

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

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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 advisers 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.