



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Pesticides: framework for Community action to achieve a sustainable use of pesticides Amended by 2013/0169(COD) See also 2017/2284(INI)	
Subject 3.10.09.02 Plant health legislation 3.70.12 Waste management, domestic waste, packaging, light industrial waste	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	ENVI Environment, Public Health and Food Safety	PPE-DE KLASS Christa	03/10/2006	
	Former committee responsible			
	ENVI Environment, Public Health and Food Safety	PPE-DE KLASS Christa	03/10/2006	
	Former committee for opinion			
	AGRI Agriculture and Rural Development (Associated committee)	PPE-DE EBNER Michl	11/09/2006	
	ITRE Industry, Research and Energy	PSE CORBEY Dorette	23/11/2006	
	Former committee for opinion on the legal basis			
	JURI Legal Affairs	PPE-DE PANAYOTOPOULOS-CASSIOTOU Marie	10/07/2007	
	Council of the European Union	Council configuration	Meeting	Date
Competitiveness (Internal Market, Industry, Research and Space)		2963	24/09/2009	
General Affairs		2904	18/11/2008	
Agriculture and Fisheries		2867	19/05/2008	
Environment		2842	20/12/2007	
Agriculture and Fisheries		2841	17/12/2007	
Environment		2826	30/10/2007	
Environment		2812	28/06/2007	
Agriculture and Fisheries		2806	11/06/2007	
Agriculture and Fisheries		2774	19/12/2006	
Agriculture and Fisheries		2750	18/09/2006	
European Commission		Commission DG	Commissioner	

Key events			
11/07/2006	Legislative proposal published	COM(2006)0373	Summary
05/09/2006	Committee referral announced in Parliament, 1st reading		
18/09/2006	Debate in Council	2750	Summary
29/11/2006	Referral to associated committees announced in Parliament		
19/12/2006	Debate in Council	2774	
11/06/2007	Debate in Council	2806	
26/06/2007	Vote in committee, 1st reading		Summary
28/06/2007	Debate in Council	2812	
26/09/2007	Committee report tabled for plenary, 1st reading	A6-0347/2007	
22/10/2007	Debate in Parliament		
23/10/2007	Results of vote in Parliament		
23/10/2007	Decision by Parliament, 1st reading	T6-0444/2007	Summary
30/10/2007	Debate in Council	2826	
20/12/2007	Debate in Council	2842	
18/05/2008	Council position published	06124/5/2008	Summary
25/09/2008	Committee referral announced in Parliament, 2nd reading		
05/11/2008	Vote in committee, 2nd reading		Summary
12/11/2008	Committee recommendation tabled for plenary, 2nd reading	A6-0443/2008	
18/11/2008	Debate in Council	2904	
12/01/2009	Debate in Parliament		
13/01/2009	Decision by Parliament, 2nd reading	T6-0010/2009	Summary
24/09/2009	Act approved by Council, 2nd reading		
21/10/2009	Final act signed		
21/10/2009	End of procedure in Parliament		
24/11/2009	Final act published in Official Journal		

Technical information	
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Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by 2013/0169(COD) See also 2017/2284(INI)
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/61875

Documentation gateway

Legislative proposal		COM(2006)0373	12/07/2006	EC	Summary
Document attached to the procedure		COM(2006)0372	12/07/2006	EC	Summary
Document attached to the procedure		SEC(2006)0894	12/07/2006	EC	
Document attached to the procedure		SEC(2006)0914	12/07/2006	EC	
Committee of the Regions: opinion		CDR0316/2006	13/02/2007	CofR	
Economic and Social Committee: opinion, report		CES0419/2007	14/03/2007	ESC	
Committee opinion	AGRI	PE378.875	24/04/2007	EP	
Amendments tabled in committee		PE388.389	30/04/2007	EP	
Committee opinion	ITRE	PE382.627	07/05/2007	EP	
Committee draft report		PE386.502	27/07/2007	EP	
Committee opinion	JURI	PE393.983	12/09/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0347/2007	26/09/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0444/2007	23/10/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)6028	21/11/2007	EC	
Council position		06124/5/2008	19/05/2008	CSL	Summary
Commission communication on Council's position		COM(2008)0457	22/07/2008	EC	Summary
Committee draft report		PE412.105	26/09/2008	EP	
Amendments tabled in committee		PE412.112	24/10/2008	EP	
Committee recommendation tabled for plenary, 2nd reading		A6-0443/2008	12/11/2008	EP	
Text adopted by Parliament, 2nd reading		T6-0010/2009	13/01/2009	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(2009)0063	16/02/2009	EC	Summary
Draft final act		03607/2009/LEX	21/10/2009	CSL	
Follow-up document		COM(2017)0587	10/10/2017	EC	Summary
Follow-up document		COM(2020)0204	20/05/2020	EC	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex
Final act	
Directive 2009/128 OJ L 309 24.11.2009, p. 0071 Summary	
Corrigendum to final act 32009L0128R(01) OJ L 161 29.06.2010, p. 0011 Summary	

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

PURPOSE: to propose a strategy on safer use of pesticides.

BACKGROUND: the use of pesticides is recognised as posing threats both to human health and the environment. Despite all the efforts that have been made to limit the risks linked to the use of pesticides and to prevent any undesirable effects, unwanted amounts of certain pesticides can still be found in environmental media (in particular soil and water) and residues exceeding regulatory limits still occur in agricultural produce. It is, therefore, necessary to reduce the risks from pesticides to humans and the environment as far as possible by minimising or eliminating, where possible, exposure and by encouraging the research and development of less harmful, including non-chemical, alternatives.

In order to address these concerns, the Commission is proposing a new strategy aimed at improving the way pesticides are used across the EU. It complements existing EU legislation controlling which pesticides can actually be placed on the market.

CONTENT: The main objectives of this thematic strategy are:

- to increase awareness of consumers and society at large about the possible risks from the use of pesticides has recently triggered actions by certain retailers and governments, as well as the Community, to support forms of agriculture and pest management methods that restrict or better target the use of plant protection products, such as organic farming, integrated pest management, or the use of less susceptible varieties. It is important to encourage a rational and precise pesticide use, as well as appropriate crop and soil management practices;
- to improve the behaviour of pesticide users (in particular professional users), who are responsible for a number of misuses including overuses, by ensuring better training and education;
- to improve the quality and efficacy of pesticide application equipment is also necessary to enable pesticide users to optimise the effectiveness of the treatments whilst minimising any adverse impact on human health and the environment.

Furthermore, the use of pesticides is affected ? directly or indirectly ? by legislation in other policy areas, such as water policy, agricultural policy, worker protection and research. The Thematic Strategy will allow the development of a horizontal and cross-cutting approach, well beyond the relatively limited scope of these specific legal instruments.

The specific objectives of the Thematic Strategy that would contribute to achieving the overall objectives are:

1. to minimise the hazards and risks to health and environment from the use of pesticides;
2. to improve controls on the use and distribution of pesticides;
3. to reduce the levels of harmful active substances including through substituting the most dangerous with safer (including non-chemical) alternatives;
4. to encourage low-input or pesticide-free cultivation, among others through raising users' awareness, promoting the use of codes of good practices and promoting consideration of the possible application of financial instruments;
5. to establish a transparent system for reporting and monitoring progress made in the fulfilling of the objectives of the strategy, including the development of suitable indicators.

The following measures of the Thematic Strategy will be included in a new Framework Directive of the European Parliament and the Council, which the Commission is proposing in parallel to this Communication:

- establishment of National Action Plans by the Member States which will have to set individual objectives to reduce hazards, risks and dependence on chemical control for plant protection (National Action Plans - NAP);
- involvement of stakeholders in the setting up, implementation and adaptation of the NAP;
- creation of a system of training of professional pesticide users in order to ensure that those who regularly use pesticides are fully aware of the risks linked to this use and take all appropriate measures to find the least harmful means for solving a plant protection problem;
- awareness raising of the general public (with particular attention to non-professional users of pesticides) through awareness raising campaigns and information passed on through retailers to ensure that it is better informed;
- regular and compulsory inspection of application equipment;
- prohibition of aerial spraying to limit the risks of significant adverse impacts on human health and the environment, in particular from spray drift;
- enhanced protection of the aquatic environment;
- defining areas of significantly reduced or zero pesticide use;
- handling and storage of packaging and remnants of pesticides and other measures connected to the handling of products in order to

- avoid that they are stored or handled carelessly and possibly pollute the environment;
- promotion of low pesticide-input farming and creation by Member States of necessary conditions for implementation of Integrated Pest Management (IPM) by farmers;
- Community-wide standards of Integrated Pest Management (IPM) will be developed and become mandatory as from 2014. Crop-specific standards for IPM will also be developed at Community level, but their implementation will remain voluntary, and Member States could support this activity under rural development;
- measuring progress in risk reduction through appropriate harmonised indicators, which will be made binding for all Member States for regular reporting;
- establishment of a system of information exchange at Community level ? a Thematic Strategy Expert Group ? involving the Member States and all other relevant stakeholders in order continuously to develop and update appropriate guidance, best practices, and recommendations.

In addition, the Commission will incorporate the following measures of the Thematic Strategy into two separate proposals to be adopted at the latest by 2008:

- improved systems for the collection of information on distribution and use of plant protection products, at the level of active substances, and regular reporting to tackle the lack of reliable data in particular with a view to the calculation of risk indicators;
- essential requirements for the protection of the environment to be satisfied by new pesticide application equipment to be placed on the market.

For the time being, the strategy only deals with the largest group of pesticides ? plant protection products (PPPs). At a second stage, its scope may be extended to biocides once the impacts of the 1998 Directive on biocidal products have been evaluated. Biocides, e.g. disinfectants, wood preservatives and antifouling paints, are used to control other harmful organisms than those damaging crops or controlling plants.

The Strategy on the sustainable use of pesticides is one of the seven Thematic Strategies that the Commission is presenting, following the provisions of the EU's 6th Environmental Action Programme. The other strategies cover air pollution, marine environment, waste prevention and recycling, natural resources, the urban environment and soils.

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

PURPOSE : to establish a framework for achieving a more sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment in a way that is consistent with the necessary crop protection.

PROPOSED ACT : Directive of the European Parliament and of the Council.

CONTEXT : pesticides are active substances and products designed to influence fundamental processes in living organisms and, therefore, have the potential to kill or control harmful organisms such as pests. Consequently, these products can cause undesirable adverse effects on non-target organisms, human health and the environment. The placing of pesticides on the market is comprehensively regulated.

Several Member States have already started implementing measures to reduce the risks from pesticide use but the overall picture is very mixed. Unwanted amounts of certain pesticides are regularly found in environmental media (in particular water) and residues exceeding regulatory limits are sometimes found in agricultural food and feed. Therefore, there is a need for harmonised rules to ensure a level playing field in the EU.

CONTENT : the proposed Directive of the European Parliament and the Council will implement those provisions of the Thematic Strategy that cannot be included in existing instruments or policies, with the exception of the collection of statistical information regarding the placing on the market and use of plant protection products.

The proposed Framework Directive will contain rules on:

- creating National Action Plans to set objectives to reduce hazards, risks and dependence on chemical control for plant protection (National Action Plans - NAPs), which will allow for the necessary flexibility to adapt the measures to the specific situations in the Member States;
- involving stakeholders in the setting up, implementation and adaptation of the NAPs;
- creating a system of training and awareness-raising for distributors and professional users of pesticides in order to ensure that they are fully aware of the risks involved. Better information for the general public through awareness-raising campaigns, information passed on through retailers, and other appropriate measures;
- regular inspection of application equipment in order to reduce adverse impacts of pesticides on human health (in particular as regards operator exposure) and the environment during application;
- prohibition of aerial spraying with derogation possible, to limit the risks of significant adverse impacts on human health and the environment, in particular from spray drift;
- specific measures to protect the aquatic environment from pollution by pesticides;
- defining areas of significantly reduced or zero pesticide use in line with measures taken under other legislation (such as the Water Framework Directive, the Birds Directive, the Habitats Directive, etc.) or to protect sensitive groups;
- handling and storage of pesticides and their packaging and remnants;
- development of Community-wide standards on Integrated Pest Management (IPM), and establishment of necessary conditions for implementation of IPM;
- measuring progress in risk reduction through appropriate harmonised indicators;
- creating a system of information exchange for continuous development and improvement of appropriate guidance, best practices, and recommendations.

The Commission also adopted a proposal for a Regulation revising the 1991 Directive on the placing of plant protection products on the market (see COD/2006/0136). In addition, the strategy contains two other new legislative proposals that will be adopted in the near future: a) essential requirements for the protection of the environment to be satisfied by new pesticide application equipment to be placed on the market; b) a new Regulation concerning statistics on plant protection products.

For further information concerning the financial implications of this measure, please refer to the financial statement.

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

The Council took note of information provided by the Commission on a proposal for a Regulation concerning the placing of plant protection products on the market.

Giving their first reactions, certain Member States identified a number of issues that will require further examination, including the need for specific rules on parallel imports, the proposed principle of compulsory mutual recognition within a three-zone system, and ways of taking into account the varying needs of individual Member States and ensuring that plant protection products are available for minor crops.

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

The Committee on the Environment, Public Health and Food Safety adopted a report drawn up 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 Committee emphasised that the only real solution on eliminating the adverse impacts of pesticides on public health, animals, wildlife and wider environment is to take a preventative and truly sustainable approach by prioritising non-chemical methods of plant protection and pest and crop management. It made several amendments, the principal ones being 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.

Definitions: the Committee noted that the terms 'pesticide' and 'plant protection product' are used indiscriminately throughout the directive. For the sake of clarity and legal certainty it was important to define 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. The Committee 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: the Committee adopted timetables for drafting NAPs, and inserted quantitative reduction targets. 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. Member States must, after consulting farmers' and winegrowers' associations, environmental protection organisations and the industrial and other sectors concerned, adopt national action plans to set up targets and indicators for the reduction of risks and use of pesticides within 5 years and 10 years of the baseline year. The EU target shall be set at a 25% reduction in the frequency of application within 5 years from the baseline year and a 50% reduction within 10 years. Member States shall set their national targets taking into account the EU target and national reduction targets already in place. The target figures must accord with the relevant provisions of Directive 2000/60/EC (the Water Framework Directive.). The national action plans may also comprise regional plans in order to take account of local conditions. The Committee specified that, alongside a general use reduction target, the national action plans shall as a minimum include specific use reduction targets for the following substances: (a) for active substances of very high concern (as defined in Regulation (EC) No 1907/2006 (REACH), the reduction target shall be at least a 50% reduction in relation to the treatment frequency 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 1995/45/EC, the quantitative use reduction target, measured as sold volumes, shall be at least a 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 as above. NAPs must include integrated pest management, priority being assigned to non-chemical crop protection measures. The measures contained in the NAPs may, in particular, be of a legislative, taxation or voluntary nature and should be based on the findings of relevant risk assessments. NAPs must be reviewed at least every three years. The Commission must establish an Internet portal to inform the public about the NAPs, any changes and the essential results of their implementation. Lastly, Member States must establish a mechanism for financing the introduction of the national action plans, funded by a system of taxes or levies on pesticides.

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 of 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. An assessment system must be laid down three years after the entry into force of the directive. Member States must ensure that existing inspection and enforcement measures are fully implemented to ensure that illegal (counterfeit) pesticides are not offered for sale. Pesticide application equipment and accessories in professional use must be subject to mandatory inspections at regular intervals not exceeding five years.

Aerial and ground 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. With regard to ground spraying, farmers must inform any neighbours who could be exposed to the spray drift before the product is used and who have requested to be informed by means of a centralised system of information or signalling.

The aquatic environment: substances classified as very toxic (R50) to aquatic organisms shall not be authorised for aerial spraying. The Committee was also concerned to ensure that water bodies used for drinking water abstraction purposes should particularly be protected. Buffer zones should be at least 10 meters to ensure a general minimum protection of water courses and bodies. Members specified that the use of pesticides shall be prohibited in all areas used by the general public or by sensitive population, at least in residential areas, parks, public gardens, sports and recreation grounds, school grounds and playgrounds and in the vicinity of public healthcare, as well as in substantial no-spray zones including in fields around these areas. In all these areas non-chemical alternatives should be used; local inhabitants shall always be informed about the time, the place and the possible effects of the sprayings.

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

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.

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

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 advisors. 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.

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

The Commission accepted in full, in part or in principle 94 of the 123 amendments adopted by the European Parliament in its first reading. 37 amendments have now been incorporated, either verbatim or in spirit, in the common position.

The Commission accepted the amendments clarifying or improving the text, or introducing appropriate reference to the new rules of comitology. The Commission did not accept the amendments which changed the legal base of the proposal, which were superfluous, lacked clarity or introduced legal uncertainty, which created disproportionate administrative burden, or which were not consistent with the overall objective of the Directive.

The Council has agreed to incorporate the Parliamentary amendments relating in particular to the new rules of comitology, the addition of the promotion of alternatives in the subject matter of the Directive, the establishment of an internet portal by the Commission, the notion of further training, a maximum interval between inspection of equipment, the specification of the general principles of Integrated Pest Management (IPM) in annex.

The Commission considers that the common position does not alter significantly the approach or aims of the proposal and can thus support it as it stands.

A number of changes introduced by the Council help clarify the proposal. Although some amendments weaken the proposal, notably regarding the inspection of application equipment, the handling of request for derogations, the protection of the aquatic environment, the overall text

remains acceptable. The Commission therefore accepts the common position.

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

The Committee on the Environment, Public Health and Food Safety adopted a report drafted by Christa KLASS (EPP-ED, DE) and recommended amendments to the Council common position for adopting a directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of pesticides. Most of the amendments were reinstatements of amendments from 1st reading. The main ones were as follows :

Legal base: 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. Both human health and the environment should be mentioned as legal base for the Directive.

Objective: the committee wants the objectives to include encouraging the promotion and adoption of non-chemical alternatives to pesticides, and this is reflected throughout the text. It considered that the only real way to reduce the risks of pesticide is also to reduce its use.

Fiscal arrangements: a new clause states that Member States may provide subsidies or take fiscal measures to encourage the use of less harmful pesticides. This may include the introduction of a pesticides levy on all products except non-chemical products or low-risk plant protection products as defined in Regulation (EC) No ... concerning the placing of plant protection products on the market. (Please see COD/2006/0136).

Precautionary principle: the provisions of the Directive shall not prevent Member States from applying the precautionary principle in restricting or prohibiting the use of pesticides.

Definitions: the committee inserted some definitions. It reinserted the definition of "use" from the Commission's original text, as well as "non-chemical methods of plant protection and pest and crop management", "use reduction" and "treatment index" from its 1st reading.

National action plans: the committee re-inserted minimum targets for national action plans. These must include: a) for other than biological pesticides and low-risk plant protection products as defined in Regulation (EC) No ... , quantitative use reduction targets measured as a treatment index. The treatment index shall be adapted to the specific conditions of each Member State, and communicated immediately to the Commission for its approval. For active substances of very high concern (as defined in Regulation (EC) No 1907/2006 on REACH), 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.

The National Action Plans shall take into account plans under other Community legislation on the use of pesticides, such as planned measures under Directive 2000/60/EC. National Action Plans shall be reviewed at least every 3 years (rather than 5).

Training: all professional users, distributors and advisors must have access to appropriate training by bodies designated by the competent authorities. The committee added that, to this end, minimum requirements that are binding throughout the Community shall be laid down. Member States shall ensure that professional users, distributors and advisors are aware of the existence and risks of illegal (counterfeit) plant protection products, and are properly trained to identify such products.

Sale and inspections: a new clause states that existing inspection and enforcement measures must be fully implemented to ensure that illegal (counterfeit) pesticides are not offered for sale. Pesticide application equipment and accessories in professional use shall be subject to mandatory inspections at regular intervals. The interval between inspections shall not exceed 5 years until 2015 (rather than 2020) and shall not exceed 3 years thereafter.

Information and research: Member States must take measures to inform the general public and to promote information and awareness-raising programmes and the availability of accurate information, in particular regarding the risks, including hazards, and the potential acute and chronic effects for human health, non-target organisms and the environment arising from their use, and to the use of non-chemical alternatives. The committee deleted the word "balanced" from the text, stating that in a legal framework such as this, it is not a case of promoting information from all sides, but of making sure the information that is produced regarding the risks and health and environmental impacts of pesticides is accurate. Members added that mandatory systems must be established for gathering information on acute and chronic pesticide poisoning incidents, especially among pesticide operators, workers, residents and any other groups that may be exposed to pesticides regularly. Member States shall carry out research programmes into specific situations where pesticides have been linked to impacts on human health and the environment, including studies on high-risk groups, biological diversity and combination effects. To enhance the comparability of information, the Commission shall develop 3 years after entry into force of the Directive, a strategic guidance document on monitoring and surveying the impacts of pesticide use on human health and the environment.

Aerial and ground spraying: in a re-instatement from 1st reading, the committee stipulated that 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 (the Council proposes "available technology") to reduce spray drift (e.g. low-drift nozzles). Where helicopters are used, the spray booms must be equipped with injection jets to reduce drift. A request by a professional user must contain information about the time of spraying and the amounts and the type of pesticides applied. The committee deleted the Council's clause which had stated that Member States may provide that requests for which no answer was received on the decision taken within the time period laid down by the competent authorities shall be deemed to be approved. Members said that this would create a loophole in relation to the purpose of this Article.

Informing neighbours: a new clause stipulates that Member States may include in their National Action Plans provisions on informing neighbours who could be exposed to the spray drift. The committee noted that in the UK there is a legal obligation for farmers/pesticide users to provide at least 48 hours notice to beekeepers in order to protect bees, yet humans do not have any comparable notification requirements.

Buffer zones and the aquatic environment: the committee tightened up the provisions on buffer zones and stated that Member States shall take the necessary action to protect bodies of water, in particular by ensuring that buffer zones, where pesticides must not be applied or

stored, are established on fields adjacent to water courses, and in particular to safeguard zones for the abstraction of drinking water established in accordance with Directive 2000/60/EC. The dimensions of the buffer zones shall be defined as a function of the risks of pollution and the agricultural and climate characteristics of the area concerned. In safeguard zones for the abstraction of drinking water, additional measures must be taken to prevent contamination of water with pesticides including, where necessary, tighter restrictions on the use of some high-risk products, enhanced use of buffer zones, specific training and awareness of advisers and spray operators, and strict enforcement of best practice in filling, mixing and disposal of pesticides. Member States may establish any pesticide-free zones they deem necessary in order to safeguard drinking water resources.

Reduction of pesticide use in sensitive areas: the Council common position provided for a reduction of pesticide use or risks in specific areas, i.e. areas used by the general public or by vulnerable populations. The committee stated that pesticides must be prohibited, or restricted to the minimum necessary, in: all areas used by the general public or by vulnerable population groups, including but not limited to 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 and hospices) as well as in substantial no-spray zones including in fields around these areas.

Member States must use harmonised risk indicators when these are adopted, they may not continue to use national ones.

Exchange of information and best practice: a new clause stated that the Commission shall establish a platform for the exchange of information and best practice in the field of sustainable use of pesticides and integrated pest management.

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

The European Parliament adopted a legislative resolution amending the Council's common position for adopting a directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of pesticides.

The recommendation for second reading (under the codecision procedure) had been tabled for consideration in plenary by Christa KLASS (EPP-ED, DE) on behalf of the Committee on the Environment, Public Health and Food Safety.

The amendments were the result of a compromise between Parliament and Council. The main amendments were as follows:

Legal base: the legal bases is Article 175(1), the compromise text does not use Article 152(4) as the Environment Committee had suggested.

Objective: the objectives include encouraging the promotion of non-chemical alternatives to pesticides.

Precautionary principle: the provisions of the Directive shall not prevent Member States from applying the precautionary principle in restricting or prohibiting the use of pesticides in specific circumstances or areas.

Definitions: Parliament inserted a definition for "non-chemical methods" which means alternative methods to chemical pesticides for plant protection and pest management, based on agronomic techniques such as those referred to in point 1 of Annex III, or physical, mechanical or biological pest control methods.

Quantitative targets: Parliament dropped its requirement to insert minimum targets for national action plans into the text of the legislation. However, national action plans must include quantitative targets which may cover different areas of concern, for example workers' protection, protection of the environment, residues, use of specific techniques or use in specific crops. The NAPs shall also include indicators to monitor the use of plant protection products containing active substances of particular concern, especially if alternatives are available. Member States shall give particular attention to the plant protection products containing active substances approved in accordance with Council Directive 91/414/EC which, when subject to renewal of approval under Regulation (EC) No ? [concerning the placing of plant protection products on the market] will not fulfil the criteria relevant for approval laid down in Annex II, paragraph 3.6-3.8 of that Regulation.

On the basis of such indicators and taking into account where applicable the risk or use reduction targets achieved already prior to the application of the Directive, timetables and targets for the reduction of use shall also be established, in particular if it constitutes an appropriate means to achieve the risk reduction with regard to priority items identified under Article 15(2)(c). These targets may be intermediate or final. Member States shall use all necessary means designed to achieve these targets.

The National Action Plans shall take into account plans under other Community legislation on the use of pesticides, such as planned measures under Directive 2000/60/EC. Five years after entry into force of the legislation, the Commission must submit a report on the information communicated by the Member States in relation to the National Action Plans, which should contain methods used and the implications concerning the establishment of different types of targets to reduce risks and use of pesticides. After 9 years, the Commission must submit a report on the experience gained by Member States on the implementation of national targets.

Training: all professional users, distributors and advisors must have access to appropriate training by bodies designated by the competent authorities.

Requirements for sales of pesticides: distributors must be able to provide adequate information to customers as regards pesticide use, health and environmental risks and safety instructions to manage risks for the products in question. The compromise text states that micro distributors selling only products for non professional use may be exempted if they do not offer for sale pesticide formulations classified as toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction pursuant to Directive 1999/45/EC.

Information and awareness-raising: Member States shall put in place systems for gathering information on pesticide acute poisoning incidents, as well as chronic poisoning developments where available, among groups that may be exposed regularly to pesticides such as pesticide operators, agricultural workers or persons living close to pesticides application areas. To enhance the comparability of information, the Commission, in cooperation with the Member States, shall develop 3 years after entry into force of the directive, a strategic guidance document on monitoring and surveying of impacts of pesticide use on human health and the environment.

Aerial and ground spraying: if the area to be sprayed is in close proximity to areas open to the public, there must be specific risk management measures to ensure that there are no adverse effects on the health of bystanders shall be included in the approval. The area to be sprayed shall not be in close proximity to residential areas. As from 2013, the aircraft shall be equipped with accessories that constitute the best available technology to reduce spray drift.

A request by a professional user must contain information about the time of spraying and the amounts and the type of pesticides applied.

Parliament accepted a clause stating that Member States may provide that requests for applications of aerial spraying in accordance with an approved application plan for which no answer was received on the decision taken within the time period laid down by the competent authorities shall be deemed to be approved.

In particular, circumstances such as emergency or specific difficult situations, single requests for application of aerial spraying may also be submitted for approval.

Information to the public: Member States may include in their National Action Plans provisions on informing persons who could be exposed to the spray drift. The text does not contain any references to informing neighbours.

Reduction of pesticide use or risks in specific areas: these specific areas include areas used by the general public or by vulnerable groups as defined by Regulation (EC) N° ... [concerning the placing of plant protection products on the market], such as parks, public gardens, sports and recreation grounds, school grounds and playgrounds and in the close vicinity of healthcare facilities. The use of pesticides is minimised or prohibited in these specific areas. Appropriate risk management measures shall be taken and the use of low-risk plant protection products as defined by Regulation (EC) No [concerning the placing of plant protection products on the market] and biological control measures shall be considered in the first place.

Exchange of information and best practice: a new clause stated that the Commission shall put forward as a priority for discussion in the thematic strategy expert group the exchange of information and best practice in the field of sustainable use of pesticides and integrated pest management.

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

At its Plenary Session of 13 January 2009, the European Parliament adopted a compromise package which had been agreed with the Council in view of reaching a second reading agreement. The Commission accepts the compromise package as it is in line with the overall purpose and the general characteristics of the proposal.

These amendments concern essentially:

- the establishment of risk and use reduction targets in National Action Plans with reporting requirements for the Commission;
- the strengthening of the protection of residents and bystanders;
- requirements for the distribution of pesticides to non-professional users;
- the establishment of systems for gathering information on poisoning incidents among people regularly exposed to pesticides;
- the handling of requests for aerial spraying;
- the use of pesticides in specific areas.

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

PURPOSE : Corrigendum to Directive 2009/128/EC of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides.

CONTENT : this legislation amends several deadlines set out in Directive 2009/128/EC, including the deadlines for the submission of National Action Plans and the Commission's and Member States' reports on the Plans and the implementation of national targets respectively, as well as deadlines on the establishment of certification systems, requirements on the sales of pesticides, and notification of penalties.

The date of transposition is set at 26 November 2011 rather than 14 December 2012.

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

PURPOSE: to establish a framework for achieving a more sustainable use of pesticides.

LEGISLATIVE ACT: Directive 2009/128/EC of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides.

CONTENT: following an agreement reached at second reading of the codecision procedure, the Council adopted a directive aimed at establishing a framework for Community action to achieve the sustainable use of pesticides so as to reduce the risks to human health and the environment and the dependency on the use of pesticides.

This directive will apply to pesticides and its scope will be extended to cover biocidal products at a later stage. The provisions of this Directive shall not prevent Member States from applying the precautionary principle in restricting or prohibiting the use of pesticides in specific circumstances or areas.

Under the new Directive, Member State should:

- adopt national action plans to set up quantitative objectives, targets, measures, and timetables to reduce risks and impacts of pesticide use on human health and the environment, and to encourage the development and introduction of integrated pest management and of alternative approaches in order to reduce dependency on the use of pesticides. These targets may cover different areas of concern, for example worker protection, protection of the environment, residues, use of specific techniques or use in specific crops. The National Action Plans shall also include indicators to monitor the use of plant protection products containing active substances of particular concern, especially if alternatives are available;
- take all necessary measures to promote low pesticide-input farming, including integrated pest management, and to ensure that professional users of pesticides shift towards a more environmentally-friendly use of all available crop protection measures, giving priority to low-risk, non-chemical alternatives wherever possible, and to the products with minimum impact on human health and the

environment among the ones available for the same pest problem. Member States have to ensure that all professional users of pesticides implement the general standards for integrated pest management at the latest by 1 January 2014;

- set up systems of training for distributors, advisors, and professional users of pesticides so that those who use or will use pesticides are fully aware of the potential risks to human health and the environment and of the appropriate measures to reduce those risks as much as possible. Member States shall ensure that distributors have sufficient staff in their employment holding a certificate. Micro distributors selling only products for nonprofessional use may be exempted if they do not offer for sale pesticide formulations classified as toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction;
- take measures to inform the general public and to promote and facilitate information and awareness-raising programmes and the availability of accurate and balanced information relating to pesticides for the general public. They shall put in place systems for gathering information on pesticide acute poisoning incidents, as well as chronic poisoning developments where available, among groups that may be exposed regularly to pesticides such as operators, agricultural workers or persons living close to pesticide application areas;
- ban aerial spraying and only allow it in special cases approved by competent authorities: Member States shall ensure that aerial spraying is prohibited. By way of derogation, aerial spraying may only be allowed in special cases provided the following conditions are met: (a) there must be no viable alternatives, or there must be clear advantages in terms of reduced impacts on human health and the environment as compared with land-based application of pesticides; (b) the pesticides used must be explicitly approved for aerial spraying by the Member State following a specific assessment addressing risks from aerial spraying; (c) if the area to be sprayed is in close proximity to areas open to the public, specific risk management measures to ensure that there are no adverse effects on the health of bystanders shall be included in the approval. The area to be sprayed shall not be in close proximity to residential areas. A professional user wishing to apply pesticides by aerial spraying shall submit a request for approval of an application plan to the competent authority. The request for application shall be submitted in due time to the competent authority;
- make sure that the aquatic environment and drinking water supplies as well as Natura 2000 sites are safe from the impact of pesticides and that their use is minimised or prohibited in specific areas used by the general public or by vulnerable groups, such as public parks and gardens, sports and recreation grounds, school grounds and children's playgrounds and in the close vicinity of healthcare facilities;
- ensure that pesticide application equipment is inspected at regular intervals, the interval between inspections shall not exceed five years until 2020 and shall not exceed three years thereafter.

The European Commission:

- shall submit: (a) by 14 December 2014, a report on the information communicated by the Member States in relation to the National Action Plans. The report shall contain methods used and the implications concerning the establishment of different types of targets to reduce the risks and use of pesticides; (b) by 14 December 2018, a report on the experience gained by Member States on the implementation of national targets in order to achieve the objectives of this Directive. It may be accompanied, if necessary, by appropriate legislative proposals;
- shall put forward as a priority for discussion in the expert group on the [thematic strategy on the sustainable use of pesticides](#) the exchange of information and best practice in the field of sustainable use of pesticides and integrated pest management;
- shall regularly submit to the European Parliament and to the Council a report on progress in the implementation of this Directive, accompanied where appropriate by proposals for amendments.

ENTRY INTO FORCE: 25.11.2009.

TRANSPOSITION: 14.12.2011.

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

The Commission presented a report on the Member States' National Action Plans and on progress made in the implementation of Directive 2009/128/EC on the sustainable use of pesticides.

As a reminder, Directive 2009/128/EC of the European Parliament and of the Council, adopted in the framework of the [2006 thematic strategy on the sustainable use of pesticides](#), provides for a series of actions to achieve a sustainable use of pesticides in the EU:

- by reducing the risks and impacts of pesticide use on human health and the environment;
- by promoting the use of integrated pest management (IPM) and alternative methods or techniques, such as non-chemical alternatives to pesticides.

National Action Plans: Member States were required to adopt National Action Plans (NAPs) to implement the Directive for the first time by November 2012. These plans should contain quantitative objectives, targets, measurements and timetables to reduce the risks and impacts of pesticide use.

All Member States have adopted such plans, in many cases with significant delays. The report notes, however, that these plans differ widely in terms of completeness and coverage. It concludes that there are significant shortcomings in many areas of the plans, for example with regard to:

- aerial spraying: aerial spraying is banned and derogations are only granted under strict conditions. In 2014 and 2015, only 14 Member States actually granted derogations. Under these derogations, pesticides were applied on 1.1 million hectares, of which 70 % was agricultural land and 30 % forestry, covering approximately 0.2 % and 0.1 % of the total respective areas. In 2015, almost 95 % of the reported aerial spraying was accounted for by only two Member States: Spain with 339 000 hectares, Hungary with 88 000 hectares. The areas treated under derogation have decreased significantly in recent years. The Commission will nonetheless continue assessing how Member States assess derogation requests, including through audits, to ensure that the strict conditions for these derogations are respected and properly controlled;

- public information: all NAPs include planned measures to provide information to the public. Only Romania and Spain establish defined targets in this area. However, it is still possible to improve the dissemination of good practices and for these practices to be used more widely to inform the public and stakeholders;
- collection of information on case of poisoning: while Member States generally have systems to gather information on pesticide acute poisoning, the accuracy of this data and its use was questioned. Systems for gathering such information on chronic poisoning are not widely implemented;
- measures to protect the aquatic environment: Member States have taken a range of measures to protect the aquatic environment from pesticide use, but in the absence of measurable targets in most national action plans it is difficult to assess the progress achieved;
- Integrated pest management (IPM): the eight general principles of integrated pest management are specified in Annex III of the Directive. However, how these principles are to be applied in practice is not explicitly defined. Given that Integrated Pest Management is a cornerstone of the Directive, the Commission expressed concern that Member States have not yet set clear targets and ensured their implementation, including for the more widespread use of land management techniques such as crop rotation.

The report concluded that Member States need to improve the quality of their plans, primarily by establishing specific and measurable targets and indicators for a long term strategy for the reduction of risks and impacts from pesticide use. These improvements should be included in the revised action plans, which would allow Member States to continuously monitor progress.

The Commission will assist Member States, in particular through:

- the implementation plan on increasing low-risk plant protection product availability and accelerating integrated pest management implementation in Member States. This plan, presented by the expert group on phytosanitary protection compatible with sustainable development, set up under the Dutch Presidency, was approved by the Council in June 2016;
- finalise guidance on monitoring and surveying of impacts of pesticide use on human health and the environment by the end of 2017 and will consider establishing systems for collecting information on suspected poisoning from pesticides;
- the development of methodologies to assess compliance with the eight IPM principles, taking into account the diversity of EU agriculture and the principle of subsidiarity;
- work with Member States in the second half of 2017 towards reaching a consensus on the development of harmonised risk indicators;
- cooperation with Member States to disseminate examples of good practice in implementation through Working Groups and training, with priority being given under the Better Training for Safer Food programme to strengthen Member States capacity in their understanding and implementation of sustainable use principle.

Building on the series of six fact-finding visits to Member States in 2017, the Commission will continue evaluating the NAPs and to monitor implementation of the Directive by Member States through its audits, other actions and follow-up activities to ensure that the objectives of the Directive are being achieved. If necessary, the Commission will give consideration to infringement action.

Following the adoption of revised national action plans, and with the updated information available to it, the Commission will produce a further report which will enable a more comprehensive assessment of the state of implementation of the Directive.