

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

2006/0132(COD) - 19/05/2008 - Council position

The Council considers that its common position represents a balanced and realistic solution for a number of concerns expressed on the Commission's proposal and looks forward to a constructive discussion with the European Parliament with a view to a workable agreement on this Directive.

The Council's common position broadly agrees with the position taken by the Commission and the European Parliament. It incorporates a large number of the amendments adopted at first reading by the European Parliament (37 out of 127).

The common position also includes other changes, not envisaged by the European Parliament, which address a number of concerns expressed by the Member States in the course of the negotiations. A number of technical and editorial amendments were also introduced to define the scope of some provisions, to make the wording of the Regulation more explicit and to guarantee legal certainty, or to increase its consistency with other Community instruments.

The main points of the Council's common position are as follows:

Legal basis: the Council considers that Article 175(1) is the correct and sufficient legal basis.

Definitions: the following changes were made to the original proposal:

- the definition of "use" was deleted because it was considered unnecessary;
- the concept of professional capacity or commercial service was incorporated in the definition of "adviser";
- the definitions of "pesticide application equipment" and "pesticide application accessories" were merged;
- the definition of "integrated pest management" was moved from the proposal for a Regulation concerning the placing of plant protection products on the market to this proposal; and
- the definitions of "surface water" and "groundwater" were added.

The amendment to insert a definition of pesticides as plant protection products was incorporated in the common position although the Commission rejected it. The Council extended this definition to biocidal products.

National Action Plans: the Parliament and the Council concurred in the following elements:

- Member States should take into consideration the health impact of the measures envisaged;
- National Action Plans should describe how Member States implement the Directive (in particular measures arising from Articles 5 to 14) in order to reduce dependency on the use of pesticides;
- the information received by the Commission on these National Action Plans should be available on the Internet.

The Council did not think it was appropriate to take other amendments, in particular the establishment of quantitative use reduction targets, into account. It preferred to concentrate on the reduction of risks rather than defining use reduction targets.

Training: provisions were inserted to ensure that both initial and further training are offered. This concern was shared by the European Parliament. The Council also took on board one of the European Parliament's suggestions for Annex I regarding initiation in comparative assessment to help professional users choose a good pesticide with the least adverse effect for humans and the environment. The Council also considered it useful to specify that the training should take into consideration the different roles and responsibilities of the persons dealing with pesticides: users, distributors and advisors. In addition, the Council has incorporated a provision laying down that the training certification systems set up by Member States shall include requirements and procedures for the granting maintenance and withdrawal of certificates.

Requirements for the sale of pesticides: the Council has taken on board the Parliament's suggestion that the persons selling pesticides to professional users shall provide advice not only on pesticide use but also on human health and environmental safety instructions. The Council has also added the requirement for distributors selling pesticides to non-professional users additionally to provide information on low-risk products. Moreover, it amended this Article to allow the person holding a certificate to be not physically present but still available in some other way. The Council felt that it was necessary to provide this flexibility for small retailers.

Information and awareness-raising: the European Parliament has considerably developed Article 7 and the Council has not been able to accept all its suggestions. The Council has nevertheless retained the requirement that the information provided to the public concerning pesticides should be accurate and balanced.

Inspection of equipment in use: the Council has accepted all but one of the Parliament's amendments related to the inspection of equipment for professional use. The Council, like the Parliament, felt that it was necessary to be more precise regarding the intervals between inspections but has gone a step further requiring shorter intervals between inspections from 2020. Nevertheless, the Council believed that it would be disproportionate to require the inspection of all handheld pesticide application equipment or knapsack sprayers and has inserted an option to exempt them. It has also incorporated the possibility to, following a risk assessment, of applying different timetables and inspection intervals to certain types of equipment for small scale of use. Moreover, the Council also considered it necessary to require that professional users conduct regular calibrations and technical checks of the application equipment. Finally, the Council decided that Member States should establish a certification system with mutual recognition.

Aerial spraying: although the Council agrees with the Parliament on the general approach for this issue and has accepted the amendments to this effect, it considered unnecessary those amendments that risked creating excessive administrative burdens for competent authorities. The Council has changed the original proposal to specify that products used must be approved following a risk assessment and that enterprises providing aerial spraying must be certified, and to provide the option of tacit approval of requests for aerial spraying by competent authorities after a certain period has elapsed.

Specific measures to protect the aquatic environment: the Council incorporated an amendment highlighting the importance of protecting drinking water. Article 10 was also amended to give preference to pesticides not containing priority hazardous substances. Concerning the amendment on the compulsory establishment of buffer zones, the Council considered that it was more appropriate to develop Article 10 to cover a wider range of mitigation measures which could be put in place when necessary.

Reduction of pesticide use or risks in specific areas: the text has been redrafted in order to give Member States the option to minimise the risks of pesticides when used in these particular areas. The Council could not accept the Parliament's amendments in this area.

Handling, storage and treatment of packaging and remnants: the Council rephrased the text to clarify that those measures only applied to professional users and, if applicable, to advisers. It also added a

provision on the recovery or disposal of pesticide remnants and packaging. The Council did not think consider the Parliament's amendments relevant.

Integrated Pest Management: the Council and the Parliament's views substantially converge on this issue. In particular the Council can support the Parliament's amendments to include a new Annex in the proposal containing general principles of Integrated Pest Management. In addition, the Council replaced the term low pesticide-input farming by low pesticide-input pest management and specified that this concept includes IPM and organic farming.

Indicators: the Council agreed with the Commission taking the view that amendments to include use were not relevant.

Comitology: the Council has taken on board those amendments adapting certain Articles to the new comitology Decision.

Furthermore, an Article on fees and charges was incorporated in the proposal and a specific annex has been added for listing the risk indicators.