



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**establishing a framework for Community action to achieve a sustainable use of
pesticides**

(presented by the Commission)

{SEC(2006) 894}

{SEC(2006) 914}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Grounds for and objectives of the proposal

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. Because of the particular circumstances of pesticide use (in particular for plant protection purposes)-deliberate release into the environment-, they are subject to regulation in Member States and the Community. Over the years, a highly elaborate system has been developed for evaluating the risks to human health and the environment.

Despite the existing regulatory framework, undesirable amounts of certain pesticides can still be found in environmental media (in particular soil, air and water), and residues exceeding the regulatory limits can still be detected in agricultural products. New and emerging scientific findings-such as the potential of certain chemicals, among them pesticides, to disrupt the functioning of the endocrine system even at low concentrations-underline the possible risks for humans and the environment from the use of such substances.

With the Decision adopting the 6th Environment Action Programme (6EAP), the European Parliament and the Council recognised that the impact of pesticides on human health and the environment, in particular those of plant protection products, must be reduced further. They underlined the need to achieve a more sustainable use of pesticides and outlined a two-track approach:

- Full implementation and appropriate revision of the relevant legal framework,
- Developing a Thematic Strategy on the Sustainable Use of Pesticides.

In its Communication 'A Thematic Strategy on the Sustainable Use of Pesticides' [COM(2006) 372], the Commission presents the various measures that could be part of the strategy. These are, as far as possible, integrated into existing legal instruments and policies. The objective of the attached draft Directive is to implement those parts of the Thematic Strategy that require new legislation.

Although the term “pesticides” is used throughout all documents being part of the Thematic Strategy, the current proposal focuses on plant protection products for the time being. There are various reasons for this limitation, including the fact that plant protection products are the most important group of pesticides with the longest history of legislation. Legislation concerning placing of biocidal products on the market has only recently been introduced through Directive 98/8/EC and experience of the Commission and Member States is not yet sufficient to propose further measures. Furthermore, it is clear from the Decision of the European Parliament and the Council adopting the 6EAP that, although the term ‘pesticides’ is used, the main concerns are related to plant protection products. This is underlined by the fifth indent of Article 7(1), calling for ‘a significant overall reduction in risks and of the use of pesticides consistent with the necessary crop protection’, as well as by Article 7(2)(c), specifying Directive 91/414/EEC as the applicable legal framework that is to be

complemented by the Thematic Strategy. Consequently, this proposal will focus on the use of plant protection products for the time being. However, should comparable measures be considered necessary for biocides in the future, they will be incorporated in the Thematic Strategy as appropriate.

- **General context**

Despite the risks for human health and the environment linked to pesticides, their use generates various benefits—mostly economic—in particular for farmers. Pesticides maximise agricultural yields and the quality of agricultural products, and minimise labour input. They can contribute to limit soil erosion by allowing reduced tillage cultivation, and they help to ensure reliable supplies of a wide choice of affordable agricultural produce. Plant protection products are also an important means to meet plant health requirements and allow international trade of agricultural products. These are the main reasons why pesticides are widely used in agriculture. Outside the agricultural sector, pesticides also have a wide range of uses, from wood or fabric preservation to public health protection.

Existing policies and legislation were first introduced at Community level in 1979 and have evolved considerably over the years, culminating in the adoption of Directive 91/414/EEC concerning the placing of plant protection products on the market and of Directive 98/8/EC concerning the placing of biocidal products on the market. They require that all plant protection and biocidal products need to be evaluated and authorised before they can be placed on the market. Despite the increasing costs involved in this process and the decreasing number of active substances on the market, actual consumption and use of pesticides in the EU has not decreased within the last ten years. At the same time, the percentage of food and feed samples where residues of pesticides exceed maximum regulatory limits is not declining, but remains around 5%. In addition, certain pesticides are commonly found in the aquatic environment at concentrations well above the regulatory limit, and there is no sign of any decrease. Over the last fifteen years, significant but uneven changes in pesticide use have been observed amongst Member States. Whilst pesticide use declines in some Member States, a sharp increase has been observed in others. Such diverging trends, which indicate differences in policy amongst Member States, justify action at Community level, in particular in order to harmonise the level of protection of human health and the environment.

Pursuant to Article 7(1) of Decision No 1600/2002/EC defining the 6EAP, the overall objective of the Thematic Strategy is to reduce the impacts of pesticides on human health and the environment, and more generally to achieve a more sustainable use of pesticides as well as a significant overall reduction in risks and of the use of pesticides consistent with the necessary level of protection against pests.

Pursuant to Article 7(2)(c) of Decision No 1600/2002/EC, the specific objectives of the Thematic Strategy are:

- to minimise the hazards and risks to health and environment from the use of pesticides
- to improve controls on the use and distribution of pesticides
- to reduce the levels of harmful active substances including through substituting the most dangerous with safer (including non-chemical) alternatives

- to encourage the use of low-input or pesticide-free crop farming, in particular by raising users' awareness, by promoting codes of good practices and consideration of the possible application of financial instruments
- to establish a transparent system for reporting and monitoring the progress made towards the achievement of the objectives of the strategy, including the development of suitable indicators.

Thematic Strategies are new tools, which follow a holistic concept in addressing a specific topic. Integration of the measures of the Strategy in existing policies and legislation is a key element. Appropriate measures will, therefore, preferably be taken in the framework of these policies. In this respect, specific measures to promote low-input farming are already foreseen in the Common Agricultural Policy (CAP), in particular Regulation (EC) No 1698/2005 on support for rural development. The recently adopted new Regulation (EC) No 396/2005 on Maximum Residue Levels (MRLs) of pesticides in food and feed provides for a reinforcement of annual monitoring programmes. Environmental monitoring for pesticides will, *inter alia*, be part of the monitoring activities required within the Water Framework Directive.

However, from the preparation of the Thematic Strategy, in particular the consultation process and the impact assessment, it has emerged that some of the envisaged measures cannot be integrated into existing legislation or policies. For several of them, it has been shown that legislative proposals are the most effective means of implementation. The attached draft Directive contains all measures for which new legislation was deemed necessary, with two exceptions:

- the collection and reporting of statistics regarding placing on the market and use of plant protection products, for which the Commission will propose a separate Regulation,
- the certification of pesticide application equipment placed on the market, for which the Commission will propose a separate Directive, which will possibly amend Directive 2006/42/EC of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)¹.

In addition to these three proposals, the Commission will propose a comprehensive revision of Directive 91/414/EEC which, *inter alia*, will implement two of the five objectives of the Thematic Strategy on the Sustainable Use of Pesticides: reinforcement of provisions on official controls of compliance with all conditions attached to the use of plant protection products at market and user level; and provisions for application of comparative assessment and the substitution principle in the authorisation of plant protection products.

• Existing provisions in the area of the proposal

The Community regulatory framework concerning pesticides focuses particularly on the beginning and the end of the life cycle of such products. The most relevant legislation is:

- (1) Directive 91/414/EEC concerning the placing on the market of plant protection products,

¹ OJ L 157, 9.6.2006, p. 24.

- (2) Regulation (EC) No 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin.

The aim of Directives 91/414/EEC and 98/8/EC is to prevent risks at source through a very comprehensive risk assessment of each active substance and the products containing the substance, before they can be authorised for marketing and use. Regulation (EC) No 396/2005 sets maximum residue levels (MRLs) of active substances in agricultural produce, thus contributing to limiting the risks to consumers at the end of the food chain. In addition, monitoring the respect of MRLs is an important tool to assess whether EU farmers have correctly applied the instructions and restrictions related to the authorisation of plant protection products.

One of the shortcomings of the legal framework is that the actual use phase, which is key to the determination of the overall risks that pesticides pose, is not sufficiently addressed. Because of their scope, the existing legal instruments will not be able, even when revised, to achieve all the objectives outlined in the 6EAP. Therefore, the measures in the Thematic Strategy-and in particular in this draft Directive-attempt to fill this gap.

- **Consistency with other policies and objectives of the Union**

The proposal is fully coherent with the objectives and aims of the 6th Environment Action Programme, such as protection of nature and biodiversity, environment and health and quality of life. It is also in line with the Lisbon Strategy, the European Union strategy for sustainable development, with other thematic strategies (in particular the Soil and the Marine Strategies), the EU policy on water protection, food safety and consumer protection.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

In accordance with the 6th Environment Action Programme, Thematic Strategies are to be developed in a two-step process involving all stakeholders. With its Communication 'Towards a Thematic Strategy on the Sustainable Use of Pesticides'², the Commission launched a wide-ranging consultation exercise.

The Communication recalled the shortcomings of the current regulatory framework with regard to the use phase in the life-cycle of plant protection products. It included extensive background information on the benefits and risks of using pesticides and presented a list of essential issues to be addressed. It discussed possible measures to reverse negative trends and to address the use phase more specifically.

Consultation encompassed the European Parliament, the Council, the European Economic and Social Committee and the general public (via internet). More than 150 contributions were received. In addition, the Commission organised a Stakeholders Conference in November

² COM(2002) 349.

2002 with more than 200 participants from all relevant stakeholder groups such as pesticide industry, farmer organisations, authorities, consumer and environmental organisations.

Further consultation took place through Commission participation at numerous outside conferences dedicated to various specific issues (e.g. comparative assessment / substitution, application equipment, the concept of Integrated Pest Management) and specific meetings organised by the Commission (e.g. on aerial spraying). In a final consultation step, the Commission launched a further internet consultation *via* 'Your voice in Europe' on the measures to be included in the attached draft Directive.

Summary of responses and how they have been taken into account

The objectives and many of the possible measures, as outlined in chapter VI of the Communication of 2002, were broadly supported by the consulted stakeholders and institutions. All comments are available at:

http://europa.eu.int/comm/environment/ppps/1st_step_consul.htm.

The documents and reports from the Stakeholder consultation are available at: http://europa.eu.int/comm/environment/ppps/1st_step_conf.htm.

A more detailed summary of the consultation process and its outcome can be found in the Impact Assessment, which is presented together with this draft Directive. All contributions have been fully considered in the preparation of the various elements of the Thematic Strategy, including the attached Directive and the Impact Assessment.

An open consultation was conducted over the internet from 17 March 2005 to 12 May 2005. The Commission received nearly 1 800 responses. The results are available at http://europa.eu.int/comm/environment/ppps/pdf/stats_consult.pdf.

• **Collection and use of expertise**

Scientific/expertise domains concerned

Agriculture, plant protection, machinery and engineering (application equipment, in particular sprayers and related equipment), aerial spraying, analysis of economic, social and environmental impacts.

Methodology used

Bilateral consultations with stakeholders, organisation of meetings, participation at conferences, study by consultant.

Main organisations/experts consulted

Member State authorities, pesticide industry, farmer organisations, academia, European Standard Organisation (CEN), environmental organisations.

Summary of advice received and used

The advice received confirmed that additional measures regarding aerial spraying, the standardisation and regular inspection of pesticide application equipment, indicators and the

collection and disposal of empty packaging are necessary, and such requirements have been integrated into the draft Directive.

Means used to make the expert advice publicly available

As all other contributions during the consultation, expert advice has been made available on the website of the Commission at:

http://europa.eu.int/comm/environment/ppps/2nd_step_tech.htm.

• **Impact assessment**

For each of the measures proposed in the draft Directive, three to five options ranging from voluntary to mandatory measures have been examined with regard to their economic, social and environmental impacts on the various stakeholders and authorities.

In addition, a no-option scenario was considered as a reference against which to appraise the costs and benefits anticipated from the measures proposed.

The Commission carried out an Impact Assessment, the report of which is presented in parallel to this proposal as a Commission Staff Working Paper. It is also available at: http://ec.europa.eu/environment/ppps/2nd_step_study.htm.

3. LEGAL ELEMENTS OF THE PROPOSAL

• **Summary of the proposed action**

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 Directive will contain rules on:

- Establishment of 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.
- Involvement of stakeholders in the setting up, implementation and adaptation of the NAPs.
- Creation of 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.
- Establishment of a system of information exchange for continuous development and improvement of appropriate guidance, best practices, and recommendations.

- **Legal basis**

Article 175(1) of the EC Treaty is the appropriate legal basis.

- **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reasons.

Currently, some Member States have already adopted measures that cover (completely or partly) what is proposed in the Directive. Others have not yet taken such action. This creates a situation where there is no level playing field for farmers and the pesticide industry, which can amount to unfair competition for economic actors in different Member States. Furthermore, there is no equal level of protection of human health and the environment throughout the Community and pesticide use shows diverging trends between Member States.

Community action will better achieve the objectives of the proposal for the following reasons.

Only Community action can improve the current disparate situation in the Member States by implementing harmonised requirements and an equal level of protection of human health and the environment and by completion of the internal market for application equipment.

Placing on the market of pesticides is already harmonised through Community legislation. The same should therefore apply to other aspects of pesticides policy. Currently Member States are developing their national policies in different directions and with different levels of stringency and ambition.

Setting uniform requirements and objectives to be achieved in all Member States can only be done by the Community. Otherwise the current situation with varying obligations for economic operators will continue. The continuous information exchange among Member States and the Commission which is foreseen in the proposal will allow the development of appropriate guidance, best practices and recommendations, taking into account scientific or technical progress. Further information will be collected *via* the monitoring and control

programmes laid down in other Directives and Regulations that are affected by the Thematic Strategy. This cannot be achieved by the Member States alone.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reasons.

The proposed Directive creates the legal framework with the essential requirements and objectives. Member States retain a significant amount of flexibility to determine the details of the necessary implementing measures appropriate to their specific geographic, agricultural and climatic situations. The Commission intends to establish a specific expert group, composed of Member States and all other relevant stakeholders, to assess regularly the reported information and data in order to draft appropriate guidance and recommendations. This "Expert Group on the Thematic Strategy on the sustainable use of pesticides" (hereinafter the "Expert Group") will be formally established by a Commission decision at a later stage. When necessary, the Commission will adopt amendments to the Annexes of the proposed Directive, following a regulatory committee procedure within the framework of the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002.

The detailed analysis of the economic, social and environmental impacts (including administrative burdens) that has been carried out for all measures has enabled the Commission to identify those options that represent minimum costs to all stakeholders, and overall these costs are lower than the expected estimated benefits.

- **Choice of instruments**

A framework directive is proposed.

Other means would not be adequate for the following reasons.

A highly prescriptive Regulation or Directive would not have been appropriate as the starting points for each issue are very different from one Member State to another, e.g. structure of the agricultural sector, climatic and geographical conditions, existing national legislation and programmes. On the other hand, simple recommendations would not be efficient to achieve the envisaged objectives as these could not be enforced. Where deemed feasible (i.e. for the collection of empty packaging), the Directive leaves the possibility of self-regulation for the stakeholders concerned.

4. BUDGETARY IMPLICATION

It is proposed to create one permanent Commission post to administer and co-ordinate the Strategy and organise all meetings of the Expert Group for the development of guidance, further measures and the calculation and reporting of indicators. Further expenditure relating to activities under this Directive will be covered by the financial instrument for the environment (LIFE+ for the 2007-2013 period). No additional amount is requested.

5. ADDITIONAL INFORMATION

- **Simulation, pilot phase and transitory period**

There will be no transitory period for the proposal.

- **Review/revision/sunset clause**

The proposal includes a review clause.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

- **Detailed explanation of the proposal**

Article 1 outlines the subject matter of the Directive.

Article 2 outlines the scope of the Directive.

Article 3 contains the definitions deemed necessary for the purposes of the Directive.

Article 4 requires Member States to set up national action plans (NAPs) to identify crops, activities or areas for which risks are worrying and should be addressed in priority and set objectives and timetables to achieve them. Experience in several Member States has shown that coherent action plans are the best tool to achieve the intended objectives. In the light of the widely varying situations in the Member States and in line with the principle of subsidiarity, NAPs shall be adopted at national and/or regional level. When setting up or amending NAPs, the public shall be given early and effective opportunities to participate in the process, in line with the spirit of Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment³. This will be important to ensure successful and efficient implementation. Member States will have to pay attention to maintain coherence with what is included in other relevant plans and could have an influence on the use of pesticides, such as river basin management and rural development plans.

Article 5 requires Member States to set up systems of training for distributors and professional users of pesticides, in order to ensure full awareness about the risks involved. Attendance to trainings, proven by certificates, should not be a prerequisite for establishment or employment of professional pesticide users. Details regarding procedures and administrative provisions are left to the Member States, but Annex I will spell out the subjects that these training programmes have to address.

Article 6 calls on Member States to ensure that at least one person in the employment of distributors selling toxic or very toxic pesticides is available to provide information to customers, and that only those professional users fulfilling the necessary requirements shall

³ OJ L 156, 25.6.2003, p. 17.

have access to pesticides. Member States are required to prescribe that only specifically authorised products will be available for sale to non-professional users, as they are not as well aware of the risks as professional users.

Article 7 obliges Member States to facilitate and promote awareness programmes and availability of information to the public relating to pesticides and their alternatives, in order to inform non-professional users about all relevant risks and precautionary measures.

Article 8 requires Member States to set up a system for regular technical inspection and maintenance of application equipment in use. Well maintained and properly functioning application equipment is key to continuously guaranteeing a high level of protection of human health (in particular the operators) and the environment when applying pesticides. In order to ensure equally stringent technical inspections throughout the Community, common and harmonised standards shall be used, based on the essential requirements defined in Annex II. The organisational aspects (like public or private inspection systems, quality control of inspection bodies involved, inspection frequency, financing aspects, etc.) remain at the discretion of the Member States, who will have to report to the Commission.

Article 9 obliges Member States to prohibit aerial spraying but allows for derogations. Aerial spraying should be prohibited because of its high potential to cause adverse effects on human health and the environment from spray drift. Derogations could be granted where aerial spraying has clear advantages and environmental benefits compared to other spraying methods or where there are no viable alternatives. Detailed requirements for derogation will be adopted at the level of the Member States, on which they shall report to the Commission.

Article 10 obliges Member States to require farmers and other professional pesticide users to pay particular attention to the protection of the aquatic environment through measures such as buffer strips and hedges along water courses or other appropriate measures aiming at limiting drifts.

Article 11 obliges Member States to designate areas where greatly reduced or zero use of pesticides is to be allowed in coherence with measures taken under other legislation (such as the Water Framework Directive, the Birds Directive, the Habitats Directive, etc.). Such areas shall also be designated so as to address the specific protection needed by vulnerable groups such as children. Member States shall report on the measures taken in order to develop guidance, criteria for selecting areas and best practices.

Article 12 obliges Member States to adopt measures to address "point source" emissions, in particular from mixing, loading and cleaning. They shall also be required to take measures to avoid dangerous handling operations by non-professional users. Exchange of information between the Member States on their national initiatives and on the progress achieved will be organised through reporting, involving also stakeholders that are particularly active in this area.

Article 13 requests Member States to take the necessary measures in order to establish the conditions essential for implementation of Integrated Pest Management. General standards for integrated pest management shall be developed and shall become mandatory as of 2014. Additionally, Community-wide specific IPM standards shall be developed for particular crops, but their implementation shall remain voluntary. Member States shall report on the measures taken in order to establish the conditions for implementation of Integrated Pest

Management, to ensure implementation of general standards of IPM, and to encourage the implementation of crop-specific standards of IPM by pesticide users.

Article 14 states that Member States will be obliged to collect and report statistical information on placing on the market and use of pesticides-the details are proposed in the Regulation concerning statistics on plant protection products. This information will be the basis for calculating appropriate risk indicators, which are necessary to monitor progress in the reduction of overall risks from the use of pesticides. Work on the development of harmonised risk indicators is ongoing. When finalised, a common set of risk indicators will eventually be agreed by the Commission and the Member States. Until then, Member States can continue to use their current indicators. In order to evaluate the impact of this Directive and other measures of the Thematic Strategy in reducing overall risks, the Commission shall draw up reports analysing the trends in the development of the indicators reported by the Member States.

Article 15 requires the Commission to regularly report to the European Parliament and the Council, based on the reports provided by Member States on the measures that they adopt to achieve the objectives of this Framework Directive.

Articles 16 to 22 contain standard provisions regarding Comitology, standardisation, penalties and entry into force.

Annexes

The Annexes contain details regarding various measures that Member States have to adopt in accordance with the Articles of the Directive. Annexes may be modified in accordance with Article 18, in the light of experience and needs identified from the system of information exchange and the discussions in the Expert Group.

Annex I lists the elements that have to be addressed in the training programmes.

Annex II contains the essential requirements for the inspections and maintenance verifications to be carried out for application equipment in use.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a framework for Community action to achieve a sustainable use of pesticides

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission⁴,

Having regard to the opinion of the European Economic and Social Committee⁵,

Having regard to the opinion of the Committee of the Regions⁶,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) In line with Articles 2 and 7 of Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme⁷, a common legal framework for achieving a sustainable use of pesticides should be established.
- (2) The measures provided for in this Directive should be complementary to and not affect measures laid down in other related Community legislation, in particular Regulation (EC) no [...] on plant protection products⁸, Directive 2000/60/EC of the European Parliament and the Council of 23 October 2000 establishing a framework for Community action in the field of water policy⁹; Regulation (EC) No 396/2005 of the European Parliament and the Council 23 February 2005 on maximum residue levels of

⁴ OJ C , , p.

⁵ OJ C , , p.

⁶ OJ C , , p.

⁷ OJ L 242, 10.9.2002, p. 1.

⁸ OJ L [...]

⁹ OJ L 327, 22.12.2000, p. 1. Directive as last amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).

pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC¹⁰.

- (3) National action plans aiming at setting objectives for the reduction of risks, including hazards, and dependency of pesticide use and at promoting non-chemical plant protection should be used by Member States in order to facilitate the implementation of this Directive. The national action plans may be coordinated with implementation plans under other relevant Community legislation and could be used for grouping together objectives to be achieved under other Community legislation related to pesticides.
- (4) The exchange of information on the objectives and actions Member States lay down in their national action plans is a very important element for achieving the objectives of this Directive. Therefore, it is appropriate to request Member States to report regularly to the Commission and the other Member States, in particular on the implementation and results of their national action plans and on their experiences.
- (5) For the preparation and modification of the national action plans, it is appropriate to provide for the application of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC¹¹.
- (6) It is desirable that Member States set up systems of training for distributors, advisors and professional users of pesticides whereby 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. Training activities for professional users may be co-ordinated with those organised in the framework of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)¹².
- (7) Considering the possible risks from the use of pesticides, the general public should be better informed on risks related to the use of pesticides through awareness-raising campaigns, information passed on through retailers and other appropriate measures.
- (8) To the extent that the handling and application of pesticides requires the setting of minimum health and safety requirements at the workplace, covering the risks arising from exposure of workers to such products, as well as general and specific preventive measures to reduce those risks, those measures are covered by Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work¹³ and Directive 2004/37/EC of the

¹⁰ OJ L 70, 16.3.2005, p. 1. Regulation as amended by Commission Regulation (EC) No 178/2006 (OJ L 29, 2.2.2006, p. 3).

¹¹ OJ L 156, 25.6.2003, p. 17.

¹² OJ L 277, 21.10.2005, p. 1.

¹³ OJ L 131, 5.5.1998, p. 11. Directive as amended by the 2003 Act of Accession.

European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to their exposure to carcinogens or mutagens at work¹⁴.

- (9) Since Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)¹⁵ will provide for rules on the placing on the market of pesticide application equipment ensuring that environment requirements are met, it is appropriate, in order to further reduce the adverse impacts of pesticides on human health and the environment caused by such equipment, to provide for systems for regular technical inspection of pesticide application equipment already in use.
- (10) Aerial spraying of pesticides has the potential to cause significant adverse impacts on human health and the environment, in particular from spray drift. Therefore, aerial spraying shall be generally banned with derogation possible where it represents clear advantages and also offers environmental benefits compared to other spraying methods, or where there are no viable alternatives.
- (11) The aquatic environment is especially sensitive to pesticides. It is therefore necessary that particular attention is paid to avoid pollution of surface water and groundwater by taking appropriate measures such as, the establishment of buffer strips or planting hedges along surface waters to reduce exposure of water bodies to spray drift. The dimensions of buffer zones should depend in particular on soil characteristics, climate, size of the watercourse, as well as agricultural characteristics of areas concerned. Use of pesticides in areas for the abstraction of drinking water, on or along transport routes, such as railway lines, on sealed or very permeable surfaces can lead to higher risks of pollution of the aquatic environment. In such areas, pesticide use should, therefore, be reduced as far as possible, or eliminated, if appropriate.
- (12) Use of pesticides can be particularly dangerous in very sensitive areas, such as Natura 2000 sites protected in accordance with Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds¹⁶, and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora¹⁷. In other places such as public parks, sports grounds or children's playgrounds, the risks from exposure to pesticides of the general public are high. Use of pesticides in those areas should, therefore, be reduced as far as possible, or eliminated, where appropriate.
- (13) Handling of pesticides, including diluting and mixing the chemicals and cleaning of application equipment after use, and discharge of tank surplus, empty packaging and unused pesticides are particularly prone to unwanted exposure of humans and the environment. Therefore, it is appropriate to provide for specific measures addressing those activities as a complement to the measures provided for under Articles 4 and 8 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April

¹⁴ OJ L 158, 30.4.2004, p. 50.

¹⁵ OJ L 157, 9.6.2006, p. 24.

¹⁶ OJ L 103, 25.4.1979, p. 1. Directive as last amended by Regulation (EC) 807/2003 (OJ L122, 6.5.2003, p. 36).

¹⁷ OJ L 206, 22.7.1992, p. 7. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

2006 on waste¹⁸, and Articles 2 and 5 of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste¹⁹. Those specific measures should also encompass non-professional users, since inappropriate handling is very likely to occur in this group of users due to the lack of knowledge.

- (14) The application of general standards of Integrated Pest Management by all farmers would result in a better targeted use of all available pest control measures, including pesticides. Therefore, it contributes to a further reduction of the risks to human health and the environment. Member States should promote low pesticide-input farming, in particular Integrated Pest Management, and establish necessary conditions for implementation of integrated pest management techniques. Additionally, Member States should encourage the use of crop-specific standards of Integrated Pest Management.
- (15) It is necessary to measure the progress achieved in the reduction of risks and adverse impacts from pesticide use for human health and the environment. Appropriate means are harmonised risk indicators that will be established at Community level. Member States should use those indicators for risk management at national level and for reporting purposes, while the Commission should calculate indicators to evaluate progress at Community level. Until common indicators are available, Member States should be entitled to use their national indicators.
- (16) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that the provisions are implemented. The penalties should be effective, proportionate and dissuasive.
- (17) Since the objectives of this Directive, namely to protect human health and the environment from the possible risks associated with the use of pesticides, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, by reason of scale and effects of the action, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (18) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this seeks to promote the integration into Community policies of a high level of environmental protection in accordance with the principle of sustainable development as laid down in Article 37 of the Charter of Fundamental Rights of the European Union.

¹⁸ OJ L 114, 27.4.2006, p. 9.

¹⁹ OJ L 377, 31.12.1991, p. 20. Directive as last amended by Regulation (EC) No 166/2006 of the European Parliament and of the Council (OJ L 33, 4.2.2006, p. 1).

- (19) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission²⁰.

HAVE ADOPTED THIS DIRECTIVE:

Chapter I

General Provisions

Article 1

Subject matter

This Directive establishes 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.

Article 2

Scope

1. This Directive shall apply to pesticides in the form of plant protection products as defined in Regulation (EC) No [...] concerning the placing of plant protection products on the market.
2. This Directive shall apply without prejudice to any other relevant Community legislation.

Article 3

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (a) ‘use’ means all operations carried out with a pesticide, such as storage, handling, dilution, mixing, and application
- (b) ‘professional user’ means any natural or legal person who carries out the use of pesticides in the framework of his professional activity, including operators, technicians, employers, self-employed people in the farming or the non farming sector
- (c) ‘distributor’ means any natural or legal person who makes a pesticide available on the market, including wholesalers, retailers, vendors, suppliers

²⁰ OJ L 184, 17.7.1999, p. 23.

- (d) ‘adviser’ means any natural or legal person who provides advises on the use of pesticides, including private self-employed advising services, commercial agents, food producers or retailers where relevant
- (e) ‘pesticide application equipment’ means any apparatus specifically designed for the application of pesticides or pesticide-containing products
- (f) ‘pesticide application accessories’ means devices that can be mounted on pesticide application equipment, that are essential for its good working, such as nozzles, manometers, filters, strainers and cleaning devices for tank
- (g) ‘aerial spraying’ means any application of pesticides by aircraft or helicopter
- (h) ‘integrated pest management’ means integrated pest management as defined in Regulation (EC) No [...]
- (i) ‘risk indicator’ means a parameter that can be used to evaluate pesticide use impacts on human health and the environment.

Article 4

National action plans to reduce risks and dependence on pesticides

1. Member States shall adopt national action plans to set up targets, measures and timetables to reduce risks, including hazards, and dependence on pesticides.

When drawing up and revising their national action plans, Member States shall give due consideration to the social, economic and environmental impacts of the measures envisaged.

2. Within three years after the entry into force of this Directive, Member States shall communicate their national action plans to the Commission and to the other Member States.

The national action plans shall be reviewed at least every five years and any changes to the national action plans shall be reported to the Commission without undue delay.

3. Where relevant, the Commission shall make the information communicated in accordance with paragraph 2 available to third countries.

4. The provisions on public participation as laid down in Article 2 of Directive 2003/35/EC shall apply to the preparation and the modification of the national action plans.

Chapter II

Training, Awareness programmes, and Sales of pesticides

Article 5

Training

1. Member States shall ensure that all professional users, distributors and advisers have access to appropriate training.

The training shall be designed so as to ensure that sufficient knowledge on the subjects listed in Annex I is acquired.

2. Within two years from the date referred to in Article 20(1), Member States shall establish certificate systems providing evidence of attendance to a whole training session covering as a minimum the subjects listed in Annex I.
3. The Commission may, in accordance with the procedure referred to in Article 18(3), amend Annex I for adaptation to technical and scientific progress.

Article 6

Requirements for sales of pesticides

1. Member States shall ensure that distributors selling pesticides classified as toxic or very toxic pursuant to Directive 1999/45/EC of the European Parliament and of the Council²¹, have at least one person in their employment, who has a certificate referred to in Article 5(2), and who shall be present and available at the place of sales to provide information to customers as regards pesticide use.
2. Member States shall take the necessary measures to ensure that sales of pesticides that are not authorised for non-professional use shall be restricted to professional users holding a certificate referred to in Article 5(2).
3. Member States shall require distributors placing pesticides for non-professional use on the market to provide general information regarding the risks of pesticide use, in particular on hazards, exposure, proper storage, handling and application, as well as disposal.

The measures provided for in paragraphs 1 and 2 shall be established within four years from the date referred to in Article 20(1).

²¹ OJ L 200, 30.7.1999, p. 1.

Article 7
Awareness programmes

Member States shall promote and facilitate awareness programmes and availability of information relating to pesticides for the general public, in particular regarding their health and environmental effects and non-chemical alternatives.

Chapter III **Pesticide application equipment**

Article 8
Inspection of equipment in use

1. Member States shall ensure that pesticide application equipment and accessories in professional use shall be subject to inspections at regular intervals.

For that purpose, they shall establish certificate systems designed to allow the verification of inspections.

2. The inspections shall verify that the pesticide application equipment and accessories are satisfying the essential health and safety and environmental requirements listed in Annex II.

Pesticide application equipment and accessories complying with harmonised standards developed according to Article 17(1) shall be presumed to comply with the essential health and safety and environmental requirements covered by such a harmonised standard.

3. Within five years from the date referred to in Article 20(1), Member States shall ensure that all pesticide application equipment and accessories for professional use have been inspected at least once, and that only pesticide application equipment and accessories having successfully passed inspection are in professional use.
4. Member States shall designate bodies responsible for carrying out the inspections and inform the Commission thereof.
5. The Commission may, in accordance with the procedure referred to in Article 18(3), amend Annex II for adaptation to technical progress.

Chapter IV

Specific Practices and Uses

Article 9 *Aerial spraying*

1. Member States shall prohibit aerial spraying subject to paragraphs 2-6.
2. Member States shall define and make public crops, areas and particular requirements for application, where by way of derogation from paragraph 1, aerial spraying may be authorised.
3. Member States shall designate the authorities competent for granting derogations, and inform the Commission thereof.
4. Derogations may only be granted where the following conditions are fulfilled:
 - (a) there must be no viable alternatives, or there must be clear advantages in terms of reduced impacts on health and the environment in comparison to land-based application of pesticides
 - (b) the pesticides used must be explicitly authorised for aerial spraying
 - (c) the operator carrying out the aerial spraying must hold a certificate referred to in Article 5(2).

The authorisation shall specify the measures necessary for warning residents, bystanders and for protecting the environment in the vicinity of the area sprayed.

5. A professional user wishing to apply pesticides by aerial spraying shall submit a request to the competent authority accompanied by data supporting that the conditions referred to in paragraph 4 are fulfilled.
6. The competent authorities shall keep records of derogations granted.

Article 10 *Specific measures to protect the aquatic environment*

1. Member States shall ensure that, when pesticides are used in the vicinity of water bodies, preference is given to:
 - (a) products that are not dangerous for the aquatic environment
 - (b) most efficient application techniques, including the use of low-drift application equipment.
2. Member States shall ensure that appropriate 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 Article 7(3) of Directive 2000/60/EC.

The dimensions of the buffer zones shall be defined as a function of the risks of pollution and the agricultural characteristics of the area concerned.

3. Member States shall ensure that appropriate measures are taken to limit the aerial drift of pesticides at least in vertical crops, including orchards, vineyards, and hops directly adjacent to a water course.
4. Member States shall ensure that application of pesticides is reduced as far as possible or eliminated if appropriate on or along roads, railway lines, very permeable surfaces or other infrastructure close to surface water or groundwater, or on sealed surfaces with high risk of run-off into surface water or sewage systems.

Article 11

Reduction of pesticide use in sensitive areas

Member States shall, taking due account of the necessary hygiene and public safety requirements, ensure that the following measures are adopted:

- (a) the use of pesticides shall be prohibited or restricted to the minimum necessary in areas used by the general public or by sensitive population, at least in parks, public gardens, sports grounds, school grounds and playgrounds
- (b) the use of pesticides shall be prohibited or restricted in special conservation areas or other areas identified for the purposes of establishing the necessary conservation measures in accordance with Articles 3 and 4 of Directive 79/409/EEC and Articles 6, 10, and 12 of Directive 92/43/EEC.

The prohibition or restriction referred to in point (b) may be based on the results of relevant risk assessments.

Article 12

Handling and storage of pesticides and their packaging and remnants

1. Member States shall adopt the necessary measures to ensure that the following operations do not endanger the health or safety of humans and the environment:
 - (a) storage, handling, dilution and mixing of pesticides before application
 - (b) handling of packaging and remnants of pesticides
 - (c) treatment of mixtures remaining after application
 - (d) cleaning of the equipment used for application.
2. Member States shall take all necessary measures regarding pesticides authorised for non-professional use to avoid dangerous handling operations.

3. Member States shall ensure that storage areas for pesticides shall be constructed in such a way as to prevent unwanted releases.

Article 13
Integrated Pest Management

1. Member States shall 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 alternatives wherever possible, and otherwise to the products with minimum impact on human health and the environment among the ones available for the same pest problem.
2. Member States shall establish or support the establishment of all necessary conditions for implementation of integrated pest management.
3. In particular, Member States shall ensure that farmers have at their disposal systems, including training in accordance with Article 5, and tools for pest monitoring and decision making, as well as advisory services on integrated pest management.
4. By 30 June 2013, Member States will report to the Commission on the implementation of paragraphs 2 and 3, and in particular, whether the necessary conditions for implementation of integrated pest management are in place.
5. Member States shall ensure that, at the latest by 1 January 2014, all professional users of pesticides implement the general standards for Integrated Pest Management.
6. Member States shall establish all necessary incentives to encourage farmers to implement crop-specific standards of Integrated Pest Management.
7. The general standards for Integrated Pest Management referred to in paragraph 5 shall be developed in accordance with the procedure laid down in Article 52 of Regulation (EC) No [...].
8. The crop-specific standards for Integrated Pest Management referred to in paragraph 6 may be developed in accordance with the procedure laid down in Article 6(3) of Directive 98/34/EC.

Chapter V
Indicators, Reporting and Information Exchange

Article 14
Indicators

1. The Commission shall, in accordance with the procedure referred to in Article 18(3), develop harmonised risk indicators. Until those indicators are adopted, Member States may continue to use existing national indicators or adopt other appropriate indicators.

2. Member States shall use statistical data collected in accordance with Regulation (EC) No [ESTAT...] for the following purposes:
 - (a) calculation of common and harmonised risk indicators at national level
 - (b) identification of trends in the use of individual active substances, in particular when use restrictions have been decided at Community level in accordance with the provisions of Regulation (EC) No [...]
 - (c) identification of priority active substances or priority crops or unsustainable practices that require particular attention, or good practices that can be set as examples in order to achieve the objectives of this Directive in reducing risk and dependency on plant protection products.
3. Member States shall communicate the results of the evaluations carried out pursuant to paragraph 2 to the Commission and to the other Member States.
4. The Commission shall use statistical data collected in accordance with Regulation (EC) No [ESTAT...] and the information referred to in paragraph 3 to calculate risk indicators at Community level, in order to estimate trends in risks from pesticide use.

This data and information shall also be used by the Commission to assess progress in the achievement of the objectives of other Community policies aimed at reducing the impact of pesticides on human and animal health and on the environment.
5. For the purposes of paragraph 2(a) and paragraph 3, risk indicators shall be calculated on the basis of data inputs concerning hazard and exposure, pesticide use records, data on characteristics of pesticides, weather data and soil data.

Article 15
Reporting

The Commission shall regularly submit to the European Parliament and the Council a report on the progress in the implementation of this Directive, accompanied where appropriate by proposals for amendments.

Chapter VI

Final provisions

Article 16
Penalties

Member States shall determine penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties imposed shall be effective, proportionate and dissuasive.

Member States shall notify those provisions to the Commission not later than twelve months from the date mentioned in Article 20(1) and shall notify it without delay of any subsequent amendment affecting them.

Article 17
Standardisation

1. The standards referred to in Article 8(2) of this Directive shall be established in accordance with the procedure provided for in Article 6(3) of Directive 98/34/EC.

The request for developing these standards may be established in consultation with the Committee referred to in Article 18(1).

2. The Commission shall publish the references of the standards in the *Official Journal of the European Union*.
3. When a Member State or the Commission considers that a standard does not entirely satisfy the essential requirements which it covers, the Commission or the Member State concerned shall bring the matter before the Committee set up by Directive 98/34/EC giving its arguments. That Committee shall deliver its opinion without delay.

In the light of that Committee's opinion, the Commission shall decide to publish, not to publish, to publish with restriction, to maintain, to maintain with restriction or to withdraw the references to the harmonised standard concerned in the *Official Journal of the European Union*.

Article 18
Committees

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council²².
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

²² OJ L 31, 1.2.2002, p. 1.

Article 19
Expenditure

In order to support the establishment of a harmonised policy and systems in the field of sustainable use of pesticides, the Commission may finance:

- (a) the development of a harmonised system including an appropriate database for gathering and storing all information relating to pesticide risk indicators, and for making such information available to the competent authorities, other interested parties and the general public
- (b) the performance of studies necessary for the preparation and development of legislation, including the adaptation of the Annexes of this Directive to technical progress
- (c) the development of guidance and best practices to facilitate the implementation of this Directive.

Article 20
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date of entry into force + 2 years] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 21
Entry into force

This Directive shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

Article 22

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

Training programmes

Training programmes shall be designed so as to ensure that sufficient knowledge on the following subjects is acquired:

1. all relevant legislation regarding pesticides and their use
2. the hazards and risks associated with pesticides, and how to identify and control them, in particular:
 - a) risks to humans (operators, residents, bystanders, people entering treated areas and those handling or eating treated items) and how these are exacerbated by factors such as smoking
 - b) symptoms of pesticide poisoning and first aid measures
 - c) risks to non target plants, beneficial insects, wildlife, biodiversity and the environment in general
3. notions on integrated pest management strategies and techniques, integrated crop management strategies and techniques, and organic farming principles; information on general and crop-specific standards on integrated pest management
4. initiation to comparative assessment at user level to help professional users make the most appropriate choices among all authorised products for a given pest problem, in a given situation
5. measures to minimise the risks to humans, non-target species and the environment: safe working practices for storing, handling and mixing pesticides, and disposing of empty packaging, other contaminated materials and surplus pesticides (including tank mixes), whether in concentrate or dilute form; recommended way to control operator exposure (personal protection equipment)
6. procedures for preparing application equipment for work, including its calibration, and for its operation with minimum risks to the user, other humans, non-target animal and vegetal species, biodiversity and the environment
7. use of application equipment and its maintenance, and specific spraying techniques (e.g. low-volume spraying, low-drift nozzles), as well as the objectives of the technical check of sprayers in use and ways to improve spray quality
8. emergency action to protect human health and the environment in case of accidental spillage and contamination
9. health monitoring and access facilities to report on any incidents or unease
10. record keeping of any use of pesticides, in accordance with the relevant legislation.

ANNEX II

Health and Safety as well as Environmental requirements relating to the inspection of pesticide application equipment

The inspection of pesticide application equipment shall cover all aspects important to achieve a high level of safety and protection of human health and the environment and full effectiveness of the application operation by ensuring proper performance of the following devices and functions, where appropriate:

(1) Power transmission parts

The power take-off drive shaft guard and the guard of the power input connection shall be fitted and in good condition and the protective devices and any moving or rotating power transmission parts shall not be affected in their function so as to ensure protection of the operator.

(2) Pump

The pump capacity shall be suited to the needs of the equipment and the pump must function properly in order to ensure a stable and reliable application rate. There shall be no leakages from the pump.

(3) Agitation

Agitation devices must ensure a proper recirculation in order to achieve an even concentration of the whole volume of the liquid spray mixture in the tank.

(4) Spray liquid tank

Spray tanks including indicator of tank content, filling devices, strainers and filters, emptying devices, and mixing devices shall operate in such a way as to minimise accidental spillage, uneven concentration distributions, operator exposure and residual content.

(5) Measuring systems, control and regulation systems

All devices for measuring, switching on and off and adjusting pressure and/or flow rate shall work reliably and there shall be no leakages. Control of pressure and operation of pressure adjustment devices shall be easily possible during application. Pressure adjustment devices shall maintain a constant working pressure at constant revolutions of the pump, in order to ensure that a stable volume application rate is applied.

(6) Pipes and hoses

Hoses and pipes shall be in proper condition to avoid disturbance of liquid flow or accidental spillage in case of failure. There shall be no leakages from pipes or hoses when run with the maximum obtainable pressure for the system.

(7) Filters

In order to avoid turbulence and heterogeneity in spray patterns, filters shall be in good condition and the mesh size of the filters shall correspond to the size of nozzles fitted on the sprayer. The filter blockage indication system shall operate correctly.

(8) Spray boom (for equipment spraying pesticides by means of a horizontally positioned boom, located close to the crop or the material to be treated)

The spray boom must be in good condition and stable in all directions. The fixation and adjustment systems and the devices for damping unintended movements and slope compensation must work reliably.

(9) Nozzles

Nozzles must work properly to control dripping when spraying stops. To ensure homogeneity of the spray pattern, the flow rate of each individual nozzle shall not deviate by more than 5% from the data of the flow rate tables provided by the manufacturer.

(10) Distribution

The transverse and vertical (in case of applications in vertical crops) distribution of the spray mixture and the distribution in the driving direction must be even. The adequate quantity and distribution of the spray mixture on the target area must be ensured.

(11) Blower (for equipment distributing pesticides by air assistance)

The blower must be in good condition and must ensure a stable and reliable air stream.

LEGISLATIVE FINANCIAL STATEMENT

This document is intended to accompany and complement the Explanatory Memorandum. As such, when completing this Legislative Financial Statement, and without prejudice to its legibility, an attempt should be made to avoid repeating information contained in the Explanatory Memorandum. Before filling in this template, please refer to the specific Guidelines that have been drafted to provide guidance and clarification for the items below.

1. NAME OF THE PROPOSAL:

Proposal for a Directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of pesticides

2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Environment (ABB Code 0703: Implementation of Community Environmental Policy and legislation).

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines)) including headings :

Financial instrument for the Environment (LIFE+ for the 2007-2013 period) (07.03.07)

3.2. Duration of the action and of the financial impact:

For the 2007-2013 period, the appropriations required will be covered by the resources already foreseen for the LIFE+ programme, no additional amount is requested.

3.3. Budgetary characteristics (*add rows if necessary*) :

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
07 03 07	Non-comp	Diff	NO	NO	NO	No [2]

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4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		2008	2009	2010	2011	2012	2013 and later	Total
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Operational expenditure²³

Commitment Appropriations (CA)	8.1	A	0.227	0.161	0.161	0.134	0.134	0.107	0.924
Payment Appropriations (PA)		B	0.151	0.153	0.170	0.143	0.129	0.109	0.855

Administrative expenditure within reference amount²⁴

Technical & administrative assistance (NDA)	8.2.4	C	0.000	0.000	0.000	0.000	0.000	0.000	0.000
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TOTAL REFERENCE AMOUNT

Commitment Appropriations		A+c	0.227	0.161	0.161	0.134	0.134	0.107	0.924
Payment Appropriations		B+c	0.151	0.153	0.170	0.143	0.129	0.109	0.855

Administrative expenditure not included in reference amount²⁵

Human resources and associated expenditure (NDA)	8.2.5	D	0.108	0.108	0.108	0.108	0.108	0.108	0.648
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	E	0.000	0.111	0.031	0.111	0.031	0.111	0.395

²³ Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

²⁴ Expenditure within article xx 01 04 of Title xx.

²⁵ Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources	a+c +d+ e	0.335	0.380	0.300	0.353	0.273	0.326	1.967
TOTAL PA including cost of Human Resources	b+c +d+ e	0.259	0.372	0.309	0.362	0.268	0.328	1.898

Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		2008	2009	2010	2011	2012	2013 and later	Total
.....	f	0.000	0.000	0.000	0.000	0.000	0.000	0.000
TOTAL CA including co-financing	a+c +d+ e+f	0.335	0.380	0.300	0.353	0.273	0.326	1.967

4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement²⁶ (i.e. flexibility instrument or revision of the financial perspective).

4.1.3. Financial impact on Revenue

²⁶ See points 19 and 24 of the Interinstitutional agreement.

Proposal has no financial implications on revenue

Proposal has financial impact – the effect on revenue is as follows:

NB: All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.

EUR million (to one decimal place)

Budget line	Revenue	Prior to action [2007]	Situation following action					
			[2008]	[2009]	[2010]	[2011]	[2012]	[2013] <small>27</small>
	<i>a) Revenue in absolute terms</i>							
	<i>b) Change in revenue</i>	Δ						

(Please specify each revenue budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)

4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	2008	2009	2010	2011	2012	2013 and later
Total number of human resources	1A*/AD	1A*/AD	1A*/AD	1A*/AD	1A*/AD	1A*/AD

5. CHARACTERISTICS AND OBJECTIVES

Details of the context of the proposal are required in the Explanatory Memorandum. This section of the Legislative Financial Statement should include the following specific complementary information:

5.1. Need to be met in the short or long term

²⁷ Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years.

Better protection of human health and the environment against adverse effects of pesticides (see Explanatory Memorandum Section ‘Grounds for and Objectives of the Proposal). To this aim, financial resources are necessary for:

- the development of a harmonised system including an appropriate database for gathering and storing all information relating to pesticide risk indicators, and for making such information available to the competent authorities, other interested parties and the general public;
- the performance of studies necessary for the preparation and development of legislation, including the adaptation of the Annexes of this Directive to technical progress; and
- the development of guidance and best practices to facilitate the implementation of this Directive.

The principles of the Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities are fully respected.

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

Without Community involvement, the current diverging situations in the Member States would continue (See also Section 3 of the Explanatory Memorandum).

Operational expenditure is foreseen within the part of the LIFE+ budget subject to central direct management.

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

Reduction of the impacts of pesticides on human health and the environment and more generally to achieve a more sustainable use of pesticides as well as a significant overall reduction in risks and of the use of pesticides consistent with the necessary crop protection. In particular, the specific objectives:

- (i) to minimise the hazards and risks to health and environment from the use of pesticides;
- (ii) to improve controls on the use and distribution of pesticides;
- (iii) to reduce the levels of harmful active substances including through substituting the most dangerous with safer (including non-chemical) alternatives;
- (iv) to encourage the use of low-input or pesticide-free crop farming, in particular by raising users' awareness, by promoting codes of good practices and consideration of the possible application of financial instruments;

- (v) to establish a transparent system for reporting and monitoring the progress made in the achievement of the objectives of the strategy including the development of suitable indicators.

Harmonised indicators are to be developed and will be adopted at a later stage. They will then be used to monitor implementation and effects.

5.4. Method of Implementation (indicative)

Show below the method(s)²⁸ chosen for the implementation of the action.

X *Centralised Management*

X Directly by the Commission

† Indirectly by delegation to:

† Executive Agencies

† Bodies set up by the Communities as referred to in art. 185 of the Financial Regulation

† National public-sector bodies/bodies with public-service mission

Shared or decentralised management

† With Member States

† With Third countries

† ***Joint management with international organisations (please specify)***

Relevant comments:

²⁸ If more than one method is indicated please provide additional details in the "Relevant comments" section of this point.

6. MONITORING AND EVALUATION

6.1. Monitoring system

Member States will have to report on all actions and measures they adopt as implementation of the Directive, and – once the necessary legislation is in place – about the real use of pesticides.

Contracts signed by the Commission for the purpose of the implementation of the Directive shall provide for supervision and financial control by the Commission (or any representative authorized by it) and audits by the Court of Auditors, if necessary on-the-spot.

6.2. Evaluation

6.2.1. Ex-ante evaluation

See Impact Assessment accompanying this proposal as a Commission Staff Working Paper. The impacts of all measures proposed were assessed from an economic, social, health and environmental point of view.

6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)

The measures proposed in the Framework Directive are based on the evaluation of the situation and the experience of the Member States. The Impact Assessment took these evaluations into account.

6.2.3. Terms and frequency of future evaluation

Regular evaluation of the effectiveness of the Directive in the ‘Thematic Strategy Expert Group’, which will recommend appropriate guidance, best practices and necessary amendments to the Directive and its implementation.

7. ANTI-FRAUD MEASURES

Full application of internal control standards No 14, 15, 16, 18, 19, 20, 21, as well as of the principles of the Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities.

The Commission shall ensure that, when actions financed under the present programme are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in

accordance with Council Regulations (EC, Euratom) No 2988/95 and (Euratom, EC) No 2185/96, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council.

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	2008		2009		2010		2011		2012		2013 and later		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
OPERATIONAL OBJECTIVE No.1 development and maintenance of a database																
Action 1: creation of the database		0.100	1	0.100	0	0.000	0	0.000	0	0.000	0	0.000	0	0.000	1	0.100
Action 2: maintenance of the database.		0.030	0	0.000	1	0.030	1	0.030	1	0.030	1	0.030	1	0.030	5	0.150
Sub-total Objective 1				0.100		0.030		0.030		0.030		0.030		0.030		0.250
OPERATIONAL OBJECTIVE No.2 performance of studies for the development of legislation (adaptation of annexes to technical progress, development of guidelines)																
Action 1: studies by an external consultant		0.050	1	0.050	2	0.100	1	0.050	1	0.050	1	0.050	1	0.050	7	0.350
Action 2: meetings of the Expert network		0.027	1	0.027	3	0.081	3	0.081	2	0.054	2	0.054	1	0.027	12	0.324
Sub-total Objective 2				0.077		0.181		0.131		0.104		0.104		0.077		0.674
TOTAL COST				0.177		0.211		0.161		0.134		0.134		0.107		0.924

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		2008	2009	2010	2011	2012	2013
Officials or temporary staff ²⁹ (XX 01 01)	A*/AD	1	1	1	1	1	1
	B*, C*/AST						
Staff financed ³⁰ by art. XX 01 02							
Other staff ³¹ financed by art. XX 01 04/05							
TOTAL		1	1	1	1	1	1

8.2.2. Description of tasks deriving from the action

Verification of implementation in the Member States and organisation of system of information exchange in accordance with Article 16 of the proposal leading to measures to adapt the Directive or its Annexes to Technical Progress as appropriate.

8.2.3. Sources of human resources (statutory)

(When more than one source is stated, please indicate the number of posts originating from each of the sources)

²⁹ Cost of which is NOT covered by the reference amount.

³⁰ Cost of which is NOT covered by the reference amount.

³¹ Cost of which is included within the reference amount.

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

8.2.4. Other Administrative expenditure included in reference amount (XX 01
04/05 – Expenditure on administrative management)

EUR million (to 3 decimal places)

Budget line (number and heading)	2008	2009	2010	2011	2012	2013 and later	TOTAL
1 Technical and administrative assistance (including related staff costs)							
Executive agencies ³²							
Other technical and administrative assistance							
- <i>intra muros</i>							
- <i>extra muros</i>							
Total Technical and administrative assistance	0.000	0.000	0.000	0.000	0.000	0.000	0.000

³² Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

8.2.5. Financial cost of human resources and associated costs not included in the reference amount

EUR million (to 3 decimal places)

Type of human resources	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)	0.108	0.108	0.108	0.108	0.108	0.108
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)	0.108	0.108	0.108	0.108	0.108	0.108

Calculation– *Officials and Temporary agents*

Reference should be made to Point 8.2.1, if applicable

The standard salary for 1A* /AD as foreseen in Point 8.2.1 is 0.108 M€.

Calculation– *Staff financed under art. XX 01 02*

Reference should be made to Point 8.2.1, if applicable

8.2.6 Other administrative expenditure not included in reference amount

EUR million (to 3 decimal places)

	2008	2009	2010	2011	2012	2013 and later	TOTAL
XX 01 02 11 01 – Missions	0.000	0.004	0.004	0.004	0.004	0.004	0.020
XX 01 02 11 02 – Meetings & Conferences	0.000	0.080	0.000	0.080	0.000	0.080	0.240
XX 01 02 11 03 – Committees ³³	0.000	0.027	0.027	0.027	0.027	0.027	0.135
XX 01 02 11 04 – Studies & consultations	0.000	0.000	0.000	0.000	0.000	0.000	0.000
XX 01 02 11 05 - Information systems	0.000	0.000	0.000	0.000	0.000	0.000	0.000
2 Total Other Management Expenditure (XX 01 02 11)							
3 Other expenditure of an administrative nature (specify including reference to budget line)							
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	0.000	0.111	0.031	0.111	0.031	0.111	0.395

Calculation - *Other administrative expenditure not included in reference amount*

4 missions with a unit cost of 1 000€ are foreseen every year from 2009 to 2013, in order to explain the objectives and measures of the Thematic Strategy and help their implementation in Member States.

³³ Specify the type of committee and the group to which it belongs.

The organisation of 1 conference (unit cost: 80 000€) is foreseen every two years from 2009 to 2013, in order to consult stakeholders and competent authorities on the implementation of the measures of the Thematic Strategy.

Meetings of the Committee (unit cost: 27 000€) are foreseen every year as from 2009, in order to allow information exchange, in view of adoption of appropriate guidelines and recommendations to strive for more harmonisation between Member States.

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure.