles 152(4) and 175(1) given that the aim of the Directive is a reduction of the impact of pesticides on human health and the environment. The aim of the Directive is amended to state that it establishes a framework for achieving a more sustainable use of pesticides by reducing use and the risks and impacts of pesticide use on human health and the environment in line with the precautionary principle and encouraging the promotion and adoption of non-chemical alternatives to plant protection products.

Scope: the Directive will apply to pesticides in the form of: (a) plant protection products as defined in the Regulation concerning the placing of plant protection products on the market, for use in agricultural and non-agricultural contexts, and (b) biocidal products as defined in Directive 98/8/EC concerning the placing of biocidal products on the market belonging to product types 14 - 19 as defined in Annex V thereto. Furthermore, the provisions of the Directive may not prevent Member States from applying the precautionary principle in restricting or prohibiting the use of pesticides.

Fiscal arrangements: a new clause states that Member States may provide subsidies or take fiscal measures to encourage the use of less harmful plant protection products. This may include the introduction of a pesticides levy on all products except for non-chemical products or plant protection products with a low or reduced level of risk as defined in the Regulation concerning the placing of plant protection products on the market. (Please see COD/2006/0136).

Definitions: for the sake of clarity and legal certainty, Parliament defined the term 'pesticide', which now means a plant protection product as defined in the Regulation concerning the placing of plant protection products on the market. It changed the term "professional user" to "user" and defined the latter as any natural or legal person who carries out the use of pesticides in the framework of his activity, whether he is self-employed, employed or recruited for a special task. Regarding 'professional users' Member States may distinguish between those entitled to use pesticides only on their own holdings and those entitled to provide pesticide services on holdings belonging to third parties. In addition, golf courses, tennis courts and other leisure facilities, public parks, and infrastructure items such as car parks, roads, railways etc. shall be looked upon as users. Parliament also changed the definitions of 'adviser' and 'pesticide application equipment' and inserted definitions for 'non-chemical methods of plant protection and pest and crop management', and 'application frequency', as well as for "use reduction" and "treatment frequency index";

National action plans: Parliament rejected the precise EU-wide figures for pesticide reduction proposed by its Environment Committee, opting instead for reduction targets in some cases only. It stated that within one year after the entry into force of the Directive, Member States must adopt a background report in accordance with a new Annex IIa (containing a guidance document) with the objective of identifying national trends in pesticide use and risks and the priority areas and crops to be addressed in the national action plan. After consulting farmers' and winegrowers' associations, environmental protection organisations and the industrial and other sectors concerned, Member States must adopt and implement without undue delay national action plans to set up targets, measures and timetables to reduce risks, including hazards, and dependence on pesticides. The national action plans shall as a minimum include the following: (a) for other than biological pesticides and low-risk substances (please see COD/2006/0136), quantitative use reduction targets measured as a treatment index. The treatment index will be adapted to the specific conditions of each Member State. It will have to be communicated immediately to the Commission for approval. For active substances of very high concern the reduction target shall be a minimum 50% reduction in relation to the treatment index calculated for the year 2005 by the end of 2013, unless the Member State can prove that it has already achieved a comparable or higher target based on another year of reference from the period 1995-2004; (b) for pesticide formulations classified as toxic or very toxic pursuant to Directive 1999/45/EC concerning the classification, packaging and labelling of dangerous preparations, a quantitative use reduction target measured as sold volumes. This target shall be a minimum 50% reduction calculated in relation to the year 2005 by the end of 2013, unless the Member State can prove that it has already achieved a comparable or higher reduction target based on another year of reference from the period 1995-2004. Member States may also choose to opt for setting the same targets for risk reduction, instead of use reduction targets. Reduction of risks shall be measured using the risk indicators as provided for in the directive and Member States opting for risk reduction will select a year of reference from the period 1995-2005. Member States may also choose to opt for setting the same targets for risk reduction, instead of use reduction targets. Reduction of risks shall be measured using the risk indicators as provided for in the directive and Member States opting for risk reduction shall select a year of reference from the period 1995-2005.

National action plans shall include integrated pest management as referred to in the directive, priority being assigned to non-chemical crop protection measures.

Member States must themselves establish a mechanism for financing the introduction of the national action plans.

Aerial and ground spraying: Parliament made amendments to the Commission's proposal that were less stringent than those made by its competent committee with regard to spraying. Aerial spraying must be notified in advance to the competent authority and authorised by that authority. In addition: all the requisite measures must be taken in order to provide warning in good time for residents and bystanders; the area to be sprayed must not be in close proximity to public or residential areas and there must be no effects on the health of residents or bystanders; the aerial craft must be equipped with the best available technology to reduce spray drift; the socio-economic and environmental benefits must outweigh the potential effects on the health of residents and bystanders. The competent authorities should keep records of derogations granted and make them available to the public.

The Environment Committee had required that farmers inform any neighbours who could be exposed to the spray drift before the product is used. However, Parliament deleted this provision.

Training and inspections: Member States must ensure that all professional users, distributors and advisers have access to appropriate and independently organised instruction and training or further training, including regular updating on new information available, on the sustainable and proper use of plant protection products reflecting the level of responsibility of those concerned and their specific role with regard to integrated pest management. To this end, minimum requirements that are binding

throughout the Community shall be laid down. In the case of micro business-type farms or wineries, Member States shall ensure that one person working as a professional user within the meaning of Article 3 (b) has access to such training. Professional users, distributors and advisers must be aware of the existence and risks of illegal (counterfeit) plant protection products, and are properly trained to identify such products. An assessment system must be laid down three years after the entry into force of the directive.

Buffer zones and the aquatic environment: substances classified as very toxic (R50) to aquatic organisms shall not be authorised for aerial spraying. Whilst agreeing that there should be buffer zones around water courses such as rivers and lakes, Parliament rejected the Environment Committee's proposal that such zones should be 10 metres wide. It specified instead that Member States may establish any pesticide-free zones they deem necessary in order to safeguard drinking water resources. Such pesticide-free zones may cover the entire Member State. Members specified that the use of pesticides shall be prohibited or restricted to the minimum necessary in all areas used by the general public or by sensitive population groups, at least in residential areas, parks, public gardens, sports and recreation grounds, school grounds and playgrounds and in the vicinity of public healthcare facilities (clinics, hospitals, rehabilitation centres, health resorts, hospices) as well as in substantial no-spray zones including in fields around these areas, particularly, although not exclusively, to protect sensitive groups such as babies, children, pregnant women, the elderly and those with pre-existing medical conditions and who may be taking medication.