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

2006/0132(COD) - 26/06/2007

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.