

## **Manual of European Environmental Policy**

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
- The sections include links to external websites (e.g. to legal texts). These links continue to work as long as those links are not broken by those websites.
- The sections also include the original links that enabled interactivity within the published on-line version of the Manual. These links no longer work.

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The Manual should be cited as follows:

Farmer, A.M. (2012) (Editor). Manual of European Environmental Policy. 1043pp. Routledge, London.

# Sustainable use of pesticides

<b>Formal references</b>	
Directive <a href="#">2009/128/EC</a> (OJ L309 24.11.2009) Corrigendum (OJ L161 29.6.2010)	Directive establishing a framework for Community action to achieve the sustainable use of pesticides
Proposed 12.7.2006 – <a href="#">COM(2006)373</a>	
<b>Legal base</b>	Article 192 TFEU (originally Article 175(1) TEC)
<b>Binding dates</b>	
Entry into force	25 November 2009
Formal compliance	14 December 2011
Member States shall communicate their National Action Plans to the Commission and to other Member States	By 14 December 2012
Commission, in cooperation with the Member States, has to develop a strategic guidance document on monitoring and surveying of impacts of pesticide use on human health and the environment	By 14 December 2012
Member States shall report to the Commission on the implementation of low pesticide-input pest management and integrated pest management, in particular, whether the necessary conditions for implementation of integrated pest management are in place	By 30 June 2013
Member States shall establish ‘sufficient knowledge’ certification systems and designate the competent authorities responsible for their implementation	By 14 December 2013
By 1 January 2014 Member States have to describe how they will ensure that principles of integrated pest management, as set out in Annex III, are implemented by all professional users	By 1 January 2014
The Commission shall submit to the European Parliament and to the Council a report on the information communicated by the Member States in relation to the National Action Plans	By 14 December 2014
Member States to ensure that distributors have a sufficient number of certified staff as well as to restrict sales of pesticides	By 15 December 2015

authorized for professional use to those holding a certificate	
The Commission shall submit to the European Parliament and to the Council a report on the experience gained by Member States on the implementation of national targets	By 14 December 2018

## Purpose of the Directive

Directive 2009/128/EC establishes a framework to achieve a sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of integrated pest management and of alternative approaches or techniques such as non-chemical alternatives to pesticides.

## Summary of the Directive

The Directive applies to pesticides that are plant protection products as defined in the Regulation (EC) No [1107/2009](#) on placing plant protection products on the market. These do not include biocidal products, as defined in Directive [98/8/EC](#) on placing biocidal products on the market. However, it is anticipated that the scope of Directive 128/2009/EC will be extended to cover biocidal products as well. This explains why the Directive uses categorically the word ‘pesticides’ (covering plant protection products *and* biocidal products) instead of ‘plant protection products’. However, until the scope is extended to biocidal products, the Directive applies only to plant protection products. Therefore, unlike in the Directive and to avoid any confusion, we are hereafter using ‘plant protection product’ instead of ‘pesticides’, until the scope of the Directive is extended to biocidal products.

### *Establishment of National Action Plans*

Member States are required to adopt National Action Plans to set up their quantitative objectives, targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of plant protection products. These targets may cover different areas of concern, for example, worker protection, protection of the environment, residues, use of specific techniques or use in specific crops.

The National Action Plans are also required to include indicators to monitor the use of plant protection products containing active substances of particular concern, especially if alternatives are available. Timetables and targets for the reduction of use have also to be established.

### *Training and Awareness Raising*

Member States are required to ensure that all professional users, distributors and advisors have access to appropriate training by bodies designated by the competent authorities. This shall consist of both initial and additional training to acquire and update knowledge as appropriate. The training is intended to provide those trained with sufficient knowledge regarding the subjects listed in Annex I, taking account of their different roles and responsibilities. By 14 December 2013, Member States are required to establish certification systems, which provide evidence of sufficient knowledge of the Annex I subjects, as well as designate competent authorities responsible for their implementation. They also have to include requirements and procedures for the granting, renewal and withdrawal of certificates.

Member States have to ensure that distributors have sufficient staff in their employment holding such a certificate. Micro distributors selling only products for non-professional use may be exempted if they do not offer for sale pesticide formulations classified as toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction pursuant to Directive [1999/45/EC](#) on classification, packaging and labelling of dangerous preparations. Still, Member States shall require distributors selling pesticides to non-professional users to provide general information regarding the risks for human health and the environment of pesticide use. Member States are required to take necessary measures to restrict sales of pesticides, which are authorized for professional use, to persons holding such a certificate.

To enhance the comparability of information, the Commission, in cooperation with the Member States, has to develop by 14 December 2012 a strategic guidance document on monitoring and surveying of impacts of pesticide use on human health and the environment.

### *Inspection of pesticide application equipment*

In the case of pesticide application equipment Member States have to ensure that equipment in professional use is subject to inspections at regular intervals. The interval between inspections cannot exceed five years until 2020 and three years thereafter. By 14 December 2016 Member States have to ensure that pesticide application equipment has been inspected at least once. After this date only pesticide application equipment having successfully passed inspection is allowed in professional use. New equipment has to be inspected at least once within a period of five years after purchase. Member States may apply different timetables and inspection intervals to pesticide application equipment not used for spraying pesticides and represent a very low scale of use. Spraying equipment mounted on trains or aircraft and boom sprayers larger than 3 m are never considered to represent a very low scale of use. In addition, Member States may exempt from inspection handheld pesticide application equipment or knapsack sprayers. In this case the Member States have to ensure that operators have been informed of the need to change the accessories regularly and that operators are trained for the proper use of that application equipment. Any inspections shall verify that pesticide application equipment

satisfies the requirements, which are listed in Annex II.

### *Aerial spraying*

Aerial spraying may only be allowed when the conditions listed in Article 9 are fulfilled. Member States are required to designate the authorities competent for establishing the specific conditions by which aerial spraying may be carried out.

### *Protection of the aquatic environment*

Member States have to ensure the adoption of appropriate measures to protect the aquatic environment and drinking water supplies from the impact of pesticides. These specific measures are listed in Article 11.

### *Areas of reduced or prohibited pesticide use*

Member States are required to ensure that the use of pesticides is minimized or prohibited in certain specific areas after appropriate risk management measures, after the use of low-risk plant protection products and biological control measures have been considered in the first place. The specific areas in question are:

- areas used by the general public or by vulnerable groups as defined in Article 3 of Regulation (EC) No 1107/2009 on placing plant protection products on the market, such as public parks and gardens, sports and recreation grounds, school grounds and children's playgrounds and in the close vicinity of healthcare facilities;
- protected areas as defined in the Water Framework Directive [2000/60/EC](#) or other areas identified for the purposes of establishing the necessary conservation measures in accordance with the provisions of Birds Directive [79/409/EEC](#) and the Habitats Directive [92/43/EEC](#); and
- recently treated areas used by or accessible to agricultural workers.

### *Handling and storage of pesticides*

Member States have to adopt the necessary measures to ensure that certain operations by professional users and distributors do not endanger human health or the environment. These operations are:

- storage, handling, dilution and mixing of pesticides before application;
- handling of packaging and remnants of pesticides;
- disposal of tank mixtures remaining after application;
- cleaning of the equipment used after application; and
- recovery or disposal of pesticide remnants and their packaging in accordance with Community legislation on waste.

Member States need also to take all necessary measures regarding pesticides authorized

for non-professional users to avoid dangerous handling operations.

### *Integrated pest management*

Member States have to take all necessary measures to promote low pesticide-input pest management, giving wherever possible priority to non-chemical methods, so that professional users of pesticides switch to practices and products with the lowest risk to human health and the environment among those available for the same pest problem. They also have to establish or support the establishment of necessary conditions for the implementation of integrated pest management as well as establish appropriate incentives to encourage professional users to implement crop or sector-specific guidelines for integrated pest management on a voluntary basis. By 1 January 2014, Member States have to describe how they will ensure that principles of integrated pest management, as set out in Annex III, are implemented by all professional users.

### *Harmonized risk indicators*

Member States are required to establish harmonized risk indicators as referred to in Annex IV. However, Member States may continue to use existing national indicators or adopt other appropriate indicators in addition to the harmonized ones. More specifically, Member States are required to:

- calculate harmonized risk by using statistical data collected in accordance with the Community legislation concerning statistics on plant protection products together with other relevant data;
- identify trends in the use of certain active substances;
- identify priority items, such as active substances, crops, regions or practices, that require particular attention or good practices that can be used as examples in order to achieve the objectives of this Directive.

Member States have to communicate the results of the above evaluations to the Commission and to other Member States as well as make this information available to the public. The Commission will then calculate risk indicators and assess progress in reducing the impact of pesticides on human health on the environment.

## **Development of the Directive**

Amid growing public concern over the impact of pesticides, the Commission presented in July 2006 a set of proposals, the so-called pesticides package, aimed at protecting human health and the environment from dangerous or excessive use of pesticides in agriculture. The pesticides package included the Proposal (COM(2006)373) for this Directive together with the Proposal ([COM\(2006\)388](#)) for a Regulation on placing plant protection products.

The Presidency, Commission and Parliamentary rapporteurs concluded a series of ‘trialogue’ discussions in December 2008 with agreement on a set of amendments to the common positions adopted by the Council in September on the Proposal. The amendments were adopted at the Parliament’s plenary session on 13 January 2009 and a compromise deal was struck between the Council and the Parliament in March 2009. The Proposal was adopted by the Council in September 2009 and published in the *Official Journal* 24 November 2009.

## **Implementation of the Directive**

Owing to the recent adoption of the Directive, it is too early to identify implementation measures and issues.

## **Enforcement and court cases**

There have been no cases concluded in the European Court of Justice concerning this Directive.

## **Related legislation**

The following legislation has a strong interaction with this Directive:

- Regulation (EC) No [1107/2009](#) concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC
- Directive [8/98/EC](#) on placing of biocidal products on the market.
- Water Framework Directive [2000/60/EC](#)
- Birds Directive [79/409/EEC](#)
- Habitats Directive [92/43/EEC](#).