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**\*\*\*I**

## **REPORT**

on the 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  
(COM(2006)0373 – C6-0246/2006 – 2006/0132(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Christa Klaß

Draftsman (\*):  
Michl Ebner, Committee on Agriculture and Rural Development

(\* ) Procedure with associated committees - Rule 47 of the Rules of Procedure

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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(\*) Procedure with associated committees - Rule 47 of the Rules of Procedure



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the 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

(COM(2006)0373 – C6-0246/2006 – 2006/0132(COD))

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2006)0373)<sup>1</sup>,
  - having regard to Articles 251(2) and 175 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0246/2006),
  - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
  - having regard to Rules 51 and 35 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on Agriculture and Rural Development (A6-0347/2007),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1  
Citation 1

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

Having regard to the Treaty establishing the European Community, and in particular **Articles 152(4) and 175(1)** thereof,

*Justification*

*The aim of the Directive is a reduction of the impact of pesticides on human health and the*

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<sup>1</sup> Not yet published in OJ.

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

Amendment 2  
Recital 1

(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 Programme, a common legal framework for achieving a sustainable use of pesticides should be established.

(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 Programme, a common legal framework for achieving a sustainable use of pesticides should be established, ***taking account of the precautionary principle.***

Amendment 3  
Recital 2

(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 products, 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 policy; Regulation (EC) No 396/2005 of the European Parliament and the Council 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC.

(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 products, 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 policy; Regulation (EC) No 396/2005 of the European Parliament and the Council 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC, ***and in the food law provisions pursuant to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety***<sup>1</sup>.

<sup>1</sup> OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 575/2006 (OJ L 100, 8.4.2006, p. 3).

### *Justification*

*The purpose of the insertion is to include the relevant field of food law.*

#### Amendment 4 Recital 3

(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.

(3) National action plans aiming at setting **quantitative** objectives, **targets, timetables and indicators** for the **prevention** of both **health and environmental risks, at drawing up schedules and indicators of the risks and intensity of pesticide use, listing the financial resources and budget lines for the implementation of the above within the timeframe set,** and at promoting **and encouraging the adoption of** non-chemical plant protection **and pest management** should be used by Member States in order to facilitate the implementation of this Directive. The national action plans **should** 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.

### *Justification*

*In relation to human health, the risks must be prevented completely not just reduced. It has to be clear to Member States that the aim of the objectives in the National Action Plans are for the purpose of addressing both the health and environmental risks of pesticide use. If the requirement to promote non-chemical plant protection and pest management is not accompanied by a genuine desire by Member States to encourage its adoption then this aim could be ineffective.*

#### Amendment 5 Recital 4

(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.

(4) The exchange of information on the objectives **achieved** and **the scope of** 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.

#### *Justification*

*In connection with information exchange between Member States, it is not the objectives set, but the objectives achieved, that are an important element in the action taken by Member States.*

#### Amendment 6 Recital 6

(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).

(6) It is desirable that Member States set up systems of training **and further 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 **should** 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).

#### *Justification*

*Training and further training measures should be provided for distributors, advisors and professional users of plant protection products. It is essential that users and vendors should have expert knowledge in order for the products to be used correctly, in accordance with their intended purpose.*



Amendment 7  
Recital 6 a (new)

***(6a) The use of illegal plant protection products is jeopardising the sustainable use of pesticides and poses a significant risk to the environment and to human and animal health. This problem needs to be addressed urgently.***

*Justification*

*Counterfeiting and illegal trafficking of plant protection products in Europe is a significant and rapidly growing problem. This problem undermines any sustainability strategy as it endangers the health of consumers and farmers, harms the environment, and causes significant economic and reputational damage to farmers, the food value chain, governments and the plant protection industry.*

Amendment 8  
Recital 7

(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.***

(7) Considering the risks from the use of pesticides, ***in particular their acute and chronic health effects and their environmental effects, consumers and the general public should be informed, particularly through the media, but also through awareness raising campaigns, information passed on through retailers and other appropriate measures, about both the health and environmental risks and short and long-term adverse effects related to the use of pesticides, and about non-chemical alternatives. Member States should monitor and collect data on impacts of pesticide use, including poisoning incidents, and promote long-term research programmes on the effects of pesticide use.***

*Justification*

*This amendment clarifies that consumers and the general public should be informed about acute and chronic effects of pesticides in human health and environmental risks and adverse effects related to the use of pesticides. The most effective way how to inform the public is*

*through the media. This would enable people to have the information necessary to make informed and knowledgeable decisions and actions regarding the protection of their health and surrounding environment*

#### Amendment 9

##### Recital 9

(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) 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.

(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) will provide for rules on the placing on the market of pesticide application equipment ***that will enable pesticide users to optimise the effectiveness of the treatments, thus*** 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.

#### *Justification*

*Necessary clarification.*

#### Amendment 10

##### Recital 10

(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.

(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 there are no viable alternatives, ***the best available technology to reduce drift is used (e.g. low-drift nozzles) and the health of residents or bystanders is not affected.***

### *Justification*

*Aerial spraying does not offer environmental benefits over other spraying methods. Derogations should not be possible in areas where residents and bystanders might be affected, for example, highly populated rural areas or near areas used by the public and vulnerable groups such as schools.*

### Amendment 11

#### Recital 11

(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.

(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, ***for example***, 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, ***geological and topographical features***, 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.

### *Justification*

*Wmywanie pestycydów sięga czasem głębiej niż występujący profil glebowy, dlatego nie tylko sama gleba warunkuje wymiary stref buforowych, ale podłoże skalne (tzw. skała macierzysta).*

*Gleby w Europie wykształcone są na różnych skałach macierzystych (np.: na wapieniach, piaskach, glinach, lessach, torfach), które różnią się zdolnościami absorpcyjnym. Dlatego podłoże skalne będzie decydowało o wielkości stref buforowych.*

*Rzeźba terenu, w tym ekspozycja, nachylenie stoku warunkuje procesy wymywania i splukiwania, zwłaszcza po ulewach ekstremalnych – przemieszczania cząstek gleby wraz ze stosowanymi nawozami, środkami ochrony roślin, w tym pestycydami do niższych części stoku wykorzystywanego rolniczo lub do zbiorników wód powierzchniowych.*

### Amendment 12

## Recital 12

(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 birds, and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. 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** .

(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 birds, and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. ***The protection measures needed to attain the nature conservation objectives should be taken in accordance with those Directives.*** In other places such as ***residential areas***, public parks, sports ***and recreation*** grounds, ***school grounds***, children's playgrounds ***and in the vicinity of public healthcare facilities (clinics, hospitals, rehabilitation centres, health resorts, hospices)***, the risks from exposure to pesticides of the general public are high. Use of ***plant*** pesticides in ***and around*** those areas ***must***, therefore, be ***prohibited and non-chemical alternatives should be used*** .

## Justification

*Natura 2000 areas, which now comprise more than 15% of the Community's land area, contain many areas used for agriculture or forestry, in which the use of plant protection products does not prevent the pursuit of conservation objectives. Nonetheless, it is worthwhile to recall nature conservation instruments by means of an appropriate reference.*

*The Commission has acknowledged that the risks from exposure to pesticides in areas used by the general public are high. Therefore considering the acute and chronic adverse health impacts exposure to pesticides can cause then pesticide use should be prohibited in and around any area where members of the public may be exposed, (especially if they are at risk of long-term exposures, such as residents living near treated areas), particularly, although not exclusively, to protect vulnerable groups.*

## Amendment 13

### Recital 14

(14) The application of general standards of Integrated Pest Management by all farmers

(14) The application of general ***and crop-specific*** standards of Integrated Pest

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.

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 **and the reduction of pesticide use**. Member States should promote low pesticide-input farming, in particular **general and crop-specific standards of** Integrated Pest Management **and the increase of land under organic farming**, and establish necessary conditions for implementation of integrated pest management techniques. Additionally, Member States should **implement mandatory** crop-specific standards of Integrated Pest Management.

***Member States should use economic instruments for the promotion of Integrated Pest Management to provide advice and training for farmers, and to reduce the risks of pesticide use. A levy on pesticide products should be equated as one of the measures to finance the implementation of general and crop-specific methods and practices of Integrated Pest Management and the increase of land under organic farming.***

#### *Justification*

*The promotion of non-chemical methods should not be restricted to promoting general standards of IPM but also include organic farming and crop-specific standards of IPM. A tax/levy on pesticides has been found a successful way to fund measures for pesticide reduction in many European countries. Member States should be given a choice of different tax/levy systems in order for them to choose the most suitable to their needs. Economic instruments are generally the most effective tools in reducing environmental risks.*

Amendment 14  
Recital 14 a (new)

***(14a) The polluter pays principle should be applied with regard to the costs linked to implementing this Directive. A levy on pesticide products should therefore be***

*considered by the Member States in order to finance the implementation of their national action plans.*

*Justification*

*The producers' responsibility for external costs of pesticide use should be strengthened. A levy/tax on pesticide products should be an option for the member states for achieving use reduction and for creating specific income in order to cover the costs linked to the National Action Plans.*

Amendment 15

Recital 15

(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.

(15) It is necessary to measure the progress achieved in ***preventing the use of pesticides and their*** risks and adverse impacts for human health and the environment. Appropriate means are harmonised ***use and*** risk indicators that will be established at Community level. Member States should use those indicators ***to manage reduction of pesticides and risk reduction*** 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, ***which must be in line with the requirements of this Directive and be in relation to both the health and environmental risks of pesticide use. Public participation in the development and setting of national indicators is required, in addition to the participation of all other relevant stakeholders. This includes a requirement for full public access to information to assist in the public's participation. Provisions relating to full public participation and access to information should be put in place.***

*Justification*

*The inclusion of tools to measure progress achieved in reducing pesticide use and the risks thereof will enable the Member States to comply with the aims set out in the 6th Community*

*Action Programme for the Environment, which provides for reducing the effects of pesticides on human health and the environment and, in general terms, achieving sustainable use of these substances, as well as a significant overall reduction in the risks and use of pesticides.*

*In relation to human health, the risks and adverse impacts must be prevented completely not merely reduced. It has to be made clear to Member States that the national indicators are in relation to both health and environmental risks of pesticide use. It also has to be clear to Member States what the requirements are for public participation in the development, workings and amendments of national indicators to be in line with the Spirit of Directive 2003/35/EC providing for public participation.*

Amendment 16  
Recital 15 a (new)

***(15a) With a view to applying the polluter-pays principle, the Commission should examine appropriate ways of involving manufacturers of plant protection products and/or their active substances in the work of dealing with and rectifying damage which may be caused to human health or the environment through the use of plant protection products.***

*Justification*

*As in other areas of European health and environmental policy, manufacturers should also be liable for the damage caused by plant protection products and/or their active agents.*

Amendment 17  
Recital 19

(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 Commission<sup>1</sup>.

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<sup>1</sup> OJ L 184, 17.7.1999, p. 23.

(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 Commission<sup>1</sup>.

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<sup>1</sup> OJ L 184, 17.7.1999, p. 23. ***Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).***

### *Justification*

*This amendment is necessary to bring the text into line with the provisions of the new decision on commitmentology.*

### Amendment 18

#### Article 1

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.***

This Directive establishes a framework for achieving a more sustainable use of pesticides by reducing ***use and*** the risks and impacts of pesticide use on human health and the environment in ***line with the precautionary principle and encouraging the promotion and adoption of non-chemical alternatives to plant protection products.***

### *Justification*

*To ensure coherence with the Thematic Strategy for the Sustainable Use of Pesticides and the proposed Regulation on market placement of plant protection products. Insofar non-chemical alternatives are available on the market at an economic price, they should be used instead of pesticides.*

### Amendment 19

#### Article 2, paragraph 1

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.

1. This Directive shall apply to pesticides in the form of:

***(a)*** plant protection products as defined in Regulation (EC) No. (...) concerning the placing of plant protection products on the market, ***for use in agricultural and non-agricultural contexts,***

***(b)*** biocidal products as defined in Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market<sup>1</sup> belonging to product types 14 - 19 as defined in Annex V thereto.



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<sup>1</sup> OJ L 123, 24.4.1998, p. 1. Directive as last amended by Commission Directive 2006/140/EC (OJ L 414, 30.12.2006, p. 78).

### *Justification*

*Pest control products are very similar to plant protection products (PPPs). They can contain the same active substances as PPPs and sometimes have identical formulations (e.g. rodenticides can fall under both legislations depending on whether they are applied to PPPs or whether they are used to protect hygiene or public health). Also the application methods can be very similar, e.g. some public health insecticides under the biocides directive are used by aerial spraying, just like some PPPs. Some pest control products are used indoors (e.g. repellents) and therefore can cause direct exposure to humans.*

*The measures must apply to both agricultural and non-agricultural use.*

### Amendment 20 Article 2, paragraph 2

2. This Directive shall apply without prejudice to any other relevant Community legislation.

2. This Directive shall apply without prejudice to any other relevant Community legislation ***or to any national fiscal measures to encourage the use of less harmful pesticides.***

### *Justification*

*Member States must remain free, should they so wish, to encourage more sustainable use of pesticides by using fiscal instruments.*

### Amendment 21 Article 2, paragraph 2 a (new)

***2a. Member States may provide subsidies or take fiscal measures to encourage the use of less harmful plant protection products. This may include the introduction of a pesticides levy on all products except for non-chemical products or plant protection products with a low or reduced level of risk as defined in Article 46(1) of Regulation (EC) No [...] concerning the placing of plant protection products on the market.***

### *Justification*

*Member States must remain free, should they so wish, to encourage more sustainable use of pesticides by using fiscal instruments.*

### Amendment 22 Article 2, paragraph 2 b (new)

***2b. The provisions of this Directive may not prevent Member States from applying the precautionary principle in restricting or prohibiting the use of pesticides.***

### Amendment 23 Article 3, point (b)

(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***

(b) 'user' means any natural or legal person who carries out the use of pesticides in the framework of his activity, ***whether he is self-employed, employed or recruited for a special task; regarding 'professional users' Member States may distinguish between those entitled to use pesticides only on their own holdings and those entitled to provide pesticide services on holdings belonging to third parties.***

***In addition, golf courses, tennis courts and other leisure facilities, public parks, and infrastructure items such as car parks, roads, railways etc. shall be looked upon as users***

*(This amendment applies to the whole legislative text and necessitates technical adjustments throughout that text.)*

### *Justification*

*The English text uses the term 'professional user'. The German translation 'gewerblicher Anwender' is incorrect. The directive should not be addressed to farmers alone, but should apply to all users of plant protection products.*

Amendment 24  
Article 3, point (d)

(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*

(d) 'adviser' means any natural or legal person who *has the level of instruction and training stipulated by the Member States in order to authorise that person to provide advice* on the use of pesticides, *in the context of uses authorised by the country in which the pesticide is produced and of the maximum residue limits laid down by the Community*

Amendment 25  
Article 3, point (e)

(e) 'pesticide application equipment' means any apparatus *specifically designed* for the application of pesticides or pesticide-containing products

(e) 'pesticide application equipment' means any apparatus *used* for the application of pesticides or pesticide-containing products

*Justification*

*Apparatus need not in every case be specifically designed for crop protection purposes in order to be used for such purposes. The formulation should therefore be changed.*

Amendment 26  
Article 3, point (g)

(g) 'aerial spraying' means any application of pesticides by *aircraft or helicopter*

(g) 'aerial spraying' means any application of pesticides by *an air-borne vehicle*

*Justification*

*Current definition of 'aerial spraying' does not cover all possibilities of application of pesticides from the air. Pesticides can be applied by other air-borne vehicles, different from aircraft or helicopters.*

Amendment 27  
Article 3, point (i a) (new)

***(ia) ‘non-chemical methods of plant protection and pest and crop management’ means the use of pest control and management techniques that do not rely on chemical properties. Non-chemical methods of plant protection and pest and crop management include rotation, physical and mechanical control and natural predator management.***

*Justification*

*The only real solution to eliminate the adverse impacts of pesticides on public health, animals, wildlife and wider environment is to take a preventative and truly sustainable approach by prioritising non-chemical methods of plant protection and pest and crop management. This would be more in line with the objectives for sustainable crop protection, as reliance on complex chemicals designed to kill plants, insects or other forms of life, cannot be classified as sustainable.*

Amendment 28  
Article 3, point (i b) (new)

***(ib) ‘application frequency’ refers to a utilisation indicator which expresses the average number of times that a piece of agricultural land can be treated with the prescribed dose, calculated on the basis of the total quantities of each pesticide sold.***

*Justification*

*La fréquence de traitement ou la fréquence de l’application (FA) est calculée en divisant le volume vendu pour chaque produit particulier ou substance active par le dosage recommandé par hectare pour un usage particulier.*

*Les résultats de ces calculs pour chaque pesticide et récolte sont divisés par le nombre total d’hectares en culture.*

$$FA = \sum_{\text{all active ingredients}} \frac{\left( \frac{SA_{\text{individual active ingredients}}}{SD_{\text{crop / croptypes}}} \right)}{AGRA_{\text{year}}},$$

*SA est la quantité vendue de produit formulé individuel ou de substances actives par an.*

*SD est la dose standard définie pour chaque produit formulé individuel ou les substances*

*actives pour chaque récolte/type de récolte (dose recommandée par l'Etat Membre ou si absent, dose recommandée par le fabricant).  
AGRA est la surface totale des terres arables.*

Amendment 29  
Article 3, point (i c) (new)

***(ic) 'pesticide' means a plant protection product as defined in Regulation (EC) No [...] concerning the placing of plant protection products on the market***

*Justification*

*The terms 'pesticide' and 'plant protection product' are used indiscriminately throughout the directive. For the sake of clarity and legal certainty it is important to define the term 'pesticide'.*

Amendment 30  
Article 3, points (i d) (new)

***(id) "use reduction" means reduction of applications of pesticides and is not necessarily dependent on volume***

*Justification*

*This amendment brings the Directive in line with the objective of use reduction and clarifies that use reduction is not linked to a decrease in the volume of pesticides but rather to the decrease in the number or rate of applications to the levels necessary to crop protection. Regardless of whether the amount of active substance needed for one treatment is 1 kg/ha or a few grams/ha (for very potent substances), a "treatment frequency index" of e.g. 2.0 would mean that the area with arable crops on average had been sprayed 2 times with the recommended dose. Treatment frequency index is a reliable use indicator already in use in some Member States, including Denmark.*

Amendment 31  
Article 3, point (i e) (new)

***(ie) "treatment frequency index" is based on the fixed standard dose of active substance per hectare needed for one treatment against the pest in question. Therefore, it is not necessarily dependent***

***on volume and can be used to evaluate use reduction.***

*Justification*

*This amendment brings the Directive in line with the objective of use reduction and clarifies that use reduction is not linked to a decrease in the volume of pesticides but rather to the decrease in the number or rate of applications to the levels necessary to crop protection. Regardless of whether the amount of active substance needed for one treatment is 1 kg/ha or a few grams/ha (for very potent substances), a "treatment frequency index" of e.g. 2.0 would mean that the area with arable crops on average had been sprayed 2 times with the recommended dose. Treatment frequency index is a reliable use indicator already in use in some Member States, including Denmark.*

Amendment 32

Article 4, title

National actions plans to reduce risks and ***dependence on*** pesticides

National action plans to reduce risks and ***use of*** pesticides

Amendment 33

Article 4 paragraph - 1 (new)

***-1. Within one year after the entry into force of this Directive, Member States shall adopt a background report in accordance with Annex IIa with the objective of identifying national trends in pesticide use and risks and the priority areas and crops to be addressed in the national action plan.***

Amendment 34

Article 4, paragraph 1, subparagraph 1

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

1. ***No more than one year after the entry into force of this Directive, Member States shall, after consulting farmers' and winegrowers' associations, environmental protection organisations and the industrial and other sectors concerned, adopt national action plans to set up targets and indicators for the reduction of risks and use of pesticides within 5 years and 10 years of the***

*baseline year. The EU target shall be set at a 25% reduction in the frequency of application within 5 years from the baseline year and a 50% reduction within 10 years. Member States shall set their national targets taking into account the EU target and national reduction targets already in place. The target figures shall accord with the provisions of Article 4(1) and Article 16 of Directive 2000/60/EC. The national action plans may also comprise regional plans in order to take account of local conditions.*

*Alongside a general use reduction target measured as a treatment frequency index, the national action plans shall as a minimum include specific use reduction targets for the following substances:*

*(a) for active substances of very high concern (as defined in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)<sup>1</sup>), the reduction target shall be at least a 50% reduction in relation to the treatment frequency index calculated for the year 2005 by the end of 2013, unless the Member State can prove that it has already achieved a comparable or higher target based on another year of reference from the period 1995-2004;*

*(b) for pesticide formulations classified as toxic or very toxic pursuant to Directive 1995/45/EC, the quantitative use reduction target, measured as sold volumes, shall be at least a 50% reduction calculated in relation to the year 2005 by the end of 2013, unless the Member State can prove that it has already achieved a comparable or higher reduction target based on another year of reference from the period 1995-2004.*

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<sup>1</sup> OJ L 396, 30.12.2006, p. 1..

### *Justification*

*This amendment adds clear timetables for drafting NAPs. Furthermore, quantitative reduction targets are an important component of any risk/use reduction programme.*

*This amendment clarifies the need for clear indicators and targets within the NAPs.*

*In order to be effective and realistic, national action plans must be drawn up in collaboration with the interested parties.*

*It is important to minimise the undesirable aspects of the use of pesticides. In addition, it is important to base national action plans partly on the objectives laid down in the Water Framework Directive.*

### Amendment 35

Article 4, paragraph 1, subparagraph 1a (new)

***National action plans shall include integrated pest management as referred to in Article 13, priority being assigned to non-chemical crop protection measures.***

### *Justification*

*Integrated crop protection should be encouraged.*

### Amendment 36

Article 4, paragraph 1, subparagraph 2

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.

When drawing up and revising their national action plans, Member States shall give due consideration to the ***public health***, social, economic and environmental impacts of the measures envisaged, ***to specific national, regional and local conditions and to all relevant stakeholder groups. Minimum requirements for the national action plans are listed in the guidance document in Annex IIb.***

### *Justification*

*This amendment links the national action plans to the provisions of the framework directive. It also means that the public health impact can be studied. The only real solution to eliminate the adverse impacts of pesticides on human and animal health and the environment is to take*



*a preventative approach with the widespread adoption of truly sustainable non-chemical methods of plant protection and pest and crop management. This would be more in line with the objectives for sustainable crop protection.*

Amendment 37

Article 4, paragraph 1 a (new)

***1a. The baseline year shall be the average use and risks in the last three calendar years 'January through December' before the entry into force of this Directive.***

*Justification*

*This amendment clarifies the need for clear indicators and targets within the NAPS.*

Amendment 38

Article 4, paragraph 1 b (new)

***1b. The national action plans shall comprise, if necessary, information on the aspects listed in Articles 5 to 13. They shall take into account plans under other Community legislation on the use of plant protection products, such as planned measures under Directive 2000/60/EC.***

***The measures contained in the national action plans may, in particular, be of a legislative, taxation or voluntary nature and should be based on the findings of relevant risk assessments.***

*Justification*

*The directive should at least name the minimum levels or the points of view to be monitored in the context of the drawing-up of the plans. The question of when additional legislation or support, taxation or other measures are necessary is a decision for the Member States.*

Amendment 39

Article 4, paragraph 1 c (new)

***1c. Part of the national action plans shall comprise integrated crop protection as referred to in Article 13, with priority being***

*assigned to non-chemical crop protection measures and encouragement provided to farmers who opt to use non-chemical crop protection products.*

Amendment 40  
Article 4, paragraph 1 d (new)

*1d. The Commission shall draw up every two years a report presenting the results of implementing the national action plans,*

Amendment 41  
Article 4, paragraph 2, subparagraph 1

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.*

2. Within *two years* after the entry into force of this Directive, Member States shall *examine the possibility of minimising the use of pesticides on all crops cultivated on all farms with the aim of putting in place the specific methods and practices of Integrated Pest Management.*

*Justification*

*A regular revision of the national action plans and establishment of the rules of Integrated Pest Management are the key to a genuine reduction in the use of pesticides and the risks associated with such use.*

Amendment 42  
Article 4, paragraph 2, subparagraph 2

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.

The national action plans shall be reviewed at least every *three years* and, *depending on the attainment of objectives, updated. Monitoring shall also include an analysis of whether the risks in the action plan are appropriately taken into account or if they need to be reassessed. Any* changes to the national action plans *and the essential findings of the monitoring* shall be reported to the Commission without undue delay. *The Commission shall establish an Internet portal to inform the public about the*

***national action plans, any changes and the essential results of their implementation.***

*Justification*

*A regular revision of the National Action Plans and implementation of crop-specific IPM are key elements for achieving reduction of use and risk.*

*The rules on monitoring must be formulated more precisely.*

*On account of the differing local conditions for the use of plant protection products, it is also necessary to take account of regional plans. An essential element of national action plans is the involvement of the public. It is therefore worthwhile to make plans, changes and implementation results available through an internet portal.*

Amendment 43  
Article 4, paragraph 3

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

3. The Commission shall make the information communicated in accordance with paragraph 2 available to third countries ***and to the public.***

*Justification*

*The public has a “right to know” in matters concerning their health and the environment and must be fully involved in the drafting, development, implementation, workings, monitoring and amendments of national action plans to be in line with the Spirit of Directive 2003/35/EC providing for public participation. Information about National Action Plans should be made available on the Internet, on the European Commission website.*

Amendment 44  
Article 4, paragraph 3 a (new)

***3a. Member States shall make the information provided under paragraph 2 available to the public on a website.***

*Justification*

*For reasons of clarity and transparency, the public must have access to this type of*

*information, inter alia in order to allow public participation in drawing up, revising and monitoring the national action programmes.*

Amendment 45  
Article 4, paragraph 4

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.

4. The provisions on public participation as laid down in Article 2 of Directive 2003/35/EC shall apply to ***the preparation of the national background report, as well as to*** the preparation and the modification of the national action plans. ***All relevant stakeholders and the wider public shall be consulted on all aspects of the national background report and the national action plans, including drafting, development, implementation, workings, monitoring and amendments. Balanced representation of stakeholders must be ensured, including those adversely affected by the use.***

*Justification*

*To ensure public participation in the preparation of the national background report and the national action plans in line with Directive 2003/35/EC providing for public participation.*

Amendment 46  
Article 4, paragraph 4 a (new)

***4a. Member States shall establish a mechanism for financing the introduction of the national action plans, funded by a system of taxes or levies on pesticides.***

*Justification*

*In certain European countries, tax or levy schemes have proved to be a good way of reducing pesticide use. Such schemes should be introduced throughout the EU and they should enable funding to be provided for measures designed to reduce risks and to reduce pesticide use pursuant to national action plans, and also for an effective system for monitoring and reporting on the results achieved under those plans. The Member States should be able to select the funding system which is best suited to their needs.*

Amendment 47  
Article 4, paragraph 4 b (new)

***4b. Member States shall step up their efforts to check and prevent illegal use of plant protection products, in collaboration with the relevant stakeholders.***

***Member States shall report on a regular basis on controls in place regarding illegal use.***

*Justification*

*A basic requirement for the sustainable use of plant protection products is the full implementation and enforcement of existing legal requirements. National Authorities should thus enforce existing legislation more forcefully and effectively use existing monitoring and enforcement requirements.*

Amendment 48  
Article 5, paragraph 1, subparagraph 1

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

1. Member States shall ensure that all professional users, distributors and advisers have access to appropriate ***and independently organised instruction and training or further training, including regular updating of new information available, on the sustainable and proper use of plant protection products reflecting the level of responsibility of those concerned and their specific role with regard to integrated pest management. To this end, minimum requirements that are binding throughout the Community shall be laid down.***

*Justification*

*In many cases, pesticide pollution to the environment and to agricultural products is due to the lack of appropriate knowledge. Professional users, distributors and advisers should be up to date with all relevant information available.*

*It is vital that the organisation of training should be carried out independently of the economic interests of particular groups. This does not exclude the deployment of industry specialists or NGOs. The Member States may also fulfil the basic requirements under this*

*directive by offering appropriate training. In the case of people with suitable previous training, it may be sufficient to provide more in-depth training regarding particular aspects.*

*The introduction of minimum requirements will raise training standards and help to foster the exchange of experience between users in the various Member States.*

#### Amendment 49

##### Article 5, paragraph 1, subparagraph 2

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

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

#### *Justification*

*Member States should also help to comply with the basic requirements of directive by means of appropriate training and further training schemes. In the case of people with suitable previous training, it may be sufficient to provide more in-depth training regarding particular aspects.*

#### Amendment 50

##### Article 5, paragraph 1 a (new)

***1a. Member States shall ensure that professional users, distributors and advisers are aware of the existence and risks of illegal (counterfeit) plant protection products, and are properly trained to identify such products.***

#### *Justification*

*Counterfeiting and illegal trafficking of plant protection products in Europe is a significant problem. Making professional users and distributors aware is important to tackle the problem of illegal trafficking of plant protection products.*

#### Amendment 51

##### Article 5, paragraph 2

2. Within ***two years*** from the date referred to in Article 20(1), Member States shall

2. Within ***three years*** from the date referred to in Article 20(1), Member States

establish *certificate systems providing evidence of attendance to a whole training session covering as a minimum the subjects listed in Annex I.*

shall establish *an assessment system. Appropriate certificates shall be issued to prove knowledge of the matters referred to in Annex I. The system shall incorporate rules on the preconditions for issue, the period of validity and the withdrawal of the certificates.*

*Justification*

*This amendment stems from the need for a timescale which is consistent with the one relating to the introduction of the national action plans. It enables the terms and conditions governing the issue and the withdrawal of certificates to be laid down*

Amendment 52  
Article 5, paragraph 3

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.

3. The Commission may, in accordance with the **regulatory** procedure **with scrutiny** referred to in **Article 18(2)**, amend Annex I for adaptation to technical and scientific progress.

*Justification*

*Member States should also help to comply with the basic requirements of directive by means of appropriate training and further training schemes. In the case of people with suitable previous training, it may be sufficient to provide more in-depth training regarding particular aspects.*

Amendment 53  
Article 5, paragraph 3, subparagraph 1 a (new)

***Consequently, as and when deemed necessary by the national authorities responsible, holders of the certificates referred to in Annex 1 shall be required to undergo refresher training.***

Amendment 54  
Article 6, paragraph 1

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***

1. Member States shall ensure that distributors selling pesticides have at least one person in their employment who has a certificate referred to in Article 5(2), and

*and of the Council*, 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**.

who shall be present and available at the place of sales to provide information to customers as regards **use of pesticides as well as the health and environmental risks and potential adverse impacts associated with them. The certificate shall be not more than 7 years old.**

#### *Justification*

*Distributors who sell plant protection products must take sufficient precautions to ensure that customers to whom they are sold are appropriately informed about the correct use, possible risks, proper storage, handling, application and disposal of plant protection products.*

*Pesticides users should be aware of the health risks of their use. Therefore information must be provided at the point of sale, and not only in relation to those pesticides classified as toxic or very toxic, as all pesticides are deliberately designed to be toxic and so can pose hazards for human health. Therefore, anyone who purchases pesticides, as well as those who use them, whether professional or non-professional, must be made aware of the risks and potential adverse health impacts of pesticide use.*

#### Amendment 55 Article 6, paragraph 2

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).**

2. Member States shall take the necessary measures to ensure that sales of **authorised pesticides are restricted to professional users holding a certificate referred to in Article 5(2) and in accordance with the advice of suitably qualified, competent professionals designated by the Member States.**

#### Amendment 56 Article 6, paragraph 3, subparagraph 1

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.

3. Member States shall require distributors placing pesticides for non-professional use on the market to provide general information regarding the risks **and potential adverse health and environmental impacts of pesticide use**, in particular on hazards, exposure, proper storage, handling and application, as well as disposal. **This shall**



***apply also in the case of sale over the Internet. If the buyer holds a certificate issued pursuant to Article 5(2), it shall be sufficient to produce the certificate in order to purchase pesticides.***

*Justification*

*Distributors who sell pesticides must take sufficient precautions to ensure that customers to whom they are sold are appropriately informed about the correct use, possible risks, proper storage, handling, application and disposal of pesticides. Pesticides users, whether professional or non-professional, must be fully informed of the risks and potential adverse health and environmental impacts of pesticide use.*

Amendment 57

Article 6, paragraph 3, subparagraph 2

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

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

*Justification*

*Considering the importance for any pesticide user to be properly informed, 4 years from the date referred to in Article 20(1) is inadequate for establishing the measures in paragraphs 1 and 2 and should be established within two years.*

Amendment 58

Article 6, paragraph 3 a (new)

***3a. Member States shall ensure that existing inspection and enforcement measures are fully implemented to ensure that illegal (counterfeit) pesticides are not offered for sale.***

*Justification*

*Better enforcement of existing legislation is key in tackling the problem of counterfeiting and illegal trafficking of pesticides.*

Amendment 59  
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.

Awareness programmes, *monitoring and research*

*1. Member States shall promote and facilitate information* programmes and availability *for the general public* of information relating to *the use and risks of pesticides and the potential acute and chronic* health and environmental effects *arising from their use. In addition, information shall be provided on the role of pesticides in agriculture and food production, responsible use of pesticides, hazards* and non-chemical alternatives.

*1a. Member States shall put in place mandatory systems for gathering information on pesticide acute and chronic poisoning incidents, especially among pesticide operators, workers, residents and any other groups that may be exposed to pesticides regularly.*

*1b. Member States shall regularly monitor and collect information on indicator species exposed to pesticides and on pesticides in the environment, such as in fresh and marine waters, soil and air, and report on this information regularly to the Commission.*

*1c. Member States shall carry out long-term research programmes into specific situations where pesticides have been linked to impacts on human health and the environment, including studies on high-risk groups, biological diversity and combination effects.*

*1d. To enhance comparability of information, the Commission, in cooperation with the Member States, shall develop within three years of the entry into force of this Directive a strategic guidance document on monitoring and surveying of impacts of pesticide use on human health*

**and the environment.**

*Justification*

*This amendment ensures that the planned information and awareness-raising programmes do not address only the risks of pesticides. Currently, the main issue addressed publicly is the dangers of pesticides. Also, as set out in the proposed amendment, the aim should be to give objective information on the necessity and sustainability of using pesticides and to make clear their importance for present-day food production.*

*Awareness programmes should not forget chronic health effects of pesticides. Monitoring and research are necessary in Member States to collect information and quantify health and environmental impacts of pesticides. A reporting system is already in place in the EU for pesticide residues in food but no system exists to monitor poisoning incidents and environmental effects of pesticides.*

Amendment 60

Article 8, paragraph 1, subparagraph 1

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

1. Member States shall ensure that pesticide application equipment and accessories in professional use shall be subject to **mandatory** inspections at regular intervals **not exceeding five years**.

*Justification*

*A maximum interval for the inspection of crop sprayers must be laid down.*

*Safe handling of pesticides is extremely important. An obligation to carry out inspections will ensure oversight of the implementation of the provisions of this directive – particularly as regards safety.*

Amendment 61

Article 8, paragraph 3

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

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.

inspection are in professional use.  
***Compulsory inspections must subsequently take place at least every five years.***

*Justification*

*After the initial test within 5 years of the date referred to in article 20(1) there should be provisions for further testing every 5 years The Commission proposal is silent on this.*

Amendment 62  
Article 8, paragraph 5

5. The Commission may, in accordance with the procedure referred to in **Article 18(3)**, amend Annex II for adaptation to technical progress.

5. The Commission may, in accordance with the **regulatory** procedure **with scrutiny** referred to in **Article 18(2)**, amend Annex II for adaptation to technical progress.

*Justification*

*This amendment is needed in order to bring the text into line with the new commitment decision.*

Amendment 63  
Article 9, paragraph 3

3. Member States shall designate the authorities competent for **granting derogations**, and inform the Commission thereof.

3. Member States shall designate the authorities competent for **monitoring aerial spraying**, and inform the Commission thereof.

Amendment 64  
Article 9, paragraph 4

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

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 **human** 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.*

application of pesticides;

(b) the pesticides used must be explicitly authorised for aerial spraying; ***substances classified as very toxic (R50) to aquatic organisms shall not be authorised for aerial spraying;***

(c) the ***pilot or operator preparing and*** carrying out the aerial spraying must hold a certificate referred to in Article 5(2);

***(ca) aerial spraying shall be notified in advance to the competent authority and authorised by that authority;***

***(cb) all the requisite measures must be taken in order to provide warning in good time for residents and bystanders and for protecting the environment in the vicinity of the area sprayed;***

***(cc) the area to be sprayed is not in close proximity to public or residential areas and there are no effects on the health of residents or bystanders;***

***(cd) the aerial craft is equipped with the best available technology to reduce spray drift (e.g. low-drift nozzles); where helicopters are used, the spray booms must be equipped with injection jets to reduce drift;***

***(ce) the socio-economic and environmental benefits outweigh the potential effects on the health of residents and bystanders.***

#### *Justification*

*In certain situations and locations and in the case of certain crops (height of crop, locations of pests, epidemics), aerial spraying is essential as a method of application. The aim must be to establish unbureaucratic arrangements, which it is practical to administer, for aerial spraying. Particularly in crises, it is necessary to respond quickly to an acute attack by a pest.*

*Substances should be authorised with special precaution for aerial spraying. Pollution to the aquatic environment due to drifts should be minimised, that is why certain hazardous substances should not be used for aerial spraying.*

Amendment 65  
Article 9, paragraph 5

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.

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. ***The notification shall contain information about the time of spraying, the amounts and the type of pesticides applied.***

*Justification*

*The public should be fully informed about the time of spraying, the amounts and the type of pesticides applied in order to be able to protect themselves from the risk of exposure.*

Amendment 66  
Article 9, paragraph 6

6. The competent authorities shall keep records of derogations granted.

6. The competent authorities shall keep records of derogations granted ***and shall make them available to the public.***

*Justification*

*The public should have access to information and the competent authorities shall make it available. (Frédérique Ries)*

Amendment 67  
Article 9 a (new)

***Article 9a***

***Ground spraying***

***Farmers shall inform any neighbours who could be exposed to the spray drift before the product is used and who have requested to be informed by means of a centralised system of information or signalling.***

*Justification*

*In the previous article on aerial spraying, provisions are set for warning residents and bystanders. Similar provisions have to be set for ground spraying to warn residents. Numbering is henceforth changed.*

Amendment 68

Article 10, paragraph 1, introduction

1. Member States shall ensure that, when pesticides are used in the vicinity of water bodies, preference is given to:

1. Member States shall ensure that, when pesticides are used in the vicinity of water bodies, **particularly bodies of drinking water**, preference is given to:

*Justification*

*Drinking water resources are of fundamental importance to society. Bodies of drinking water should therefore be given special protection.*

Amendment 69

Article 10, paragraph 1, point (a)

(a) products that **are not dangerous for** the aquatic environment

(a) products that **do not present a high risk of entering** the aquatic environment

*Justification*

*Water bodies used for drinking water abstraction purposes should particularly be protected in order to ensure that objectives set under Article 7 of the WFD relating to the protection of water bodies intended for the abstraction of drinking water as well as the 0.1 microgram/liter values as set by the drinking water directive can be achieved.*

Amendment 70

Article 10, paragraph 2, subparagraph 1

2. Member States shall **ensure** that

2. Member States shall **take the necessary**

*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.

***action to protect bodies of water, in particular by ensuring*** that buffer zones of ***at least 10 metres in width***, 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.

*Justification*

*Buffer zones should be at least 10 meters to ensure a general minimum protection of water courses and bodies. However, although buffer zones are necessary, they are not sufficient to address the problems of the proven routes of pesticides to water. They will not necessarily prevent leaching through field drains or surface run-off which is one of the main pathways. It is therefore important that other measures be implemented to ensure that the objectives set in article 7 (3) of the Water Framework Directive can be adequately achieved and ensure protection of water bodies intended for drinking water abstraction.*

Amendment 71

Article 10, paragraph 2, subparagraph 2

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.

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

*Justification*

*Not only agricultural, but also weather conditions must be taken into consideration.*

Amendment 72

Article 10, paragraph 2, subparagraph 2 a (new)

***Furthermore Member States shall ensure that, in safeguard zones for the abstraction of drinking water in accordance with Article 7(3) of Directive 2000/60/EC, additional measures are taken to prevent contamination of water with pesticides including, where necessary, tighter restrictions on use of some high-risk***



***products, enhanced use of buffer zones, specific training and awareness of advisers and spray operators, and strict enforcement of best practice in filling, mixing and disposal of pesticides.***

*Justification*

*Buffer zones should be at least 10 meters to ensure a general minimum protection of water courses and bodies. However, although buffer zones are necessary, they are not sufficient to address the problems of the proven routes of pesticides to water. They will not necessarily prevent leaching through field drains or surface run-off which is one of the main pathways. It is therefore important that other measures be implemented to ensure that the objectives set in article 7 (3) of the Water Framework Directive can be adequately achieved and ensure protection of water bodies intended for drinking water abstraction.*

Amendment 73

Article 10, paragraph 3

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.

3. Member States shall ensure that appropriate measures are taken to limit the aerial drift ***and long-range transportation*** of pesticides at least in vertical crops, including orchards, vineyards, and hops directly adjacent to ***or near*** a water course, ***by ensuring that pesticide use in such areas is prohibited and non-chemical alternatives are used.***

*Justification*

*Pesticides have been shown to travel considerable distances which can result in water courses being at risk of contamination from a number of sources. Therefore to avoid pollution of the aquatic environment substantial measures must be introduced.*

Amendment 74

Article 10, paragraph 4

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

4. Member States shall ensure that application of pesticides is reduced as far as possible or eliminated on or along roads, railway lines, surfaces ***made up of permeable rock, in sloping areas*** or other

surface water or groundwater, or on sealed surfaces with high risk of run-off into surface water or sewage systems.

infrastructure close to surface water or groundwater, or on sealed surfaces with high risk of run-off into surface water or sewage systems. ***In all these areas use of non-chemical alternatives should be promoted.***

*Justification*

*Loose rocks favour the penetration of various substances and rainwater into the lower strata. For example, sandy ground facilitates the migration of compounds dissolved in water deep into the soil, as opposed to clayey soil, which is only slightly permeable.*

*Steeply inclined slopes accentuate leaching and runoff – particularly after fierce downpours – of mixtures of earth particles and any fertilisers and plant protection products including pesticides that have been used, to lower parts of slopes used for farming or into surface water.*

*To eliminate pollution of these areas non-chemical alternatives should be used.*

Amendment 75  
Article 11, point (a)

(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

(a) the use of pesticides shall be prohibited in ***all*** areas used by the general public or by sensitive population, at least in ***residential areas***, parks, public gardens, sports ***and recreation*** grounds, school grounds and playgrounds ***and in the vicinity of public healthcare facilities (clinics, hospitals, rehabilitation centres, health resorts, hospices) , as well as in substantial no-spray zones including in fields around these areas, particularly, although not exclusively, to protect sensitive groups such as babies, children, pregnant women, the elderly and those with pre-existing medical conditions and who may be taking medication. In all these areas non-chemical alternatives should be used; local inhabitants shall always be informed about the time, the place and the possible effects of the sprayings***

*Justification*

*Spraying in areas used by the public, in particular by vulnerable groups such as children,*

*should be prohibited, similarly to what has been approved, for example, for lawns in Canada. In other sensitive areas, spraying should be banned or severely restricted. Substantial no-spray zones should be set around areas used by the public and particularly by sensitive population. No-spray zones can be as large as 2.5 miles around schools, as it happens in some areas in the US.*

*Sports grounds are often combined with recreation grounds. Leisure and recreation facilities are also used for sporting activities. Such facilities and the people using them should not be exposed to pesticide pollution.*

*Areas where healthcare facilities (clinics, hospitals, sanatoriums, rehabilitation centres, hospices, etc.) are located should be protected against the harmful effects of pesticides. All possible instruments should be used in order to avoid the unnecessary pesticide exposure of the public.*

Amendment 76  
Article 11, point (b)

(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.

(b) the use of pesticides shall be prohibited or ***strongly*** restricted in 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.

*Justification*

*see justification to Article 11, point (a).*

Amendment 77  
Article 11, paragraph 2

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

The prohibition or restriction ***shall*** be based on the results of relevant risk assessments.

*Justification*

*It is important to make a very strict assessment in vulnerable areas (from the point of view of flora, fauna or vulnerable groups such as children) as to whether the use of pesticides should be reduced or even banned. This must be examined on a case-by-case basis as well as on the basis of a risk assessment.*

Amendment 78  
Article 12, paragraph 1

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.

1. *As part of their national action plans*, Member States shall adopt the measures *that prove necessary on the basis of relevant risk assessments* to ensure that the following operations *carried out by users* do not endanger the health or safety of humans and the environment:

- (a) *safe* storage, handling, dilution and mixing of pesticides before application
- (b) *safe* handling of packaging and remnants of pesticides
- (c) treatment of mixtures remaining after application
- (d) *preparation, handling, cleaning and storage* of the equipment used for application *and any accessories, including spraying equipment and chemicals*.

*Justification*

*Appropriate treatment and safe storage of pesticide waste are necessary in order to minimise the risk of pesticide pollution.*

*The proposed measures should be integrated into the national action plans. This is primarily a matter of implementing existing rules in practice through appropriate activities. There is no lack of rules in the Member States. It should be made clear that the action proposed by the Commission is not applicable to private uses.*

Amendment 79  
Article 12, paragraph 3

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

3. *In their national action plans*, Member States shall *take the measures that prove necessary on the basis of appropriate risk assessments to* ensure that storage areas for pesticides shall be constructed in such a way as to prevent unwanted releases.

### *Justification*

*See justification to amendment 46.*

#### Amendment 80 Article 13, paragraph 1

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.

1. Member States shall take all necessary measures, **including the use of economic instruments**, to promote low pesticide-input farming, including integrated pest management, and to ensure that professional users of pesticides **switch as quickly as possible to** 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. **The Commission shall put forward a proposal for a Community level pesticide tax-levy system.**

### *Justification*

*Economic instruments are generally the most effective tools in reducing environmental risks. A European level tax-levy system can reach to a balanced European pesticide market, and can prevent illegal trading.*

*It is important that professional pesticide users should switch as quickly as possible to more environmentally-friendly use of the various crop protection measures available.*

#### Amendment 81 Article 13, paragraph 1 a (new)

**1a. Member States shall encourage the use of plant protection products with a low level of risk as defined in Articles 46(1) of Regulation (EC) No [...] concerning the placing of plant protection products on the market.**

### *Justification*

*Member States should encourage more sustainable and environmentally safe pesticide use. Furthermore, it is important to tie the present directive more in with the draft regulation on the marketing of plant protection products.*

### Amendment 82 Article 13, paragraph 2

2. Member States shall establish or support the establishment of all necessary conditions for implementation of integrated pest management.

2. Member States shall establish or support the establishment of all necessary conditions for implementation of integrated pest management **and non-chemical methods of plant protection and pest and crop management, and shall draw up descriptions, per crop, of the best integrated crop protection practices, assigning priority to non-chemical crop protection.**

### *Justification*

*EU Directive 91/414/EEC requires that a pesticide shall not be approved unless it has been established that there will be “no harmful effect” on humans or animals. Priority should be given to non-chemical and natural methods of pest management as the only truly preventative and sustainable solution which is obviously more in line with the objectives for sustainable crop protection, than the reliance on complex chemicals designed to kill plants, insects or other forms of life, which cannot be classified as sustainable. Member States need to promote and encourage the widespread adoption of non-chemical alternatives to plant protection.*

*Best practices relating to non-chemical methods of crop protection help professional users to make environmentally friendly choices of crop protection products.*

### Amendment 83 Article 13, paragraph 3

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.

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 **non-chemical methods of plant protection and pest and crop** management.

*Justification*

*As per Justifications for Article 13, paragraphs 1 and 2.*

Amendment 84  
Article 13, paragraph 4

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.

4. By 30 June **2011**, 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.

*Justification*

*IPM standards should be implemented faster than foreseen by the Commission.*

Amendment 85  
Article 13, paragraph 4 a (new)

***4a. Minimum requirements for the development of general and crop-specific standards of Integrated Pest Management are defined in Annex IIc.***

Amendment 86  
Article 13, paragraph 5

***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.***

***5. Amendments to Annex IIc shall be adopted using the regulatory procedure with scrutiny referred to in Article 18(2).***

*Justification*

*Uniform criteria for good professional practice in pest management and for integrated pest management are to be established for the whole EU. The relevant criteria are spelt out in greater detail in Annexes IIc in order to facilitate implementation at Member State level. Adaptation to scientific and technical progress should be performed in accordance with the new committee decision.*

Amendment 87  
Article 13, paragraph 6

6. Member States shall establish *all necessary* incentives to *encourage farmers* to implement crop-specific *standards of* Integrated Pest Management.

6. Member States shall establish *appropriate* incentives, *training and financial measures* to *support users* to implement crop-specific *or sector-specific guidelines for* Integrated Pest Management *which take account of the general criteria described in Annex IIc. Such guidelines may also be drawn up by professional users' organisations. In their national action plans pursuant to Article 4, Member States shall refer to the appropriate guidelines.*

*Justification*

*Uniform criteria for good professional practice in pest management and for integrated pest management are to be established for the whole EU. The relevant criteria are spelt out in greater detail in Annexes IIc in order to facilitate implementation at Member State level. Adaptation to scientific and technical progress should be performed in accordance with the new comitology decision.*

*Training schemes and adequate financial support are essential for IPM and organic farming.*

Amendment 88  
Article 13, paragraph 7

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 [...].

7. The general standards for Integrated Pest Management shall be developed in accordance with the procedure laid down in Article 52 of Regulation (EC) No [...], *with public participation of interested stakeholders.*

*Justification*

*Participation is important for public acceptance of IPM standards.*



Amendment 89  
Article 13, paragraph 8 a (new)

***8a. For the purpose of introducing the crop-specific methods and practices of integrated pest management and assisting the development of organic farming, Member States shall introduce a suitable financing scheme based on the taxation of pesticide products.***

*Justification*

*Tax systems have proved to be a good way of reducing pesticide use in a number of EU Member States. The Member States must be able to select the system which is best suited to their needs.*

Amendment 90  
Article 14, paragraph 1

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.

1. The Commission shall, in accordance with the **regulatory** procedure **with scrutiny** referred to in **Article 18(2)**, develop harmonised risk **and use** indicators. Until those indicators are adopted, Member States may continue to use existing national indicators or adopt other appropriate indicators, **which must be in line with the requirements of this Directive and be in relation to both the health and environmental risks of pesticide use. Public participation in the development and setting of national indicators shall be required, in addition to the participation of all other relevant stakeholders. This includes a requirement for full public access to information to assist in the public's participation.**

*Justification*

*This amendment is necessary to bring the text into line with the provisions of the new decision on commitmentology.*

*Use targets and indicators should be set in addition to risk targets and indicators*

*It has to be made clear to Member States that the national indicators are in relation to both the health and environmental risks of pesticide use. It also has to be clear to Member States what the requirements are for public participation in the development, setting, workings and amendments of national indicators, to be in line with the Spirit of Directive 2003/35/EC providing for public participation.*

Amendment 91  
Article 14, paragraph 2, point (a)

(a) calculation of common and harmonised risk indicators at national level

(a) calculation of common and harmonised risk **and use** indicators at national level

Amendment 92  
Article 14, paragraph 2, point (b a) (new)

***(ba) identification of trends in the occurrence of pests and disease and development of fungi;***

*Justification*

*There should also be a focus on the above mentioned issues, because they also affect the risks indicators of using plant protection products.*

Amendment 93  
Article 14, paragraph 2, point (c)

(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**.

(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 **preventing both health and environmental risks, including hazards**, and dependency on **pesticides; promoting and encouraging the adoption of non-chemical alternatives to plant protection**.

*Justification*

*In relation to human health, the risks must be prevented completely not merely reduced. This is in line with earlier amendments suggested.*

Amendment 94  
Article 14, paragraph 2, point (c a) (new)

***(ca) assessment and adaptation of the national action plans.***

Amendment 95  
Article 14, paragraph 3

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.

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 ***and shall make this information available to the public.***  
***The results shall be published via the Internet database referred to in Article 4(2).***

*Justification*

*Follows from the addition to Article 4(2)*

Amendment 96  
Article 14, paragraph 4, subparagraph 1

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.

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 ***and use*** indicators at Community level, in order to estimate trends in risks from pesticide use.

*Justification*

*Use targets and indicators should be set in addition to risk targets and indicators.*

Amendment 97

Article 14, paragraph 4, subparagraph 2 a (new)

***The results shall be made available to the general public via the Internet database referred to in Article 4(2).***

*Justification*

*Follows from the addition to Article 4(2).*

Amendment 98

Article 14, paragraph 5

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.

5. For the purposes of paragraph 2(a) and paragraph 3, risk ***and use*** 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.

*Justification*

*See Justification to Article 14(1) .*

Amendment 99

Article 14, paragraph 5 a (new)

***5a. The gathering of data may not impose on Community farmers and wine producers any additional documentary requirements or any unreasonable requirements to make information available.***

*Justification*

*Farmers and wine producers are already bound by extensive obligations as regards the submission of documents and reports. If a statistical regulation in respect of plant-health products were to emerge at some stage in the future, care would have to be taken in order to ensure that it did not impose upon farmers and wine producers any additional and unreasonable obligations as regards the notification and submission of reports and other documents.*

Amendment 100  
Article 15, title and paragraph - 1 (new)

Reporting

***Recordkeeping and reporting***

***-1. Pesticide dealers shall maintain records showing the receipt, sale, delivery or other disposal of all pesticides or pesticide application equipment for a period of two years.***

*Justification*

*These recordkeeping obligations are already in practise for pesticide operators complying with the EUREPGAP standards or IPM standards supported by farmers associations and cooperatives all over Europe.*

Amendment 101  
Article 15

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.

The Commission shall, ***every three years***, submit to the European Parliament and the Council a report on the progress in the implementation of this Directive ***and an assessment of national action plans***, accompanied where appropriate by proposals for amendments.

***Member States shall report annually to the Commission on their national action plans.***

*Justification*

*A regular reporting on the progress in the implementation is a key for success. This will allow the exchange of experiences between MS, the assessment of national action plans by the Commission and implementation of amendments if necessary.*

Amendment 102  
Article 15 a (new)

***Article 15a***

***Exchange of information and best practice***

***The Commission shall establish a platform for the exchange of information and best practice in the field of sustainable use of pesticides and integrated pest management.***

*Justification*

*An important component of the promotion of sustainable pesticide use and integrated pest management is the exchange of information and best practice between Member States and other interested parties. This means that the wheel does not have to be reinvented each time. Existing initiatives (such as the European Initiative for Sustainable Development in Agriculture) could be included.*

Amendment 103

Article 18, paragraphs 2 and 3

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.***

2. Where reference is made to this paragraph, **Article 5a(1) to (4) and Article 7** of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

*Justification*

*This amendment is necessary to bring the text into line with the provisions of the new decision on commitology.*

Amendment 104

Article 19, point (a)

(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

(a) the development of a harmonised system including an appropriate database for gathering and storing all information relating to pesticide risk **and use** indicators, and for making such information available to the

authorities, other interested parties and the general public

competent authorities, other interested parties and the general public.

Amendment 105  
Article 19, point (c a) (new)

***(ca) the creation of an Internet database in line with Article 4(2).***

*Justification*

*Follows from the addition to Article 4(2).*

Amendment 106  
Annex I, title and introductory phrase

Training programmes

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

Training ***and further training*** programmes

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

*Justification*

*This amendment brings Annex I into line with Article 5 (cf. amendments to Article 5).*

Amendment 107  
Annex I, point 1

1. all relevant legislation regarding pesticides and their use

1. all relevant legislation regarding pesticides and their use, ***pesticide labels and labelling systems, pesticide terminology, pesticide safety, toxicity and eco-toxicity***

*Justification*

*Improvements to the training programmes.*

Amendment 108  
Annex I, point 2 (a)

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

a) risks to humans (operators, residents, bystanders, people entering treated areas and those handling or eating treated items) **and all potential acute and chronic long-term adverse health effects of exposure** and how these are exacerbated by factors such as smoking, **eating or not wearing the appropriate protective equipment**

*Justification*

*Pesticides users must be fully aware of the risks and the potential acute and chronic long-term adverse health impacts of pesticide use.*

Amendment 109  
Annex I, point 2 (b)

b) symptoms of pesticide poisoning and first aid measures

b) symptoms of pesticide poisoning and first aid measures **and symptoms of chronic health effects**

*Justification*

*see justification to Annex I, paragraph 1.*

Amendment 110  
Annex I, point 2 (c)

c) risks to non target plants, beneficial insects, wildlife, biodiversity and the environment in general

c) risks to non target plants, beneficial insects, wildlife, biodiversity and the environment in general, **with special attention to the adverse effects of pesticide use in agriculture, for instance the loss of natural enemies and the decrease of pollination by insects**

*Justification*

*Pesticide use has several external costs in agriculture, therefore the recent knowledge of*



*these adverse effects should be included in the training programmes.*

Amendment 111  
Annex I, point 3

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

3. notions on integrated pest management strategies and techniques, integrated crop management strategies and techniques, organic farming principles **and non-chemical crop protection, in particular preventive methods and biological control methods**; information on general and crop-specific standards, **methods and practices of non-chemical alternatives to plant protection and** pest **and crop** management

*Justification*

*Some pesticide use is purely for “cosmetic” purposes, which is not related to any specific pests or diseases and therefore is not for pest management or plant protection. Considering the recognised risks and acute and chronic adverse impacts for human health, as detailed more fully in the Impact Assessment of the Thematic Strategy, Member States need to promote and encourage the widespread adoption of non-chemical alternatives to plant protection and pest and crop management.*

Amendment

Amendment 112  
Annex I, point 4

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

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, **choosing the least dangerous product for human health and the environment**

*Justification*

*See justification to Annex I, paragraph 1...*

Amendment 113  
Annex I, point 5

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)

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); ***knowledge of all potential exposure factors including long-term exposure to pesticides in the air, exposure to vapours after application, reactivation, precipitation, pesticides transported from outdoor applications and redistributed into an indoor air environment, exposure to mixtures, pesticide residues transported on pollen or crop dust (e.g. at harvest), spreading of contaminated soil and long-range transportation***

*Justification*

*Anyone who uses pesticides must be fully aware of all the potential exposure factors and related risks not only for their own health, but for the health of others who may be exposed, in particular residents and communities living in the locality to sprayed fields.*

Amendment 114  
Annex I, point 6

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

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, the environment ***and water resources***

*Justification*

*There is a need to strengthen the specific reference to protection of water resources. There is*

*also a need to ensure that actions will be undertaken in case of extreme weather events and potential leaching of pesticides into water bodies. Weather has a very significant influence on levels of contamination. Wet soils provide much higher risks of pesticides run-off. Intense storms can significantly increase the risks of run-off both from farm yards and fields.*

Amendment 115  
Annex I, point 7

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

7. use of application equipment and its maintenance, and specific spraying techniques ***to reduce pesticide use, drift and risks*** (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

Amendment 116  
Annex I, point 8

8. emergency action to protect human health ***and*** the environment in case of accidental spillage ***and*** contamination

8. emergency action to protect human health, the environment ***and water resources*** in case of accidental spillage, contamination ***and extreme weather events that would result in pesticide leaching risks***

*Justification*

*There is a need to strengthen the specific reference to protection of water resources. There is also a need to ensure that actions will be undertaken in case of extreme weather events and potential leaching of pesticides into water bodies. Weather has a very significant influence on levels of contamination. Wet soils provide much higher risks of pesticides run-off. Intense storms can significantly increase the risks of run-off both from farm yards and fields.*

Amendment 117  
Annex I, point 10 a (new)

***10a. special care in protection areas established under Articles 6 and 7 of***

**Directive 2000/60/EC.**

*Justification*

*Following the WFD special protection of surface water, groundwater and the conservation of habitats and species directly depending on water as well as drinking water bodies requires specific protection and care. It is important to identify this under the training programmes so that professional users, distributors and advisers are aware of these needs.*

Amendment 118  
Annex I, point 10 b (new)

***10b. the specific categories in which a pesticide operator may be licensed, which may include:***

***a) agricultural pest control***

***b) forest pest control***

***c) seed treatment***

***d) aquatic pest control***

***e) right-of-way pest control***

***f) public health pest control***

***g) rodent regulatory pest control***

Amendment 119  
Annex I, point 10 c (new)

***10c. risk-based approaches which take into account the local catchment variables such as climate, soil and crop types, slopes***

*Justification*

*Programmes should also include developing knowledge on risk assessment which takes into account the local conditions as part of best practices.*

*Annex IIa*

*Minimum elements of national background reports*

*Part A: Elements to be included in initial national pesticide use reduction studies*

*Description of current conditions:*

- *Known information on production, import, export, sales and distribution of pesticides;*
- *Current pesticide consumption patterns (overall amounts of active ingredients used; specific amounts of pesticides used in specific applications on all major crops and in non-agricultural uses, particularly in public spaces; calculation of treatment frequency index);*
- *Description of the impacts of current pesticide use patterns on the environment, the food chain and human health, based on data gathered via existing monitoring programmes;*
- *Overview of current legislation and policy instruments and their effectiveness;*
- *Evaluation of the need of pesticides;*
- *Gaps identified in any of the information above.*

*Scenarios for pesticide reductions:*

- *30% and 50% use reduction measured by the treatment frequency index.*

*Assessment of consequences of implementing the various scenarios:*

- *Effects on the environment (including energy consumption, greenhouse gases);*
- *Effects on public health (workers, residents, bystanders, residues on food);*
- *Effects on agricultural production;*

- *Economic costs and benefits (including reduction in hidden costs) of the various scenarios.*

*Identification and assessment of elements needed to achieve scenarios:*

- *Impact of the elements specified in the Directive in achieving reductions in use;*
- *Additional scientific data needed and how to gather it, e.g., additional monitoring capacity, research facilities;*
- *Additional capacity necessary for implementing pesticide use reduction, e.g. agricultural extension services, inspectors for control of use;*
- *Possible sources of funding, including levies, for implementation of the various scenarios.*

*Conclusions*

- *Achievable pesticide use reduction targets for specific crops and non-agricultural pest control situations as well as nationally, which at a minimum meet the mandatory reduction goals set in Article 4 and which aim to achieve further use reductions over time.*

*Part B: Elements to be included in subsequent national pesticide use reduction studies*

- *Evaluation of the experiences of the previous three years concerning the implementation of the pesticide reduction programme.*
- *Other elements as above.*

*Setting of new targets for the next period.*

*Justification*

*This new Annex is necessary as a guidance document for Member States for the drafting of the national background report and to ensure homogeneity between Member States reports and the assessment of the situation for the whole of the EU by the European Commission.*

*Annex IIb*

*Minimum elements in the national action plans for the reduction of risks and use of pesticides*

*Qualitative and quantitative goals:*

- *Interim goals for reduction of risks and use reduction measured by the treatment frequency index;*
- *Goals for specific target groups or uses, e.g. public authorities, farmers, transportation rights-of-way;*
- *Goals for reduction of usage in pesticide sensitive zones;*
- *Goals for progressive elimination of pesticides and their residues from groundwater and other environmental media;*
- *Goals for problematic crops and/or regions.*

*Controls over uses:*

- *Measures for ensuring implementation of Integrated Pest Management practices;*
- *Controls such as bans on applications of pesticides near drinking water well-heads or in pesticide sensitive zones, such as nature sites and in buffer zones;*
- *Controls including bans on applications of pesticides in areas with high risk of exposure, e.g. schools, parks and other public spaces, roadsides, etc.*

*Research and extension:*

- *Research into non-chemical alternatives to pesticides;*
- *Demonstration programmes on how to reduce frequency of application by use of non-chemical pest control methods and systems;*

- *Training of agricultural advisers in non-chemical pest control methods and systems;*

- *Research into possible use reductions through the application of better spraying equipment, methods and techniques.*

*Information, education and training:*

- *Education of all pesticide operators on health hazards posed by pesticides as well as on non-chemical pest control methods and systems;*

- *Guidance for pesticide operators, e.g. on storage and handling of pesticides.*

*Pesticide application equipment:*

- *Inspection of equipment in use.*

*Financial instruments:*

- *Financial support for implementation of Integrated Pest Management standards and practices;*

- *Financial support for other measures to reduce pesticide use;*

- *Greater application of cross-compliance mechanisms.*

#### *Justification*

*This new Annex is necessary as a guidance document for Member States for the implementation of National Action Plans and to ensure homogeneity between Member States.*

Amendment 122  
Annex II c (new)

#### *Annex IIc*

*Elements for general and crop-specific Integrated Pest Management criteria*

*Integrated Pest Management as a minimum includes the following general criteria:*



*(a) The prevention and/or suppression of harmful organisms should be achieved or supported among other options especially by:*

- use of optimum crop rotation achieving a balanced population of soil organisms and maintenance of a healthy soil, in order to prevent outbreak of soil-bound pests and to eliminate use of soil fumigants and other soil chemicals;*
- building a soil structure that can support a healthy crop, for instance by stimulating the percentage of organic matter, limiting depth of ploughing, preventing erosion, applying optimum crop sequence;*
- use of adequate cultivation techniques, e.g. stale seedbed technique, sowing dates and densities, under-sowing, optimal plant distance, conservation tillage, hygiene measures, pruning;*
- use of the best available resistant/tolerant cultivars and approved/certified seed and planting material;*
- use of balanced fertilisation based on information concerning nutrients already present in the soil and the soil structure, liming and irrigation/drainage practices to reduce susceptibility to pests and diseases. Use of groundwater for irrigation should be avoided;*
- preventing the spread of harmful organisms through machinery and equipment;*
- protection and enhancement of important beneficial organisms, for instance by using ecological infrastructures inside and outside production sites, setting aside a minimum percentage of total field area, planting of plant species to attract natural enemies of pests.*

*(b) Harmful organisms must be monitored with appropriate methods and tools. Such tools should include scientifically sound warning, forecasting and early diagnosis*

*systems, where feasible, as well as professionally qualified advisers, such as those provided for by state and private extension services.*

*(c) Based on the results of the monitoring the professional user has to decide whether and when to apply plant protection measures. Robust and scientifically sound threshold values are essential components for decision making. For harmful organisms threshold levels defined for the region must be taken into account before treatment, where feasible.*

*(d) Biological, physical, mechanical and other non-chemical methods must be preferred to chemical methods whenever feasible. Against weeds, mechanical weeding or other non-chemical methods such as use of heat should be preferred. Exceptions should be allowed only in case of bad weather conditions during a prolonged period of time that makes mechanical weeding unfeasible.*

*(e) The plant protection product applied shall be as specific as possible for the target and shall have the least side effects on human health and the environment, such as plant and tree extracts, mineral substances for prevention of fungal growth.*

*(f) The professional user should keep the use of plant protection products and other forms of intervention to levels that are necessary, e.g. by reduced dosage, reduced application frequency or partial applications, bearing in mind that the level of risk in vegetation must remain acceptable and that they may not increase the risk for development of resistance in populations of harmful organisms.*

*(g) Where the risk of resistance against a plant protection measure is known and where the level of harmful organisms requires repeated application of plant protection products to crops, available anti-resistance strategies should be applied to maintain the effectiveness of the products.*

*This may include the use of multiple plant protection products with different modes of action.*

*(h) Professional users should keep records of all plant protection products used, by field. Based on the records on the use of plant protection products and on the monitoring of harmful organisms the professional user should check the success of the applied plant protection measures.*

*Justification*

*Definition of IPM.*

## EXPLANATORY STATEMENT

### Background

With the Decision adopting the 6th Environment Action Programme (6EAP), the European Parliament and the Council recognised that the impact of plant protection products on human health and the environment 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. The objective of the proposal for a Directive under consideration is to implement the Thematic Strategy with a view to establishing a framework for action to bring about sustainable use of plant protection products.

### Scope

The rapporteur considers the title of the proposal for a directive to be misleading. As the Commission itself admits, the aim of the proposal is to regulate a particular class of pesticides, namely pesticides in the form of plant protection products. Accordingly, the term 'pesticides' should be replaced with 'plant protection products' throughout the text of the Directive. This should explicitly be made clear throughout the text of the Directive. It does not exclude the possibility of extending the scope of the Directive in future, but if this is to be done, the European Parliament must be consulted.

### Aims

In accordance with the 6th Environment Action Programme and the Thematic Strategy on the Sustainable Use of Pesticides, the rapporteur considers that the prime aim of the Directive must be to reduce the risks associated with the use of plant protection products and their impact on the environment and human health. However, measures designed with this in mind must be proportionate. This means that the benefits which the use of plant protection products can have should also be taken into account, for example with reference to the quality of production and maximisation of yields.

### National action plans

The rapporteur agrees with the Commission that it should primarily be a matter for the Member States to help reduce the risks involved in the use of plant protection products by means of national action plans. This is the only way in which the differing conditions and situations at local level can be taken into account.

## **Expertise and information**

In the rapporteur's view, professional users, distributors and advisers should improve their knowledge about the correct use of plant protection products by means of appropriate training and further training measures. Appropriate programmes should be organised to inform the public about the correct use of these products.

## **Technical provisions**

Equipment for the application of pesticides should undergo regular technical examination. The rapporteur takes the view that the Member States should regulate aerial spraying by means of clearly defined conditions.

## **The aquatic environment**

The Water Framework Directive lays down fundamental rules and measures to protect the aquatic environment. However, in implementing that Directive, special attention needs to be devoted to the use of plant protection products. National action plans should therefore state clearly and unambiguously what points must be taken into account in using these products, including with regard to application, distances (buffer zones) and storage near watercourses and water safeguard zones.

## **Good professional practice in pest management and integrated pest management**

The rapporteur considers that in future too it will be necessary to continue to develop pest management in a planned manner. Two levels will therefore remain necessary: good professional practice and integrated pest management. The criteria stated in Annexes III and IV describe the framework within which good professional practice in pest management and integrated pest management should be approached in the European Union. Good professional practice for pest management is intended to describe the fundamental requirements which must be complied with by anyone who manages pests.

Taking account of regional conditions (e.g. relating to agriculture, climate and ecology), Member States or professional organisations are to formulate guidelines for integrated pest management relating to particular crops or sectors based on the general criteria for integrated pest management stated in Annex IV. Integrated pest management is the plant protection model in the European Union and thus the driving force behind innovation in pest management. Integrated pest management can also include measures which accept higher economic risks in order to reduce the use of plant protection products and reduce the risks associated with their use. The application of these guidelines is voluntary and can be promoted by means of special incentives.

At certain intervals, it should be reviewed to what extent the general criteria for good professional practice in pest management and the general criteria for integrated pest management require updating in line with scientific and technical advances and general progress. Such changes should be made using the committee of experts procedure. An important basis for a debate on the annexes will be the reports of the Member States.

The twofold approach adopted should ensure that it will always remain possible to do more for the environment and, if appropriate, to provide compensation for doing so. On the other hand, good professional practice will provide an incentive to abide by the integrated pest management model.

## OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

Mr Miroslav Ouzký  
Chairman  
Committee on the Environment, Public Health and Food Safety  
BRUSSELS

Subject: Opinion on the legal basis of the 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 (COM(2006)0373 – C6-0246/2006 – 2006/0132(COD))

Dear Mr Chairman,

By letter of 29 June 2007 you asked the Committee on Legal Affairs pursuant to Rule 35(2), to consider whether the legal basis of the above Commission proposal was valid and appropriate.

The committee considered the above question at its meeting of 12 September 2007.

### **Background**

Whereas the proposal of the European Commission is based on Article 175 paragraph 1 of the EC Treaty only, the Environment Committee proposes adopting a dual legal basis, Article 152(4) and Article 175(1) of the EC Treaty.

### **The legal bases under consideration**

#### *Article 152*

*1. A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.*

*Community action, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health. Such action shall cover the fight against the major health scourges, by promoting research into their causes, their transmission and their prevention, as well as health information and education.*

*The Community shall complement the Member States' action in reducing drugs-related health damage, including information and prevention.*

*2. The Community shall encourage cooperation between the Member States in the areas referred to in this Article and, if necessary, lend support to their action.*

*Member States shall, in liaison with the Commission, coordinate among themselves their policies and programmes in the areas referred to in paragraph 1. The Commission may, in close contact with the Member States, take any useful initiative to promote such coordination.*

*3. The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of public health.*

*4. The Council, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee and the Committee of the Regions, shall contribute to the achievement of the objectives referred to in this Article through adopting:*

*(a) measures setting high standards of quality and safety of organs and substances of human origin, blood and blood derivatives; these measures shall not prevent any Member State from maintaining or introducing more stringent protective measures;*

*(b) by way of derogation from Article 37, measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health;*

*(c) incentive measures designed to protect and improve human health, excluding any harmonisation of the laws and regulations of the Member States.*

*The Council, acting by a qualified majority on a proposal from the Commission, may also adopt recommendations for the purposes set out in this Article.*

*5. Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care. In particular, measures referred to in paragraph 4(a) shall not affect national provisions on the donation or medical use of organs and blood.*

#### *Article 175*

*1. The Council, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Community in order to achieve the objectives referred to in Article 174.*

#### *Article 174*

*1. Community policy on the environment shall contribute to pursuit of the following objectives:*

*— preserving, protecting and improving the quality of the environment,*

*— protecting human health,*

*— prudent and rational utilisation of natural resources,*

*— promoting measures at international level to deal with regional or worldwide*



*environmental problems.*

*2. Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.*

*In this context, harmonisation measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures, for non-economic environmental reasons, subject to a Community inspection procedure.*

*3. In preparing its policy on the environment, the Community shall take account of:*

- available scientific and technical data,*
- environmental conditions in the various regions of the Community,*
- the potential benefits and costs of action or lack of action,*
- the economic and social development of the Community as a whole and the balanced development of its regions.*

*4. Within their respective spheres of competence, the Community and the Member States shall cooperate with third countries and with the competent international organisations. The arrangements for Community cooperation may be the subject of agreements between the Community and the third parties concerned, which shall be negotiated and concluded in accordance with Article 300.*

*The previous subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.*

### **Appraisal**

The legal basis defines the Community's competence *ratione materiae* and specifies how that competence is to be exercised, namely the legislative instrument(s) which may be used and the decision-making procedure.

In the light of the above, it is to be established whether Article 152(4) together with Article 175(1) should constitute the proper legal basis for the proposed Regulation.

According to the explanatory memorandum, the proposed directive contains 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.

It is clear from both the preamble and the operative part of the proposal for a directive that it is equally balanced between protecting human health and protecting the environment.

The question is whether it is necessary to add Article 152(4) to the existing legal basis of Article 175(1).

As we know, Article 175(1) refers to the objectives referred to in Article 174, which, for its part, includes the objective of "protecting human health".

If we now turn to Article 152(4), it provides in point (d) for the adoption under the codecision procedure of measures in the phytosanitary field which have as their direct objective the protection of public health in order to contribute to the achievement of the objectives referred to in the opening part of Article 152. Indeed the second subparagraph of Article 152(1) does refer to "preventing human illness and disease" and to "obviating sources of danger to human health".

Article 152(1) refers specifically to Community action as being complementary to national policies and to improving public health and the fight against major health scourges. Article 152 may therefore be regarded as an appropriate legal basis for measures concerned with public health.

Given therefore that the proposal for a directive is equally balanced between protecting human health and protecting the environment, it is appropriate that there should be a dual legal basis, namely Article 152(4) and Article 175(1) of the EC Treaty .

At its meeting of 12 September 2007 the Committee on Legal Affairs accordingly decided, unanimously<sup>1</sup>, to recommend that the appropriate legal basis for the 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 should be Article 152(4) and Article 175(1) of the EC Treaty.

Yours sincerely,

Giuseppe Gargani,

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<sup>1</sup> The following were present for the final vote: Giuseppe Gargani (chairman), Cristian Dumitrescu (vice-chairman), Rainer Wieland (vice-chairman), Lidia Joanna Geringer de Oedenberg (vice-chairwoman), Marek Aleksander Czarnecki, Albert Deß, Bert Doorn, Janelly Fourtou, Monica Frassoni, Jean-Paul Gauzès, Othmar Karas, Piia-Noora Kauppi, Barbara Kudrycka, Klaus-Heiner Lehne, Katalin Lévai, Hans-Peter Mayer, Manuel Medina Ortega, Hartmut Nassauer, Michel Rocard, Aloyzas Sakalas, María Sornosa Martínez, Francesco Enrico Speroni, Daniel Stroj and Jacques Toubon.

7.5.2007

## **OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY**

for the Committee on the Environment, Public Health and Food Safety

on the 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  
(COM(2006)0373 – C6-0246/2006 – 2006/0132(COD))

Draftswoman: Dorette Corbey

### **SHORT JUSTIFICATION**

The use of pesticides or plant protection products provides substantial advantages for farmers and consumers by helping ensure reliable supplies of a broad range of affordable agricultural products. Plant protection products can also play a considerable role in the further development and application of biofuels where manufactured from crops. At the same time, pesticides are designed to eradicate certain organisms and may therefore also cause unwanted adverse effects on human health and the environment. In order to ensure the responsible and sustainable use of pesticides, a European policy has therefore been pursued in this area since as far back as 1979.

However, the current situation is not ideal: unwanted amounts of certain pesticides can still be found in the environment (air, soil and water) with potential risks to man and the environment. These shortcomings are clearly described in the Commission's recently published 'Thematic strategy on the sustainable use of pesticides' and, to counteract them, the Commission has produced two legislative proposals, i.e. a regulation on the placing of plant protection products on the market (COM(2006)388) and the present proposal on the use thereof. Both proposals need therefore to be taken together.

Your draftswoman takes a favourable view of the Commission proposal which sets out to:

- require Member States to draw up national action plans containing an inventory of crops, activities or areas at risk and appropriate solutions along with objectives and timetables for achieving them;
- introduce a compulsory system for training distributors and professional users of pesticides;

- provide more and better information where pesticides are sold and for the general public;
- arrange for regular technical inspection and maintenance of application equipment using harmonised standards;
- introduce specific rules to protect the aquatic environment such as the demarcation of buffer strips and other measures to limit drifts;
- and, importantly, introduce a ban on aerial spraying in order to counteract the risks of spray drift but with the possibility of granting Member States (clearly defined) derogations.

Your draftswoman welcomes the proposed harmonisation which is important not only in order to guarantee a high level of protection of public health and the environment throughout the Community but also in order to create a level playing field for farmers and pesticide products. In view of the wide diversity of geographic, agricultural and climatic conditions in the various Member States, your draftswoman also agrees with the large measure of flexibility accorded to the Member States at the level of practical implementation. Nevertheless, your draftswoman takes the view that the use of non-chemical plant protection can be encouraged still further by the dissemination of best practice and by frequent application of integrated plant protection.

## AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

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Amendment 1  
Article 2, paragraph 2

2. This Directive shall apply without prejudice to any other relevant Community legislation.

2. This Directive shall apply without prejudice to any other relevant Community legislation ***or to any national fiscal measures to encourage the use of less harmful pesticides.***

*Justification*

*Member States must remain free, should they so wish, to encourage more sustainable use of pesticides by using fiscal instruments.*

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<sup>1</sup> Not yet published in OJ.

Amendment 2  
Article 2, paragraph 2 a (new)

***2a. Member States may provide subsidies or take fiscal measures to encourage the use of less harmful plant protection products. This may include the introduction of a pesticides levy on all products except for non-chemical products or plant protection products with a low or reduced level of risk as defined in Articles 46(1) and 46a(1) of Regulation (EC) No [...] concerning the placing of plant protection products on the market.***

*Justification*

*Member States must remain free, should they so wish, to encourage more sustainable use of pesticides by using fiscal instruments.*

Amendment 3  
Article 3, point (i a) (new)

***(ia) ‘pesticide’ means plant protection product as defined in Regulation (EC) No [...] concerning the placing of plant protection products on the market.***

*Justification*

*The terms ‘pesticide’ and ‘plant protection product’ are used indiscriminately throughout the directive. For the sake of clarity and legal certainty it is important to define the term ‘pesticide’.*

Amendment 4  
Article 4, paragraph 1, subparagraph 1

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

1. Member States shall adopt national action plans to set up targets, measures and timetables to reduce risks, including hazards, ***of pesticides. The targets shall be in conformity with the provisions of Articles 4(1) and 16 of Directive 2000/60/EC.***

### *Justification*

*The national action plans should be aimed primarily at combating risks and hazards arising from the use of pesticides and not so much at combating their actual use. It is important to base the national action programmes also on the objectives contained in the water framework directive.*

### Amendment 5

Article 4, paragraph 1, subparagraph 1 a (new)

***Part of the national action plans shall be devoted to integrated pest management as defined in Article 13 with priority being given to plant protection measures employing non-chemical techniques.***

### *Justification*

*Integrated plant protection must be encouraged.*

### Amendment 6

Article 6, paragraph 1

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 Council***, 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.

1. Member States shall ensure that distributors selling pesticides 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.

### *Justification*

*Instead of invariably being dealt with in the place where a product is sold, information is sometimes provided on site on a farm.*

### Amendment 7

Article 7

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-

Member States shall promote and facilitate awareness programmes and availability of information relating to pesticides for ***professional and non-professional users***, in particular regarding their effects ***on agricultural production, health and the***

chemical alternatives.

**environment**, and non-chemical alternatives.

*Justification*

*It is important to conduct a balanced awareness campaign in which all advantages and drawbacks must be aired. Pesticides also have advantages such as ensuring maximum farm output, higher-quality agricultural products, limiting soil erosion, compliance with plant health requirements and facilitating international trade in agricultural products.*

Amendment 8

Article 10, paragraph 1, introductory part

(1) Member States shall ensure that, when pesticides are used in the vicinity of water bodies, preference is given to:

(1) Member States shall ensure that, when pesticides are used in the vicinity of water bodies, **particularly those supplying water intended for human consumption**, preference is given to:

*Justification*

*Bodies of water intended for human consumption should be given special protection in order to ensure that the provisions of Article 7 of the Water Framework Directive are complied with.*

Amendment 9

Article 11, paragraph 2

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

The prohibition or restriction **shall** be based on the results of relevant risk assessments.

*Justification*

*It is important to make a very strict assessment in vulnerable areas (from the point of view of flora, fauna or vulnerable groups such as children) as to whether the use of pesticides should be reduced or even banned. This must be examined on a case-by-case basis as well as on the basis of a risk assessment.*

Amendment 10

Article 12, paragraph 1, introductory part

1. Member States shall adopt the necessary measures to ensure that the following operations do not endanger the health or

1. Member States shall adopt the necessary measures to ensure that the following operations **carried out by professional users** do not endanger the health or safety of



safety of humans and the environment:

humans and the environment:

*Justification*

*It should be made clear that the action proposed by the Commission is not applicable to private uses.*

Amendment 11

Article 12, paragraph 1, point (d)

(d) cleaning of the equipment used for application.

(d) ***preparation, handling, cleaning and storage*** of the equipment used for application ***and any accessories, including spraying equipment and chemicals.***

Amendment 12

Article 13, paragraph 1 a (new)

***1a. Member States shall encourage the use of plant protection products with a low or reduced level of risk as defined in Articles 46(1) and 46a(1) of Regulation (EC) No [...] concerning the placing of plant protection products on the market.***

*Justification*

*Member States should encourage more sustainable and environmentally safe pesticide use. Furthermore, it is important to tie the present directive more in with the draft regulation on the marketing of plant protection products.*

Amendment 13

Article 13, paragraph 2

2. Member States shall establish or support the establishment of all necessary conditions for implementation of integrated pest management.

2. Member States shall establish or support the establishment of all necessary conditions for implementation of integrated pest management ***and shall for each crop provide descriptions of best practice in integrated plant protection with priority being given to non-chemical plant protection.***

### *Justification*

*Best practice concerning non-chemical methods of plant protection helps professional users to make environmentally safe choices concerning plant protection.*

#### Amendment 14

##### Article 15

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.

The Commission shall **every three years** submit to the European Parliament and the Council a report on the progress in the implementation of this Directive **and an assessment of the national action plans**, accompanied where appropriate by proposals for amendments.

#### Amendment 15

##### Article 15 a (new)

#### ***Article 15a***

#### ***Exchange of information and best practice***

***The Commission shall establish a platform for the exchange of information and best practice in the field of sustainable use of pesticides and integrated pest management.***

### *Justification*

*An important component of the promotion of sustainable pesticide use and integrated pest management is the exchange of information and best practice between Member States and other interested parties. This means that the wheel does not have to be reinvented each time. Existing initiatives (such as the European Initiative for Sustainable Development in Agriculture) could be included.*

#### Amendment 16

##### Article 20, paragraph 1, subparagraph 2

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.***

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.

*Justification*

*The correct application of pesticides is guaranteed in accordance with the previous regulation.*

## PROCEDURE

<b>Title</b>	Framework directive on the sustainable use of pesticides
<b>References</b>	COM(2006)0373 - C6-0246/2006 - 2006/0132(COD)
<b>Committee responsible</b>	ENVI
<b>Opinion by</b> Date announced in plenary	ITRE 5.9.2006
<b>Enhanced cooperation - date announced in plenary</b>	5.9.2006
<b>Drafts(wo)man</b> Date appointed	Dorette Corbey 23.11.2006
<b>Discussed in committee</b>	28.2.2007                      3.5.2007
<b>Date adopted</b>	3.5.2007
<b>Result of final vote</b>	+:                      28 -:                      14 0:                      1
<b>Members present for the final vote</b>	Šarūnas Birutis, Renato Brunetta, Jerzy Buzek, Jorgo Chatzimarkakis, Silvia Ciornei, Pilar del Castillo Vera, Den Dover, Lena Ek, Nicole Fontaine, Adam Gierek, Norbert Glante, Fiona Hall, David Hammerstein, Erna Hennicot-Schoepges, Mary Honeyball, Romana Jordan Cizelj, Romano Maria La Russa, Pia Elda Locatelli, Eugenijus Maldeikis, Angelika Niebler, Reino Paasilinna, Miloslav Ransdorf, Vladimír Remek, Herbert Reul, Mechtild Rothe, Paul Rübig, Andres Tarand, Patrizia Toia, Catherine Trautmann, Claude Turmes, Nikolaos Vakalis, Alejo Vidal-Quadras
<b>Substitute(s) present for the final vote</b>	Pilar Ayuso, Ivo Belet, Dorette Corbey, Philip Dimitrov Dimitrov, Robert Goebbels, Cristina Gutiérrez-Cortines, Satu Hassi, Eija-Riitta Korhola, Erika Mann, John Purvis, Hannes Swoboda, Silvia-Adriana Țicău

24.4.2007

## **OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT(\*)**

for the Committee on the Environment, Public Health and Food Safety

on the 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 (COM(2006)0373 – C6-0246/2006 – 2006/0132(COD))

Draftsman (\*): Michl Ebner

(\*) Procedure with associated committees – Rule 47 of the Rules of Procedure

### **SHORT JUSTIFICATION**

#### **I. Introduction**

The proposed directive is part of the Thematic Strategy on the Sustainable Use of Pesticides and thus of the sixth Environment Action Programme.

The application or use of plant protection products is dealt with directly or indirectly by several pieces of Community legislation, including:

- Directive 91/414/EEC (trade in plant protection products), to be replaced by the directive concerning the placing of plant protection products on the market (COM(2006)0388);
- Directive 79/117/EEC (prohibition of plant protection products);
- Regulation (EC) No 396/2005 (maximum residue levels of pesticides);
- Regulation (EC) No 882/2004 (official controls);
- Regulation (EC) No 178/2002 (general principles and requirements of food law);
- Regulations (EC) Nos 852/2004/EC, 853/2004/EC and 854/2004/EC (the ‘hygiene package’);

- Regulation (EC) No 1782/2003 (direct support schemes – stipulates that the ‘hygiene package’, Directive 91/414/EEC, Regulation (EC) No 178/2002 etc. should be applied in the context of cross compliance);
- Directive 79/409/EEC (conservation of wild birds) and Directive 92/43/EEC (habitats);
- Directive 2000/60/EC (water framework directive), including daughter directives and decisions (e.g. on ground water, drinking water and surface water, the directive on environmental quality standards (COM(2006)0397), the decision on priority substances etc.), which all require measures against pollution and discharge involving plant protection products;
- directives safeguarding workers’ health;
- directives on waste.

There is no lack of legislation. Unfortunately, however, the legal use of plant protection products under the framework set by Community law and national rules varies considerably in the Member States. Despite clear improvements in recent years, undesirable residues of plant protection products continue to be found in water and foodstuffs.

The proposed legal act is intended to contribute towards further standardisation of the use of plant protection products.

The essential elements proposed to achieve this are:

- the establishment of national action plans;
- user training;
- publicity;
- inspection of machinery;
- in particular, protection of aquatic habitats, Natura 2000 sites and areas often used by the general public (parks etc.);
- encouragement of low pesticide-input farming, including integrated pest management (general and crop-specific);
- development of risk indicators.

## **II. Proposed amendments**

Plant protection products are an indispensable part of modern agriculture. Essential features of the use of plant protection products in a manner that is environmentally friendly and

respectful of health are already part of other Community legislation.

***The absolute core of the directive must therefore be the National Action Plan.***

With the help of different voluntary, legislative and, as appropriate, taxation measures, Member States should use national action plans to group together all necessary activities aimed at reducing the remaining risks and improving proper use of plant protection products. Vital to this will be improved education and information, combating point sources, improving the data situation and efforts to concretise Integrated Pest Management. Continuing efforts will be needed, as knowledge about optimised plant protection continues to develop and, if these efforts are interrupted (information, monitoring), suboptimal conditions soon come to the fore.

In view of the existing, wide-ranging rules on the use of plant protection products, the directive should limit itself to defining the minimum content of the action plans. Otherwise, as in the area of Natura 2000, there would be new European guidelines that would clearly contradict existing legal provisions.

Integrated Pest Management is also extensively defined under the proposed regulation concerning placing on the market and will be a binding requirement for all users from 2014. Binding restrictions on the use of plant protection products in drainage areas (drinking water, groundwater, flowing waters, spraying distances) are stipulated in water legislation or in legislation on the placing on the market of plant protection products. Here it is sufficient, as in the case of Natura 2000, to compel the Member States to pay particular attention and vigilance in the action plans.

Binding rules should be laid down only in areas that have yet to be dealt with at all, such as education and training, information and the use of machinery.

The effectiveness of the national action plans must be improved in relation to the Commission proposal by means of clear rules on continuation and monitoring, measurability of objectives and public information.

In the interests of comprehensibility, the term ‘pesticides’ has been replaced by ‘plant protection products’, as the directive is restricted to the latter alone.

## **AMENDMENTS**

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

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<sup>1</sup> Not yet published in OJ.

## Amendment 1

### Title

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*

Proposal for a Directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of *plant protection products*

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

### Justification

*In the directive, pesticides are referred to exclusively as plant protection products. For the sake of the clarity of the directive's scope, this should also be reflected in the title.*

## Amendment 2

### Recital 3

(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.

(3) *The core of this Directive is the Member States' national* action plans, *which aim to reduce the risks associated with the use of plant protection products and to promote non-chemical plant protection*. The national action plans *should* 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.

## Amendment 3

### Recital 3 a (new)

*(3a) The objectives of the national action plans on risk reduction should as far as possible be clearly defined. The action plans should be regularly monitored and updated. In their national action plans, the Member States are responsible for striking the right balance of legislative, voluntary and, as appropriate, taxation measures*



*appropriate to their specific situation and conditions.*

Amendment 4

Recital 4

(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.*

(4) The exchange of information *and informing the public* on the objectives and actions Member States lay down in their national action plans constitute 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, *which would set up a publicly accessible internet database allowing the public and other Member States to obtain information on the objectives and results of the national action plans.*

*In the drawing-up of the plans, at least the aspects of the sustainable use of plant protection products referred to in this Directive should be taken into account.*

Amendment 5

Recital 6

(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).

(6) It is desirable that Member States set up systems of *continuous* 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).

Amendment 6  
Recital 7

(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*.

(7) Considering the possible risks from the use of *plant protection products and their role in agriculture and food production*, the general public should be better informed on *the advantages, disadvantages, usefulness and risks of plant protection products, and their responsible use*.

*Justification*

*In the planned public information and awareness-raising campaign, the usefulness and importance of plant protection products for present-day food production should be presented alongside information about their possible risks.*

Amendment 7  
Recital 9

(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) *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.

(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), *does not fully ensure* that environment requirements *will be* 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.

Amendment 8  
Recital 10

(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

(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 *subject to a notification or approval procedure to ensure that it is used only in*

environmental benefits compared to other spraying methods, or where there are no viable alternatives.

*cases* where it represents clear advantages and also offers environmental benefits compared to other spraying methods, or where there are no viable alternatives.

Amendment 9  
Recital 11

(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.***

(11) The aquatic environment is especially sensitive to ***plant protection products***. It is therefore necessary that pollution of surface water and groundwater ***be prevented through appropriate rules and requirements for use, to be laid down in the framework of licensing plant protection products.***

*Justification*

*In using plant protection products, the rules for use of the specific product or the damage-reduction techniques laid down in the framework of its official licensing must be observed. These instructions already regulate the distance from water bodies, so that the requirement for further buffer zones is superfluous. Furthermore, plant protection product use in drinking water protection areas is already regulated by national legislation on drinking-water-abstraction areas and therefore needs no special mention here.*

Amendment 10  
Recital 12

(12) ***Use of pesticides can be particularly dangerous*** in very sensitive areas, such as Natura 2000 sites protected in accordance

(12) In very sensitive areas, such as Natura 2000 sites protected in accordance with Council Directive 79/409/EEC of 2 April

with Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. 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.***

1979 on the conservation of wild birds, and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, ***measures to reduce use of plant protection products may be necessary in order to fulfil Community objectives for these areas. This aspect is taken into account in the national action and management plans for special protection areas.*** In other places such as public parks, sports grounds or children's playgrounds ***it must be ensured via rules for use laid down in the framework of licensing that there is no increased risk to the public of exposure to plant production products or that the use of plant protection products is reduced as far as possible.***

#### *Justification*

*The sought-for reduction in use of licensed plant protection products is both scientifically unnecessary and unacceptable. Limiting use of plant protection products in 'sensitive' areas implies that use of these products involves a risk which, because of strict national licensing and utilisation rules, does not in fact exist. The rules on use laid down in the licensing process prevent any danger to humans or the environment, so that any further provisions are superfluous.*

#### Amendment 11 Recital 14

(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.***

(14) Member States should, ***as part of their national action plans,*** promote the ***conditions for the use of*** low pesticide-input farming, in particular Integrated Pest Management ***and organic farming, as defined in Regulation (EC) No [...] concerning the placing of plant protection products on the market,*** and establish necessary conditions for implementation of integrated pest management techniques.

Amendment 12  
Article 2, paragraph 1

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.

1. This Directive shall apply to **plant protection products** as defined in Regulation (EC) No [...] concerning the placing of plant protection products on the market.

Amendment 13  
Article 3, point (b)

(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**

(b) 'professional user' means any natural or legal person who carries out the use of **plant protection products** in the framework of his professional activity, **whether he is self-employed, employed or recruited for a special task; regarding 'professional users' Member States may distinguish between those entitled to use plant protection products on their own holdings alone and those entitled to provide plant protection services on holdings belonging to third parties.**

**In addition, golf courses, tennis courts and other leisure facilities, public parks, and infrastructure items such as car parks, roads, railways etc. shall be looked upon as users**

*Justification*

*The English text uses the term 'professional user'. The German translation 'gewerblicher Anwender' is incorrect. The directive should not be addressed to farmers alone, but should apply to all users of plant protection products.*

Amendment 14  
Article 3, point (d)

(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**

(d) 'adviser' means any natural or legal person who **has the training and qualifications required by the Member States authorising him to give advice** on the use of **plant protection products in**

*accordance with methods in the Member State in which the crop is being produced and in compliance with the residue ceilings established by the Community*

Amendment 15  
Article 3, point (i a) (new)

*(ia) ‘use indicator’ means a parameter that can be used to evaluate intensity of pesticide use and dependence on pesticides.*

Amendment 16  
Article 4, title

National actions plans to reduce risks and *dependence on pesticides*

National action plans to reduce risks and *use of pesticides*

Amendment 17  
Article 4, paragraph 1

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

1. Member States shall, *after consultation with organisations representing farmers, environmentalists, the industrial sector and other interested parties*, adopt national action plans to set up targets, measures and timetables to reduce risks *to the environment and public health from the use of plant protection products; in drawing up national action plans, account shall be taken of special conditions existing at national, regional and local level.*

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.

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.

*The national action plan may also consist of integrated regional plans combined at national level or of regional and national plans.*

Amendment 18  
Article 4, paragraph 1 a (new)

***1a. The national action plans comprise, if necessary, information on the aspects listed in Articles 5 to 13. They should take into account plans under other Community legislation on the use of plant protection products, such as planned measures under Directive 2000/60/EC.***

***The measures contained in the national action plans can, in particular, be of a legislative, taxation or voluntary nature and should be based on the findings of relevant risk assessments.***

*Justification*

*The directive should at least name the minimum levels or the points of view to be monitored in the context of the drawing-up of the plans. The question of when additional legislation or support, taxation or other measures are necessary is a decision for the Member States.*

Amendment 19  
Article 4, paragraph 1 b (new)

***1b. Part of the national action plans shall comprise integrated crop protection as referred to in Article 13, with priority being assigned to non-chemical crop protection measures and encouragement provided to farmers who opt to use non-chemical crop protection products.***

Amendment 20  
Article 4, paragraph 2

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

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

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.

at least every five years and, ***depending on the attainment of objectives, updated. Monitoring shall also include an analysis of whether the risks in the action plan are appropriately taken into account or if they need to be reassessed.*** Any changes to the national action plans ***and the essential findings of the monitoring*** shall be reported to the Commission without undue delay.

*Justification*

*The rules on monitoring must be formulated more precisely. Reporting to other Member States is superfluous if the Commission – as stipulated here – sets up a publicly accessible database (see Article 4(2a) (new)).*

Amendment 21  
Article 4, paragraph 2 a (new)

***2a. The Commission shall set up an internet database through which the national actions plans, as well as any changes to them and the essential results of regular monitoring, particularly in terms of progress or failure in achieving objectives and the reasons for these, can be made available to the public.***

*Justification*

*An essential feature of the national action plans is public involvement. It makes sense, therefore, to make these plans, as well as changes to them and their results, available to the public throughout Europe in the form of a central internet database. The database obviates the need for Member States to inform each other, which applies anyway only to the original plan and not to changes. Publication over the internet makes the rule on transmission of data to third countries superfluous.*

Amendment 22  
Article 4, paragraph 3

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

***deleted***



*Justification*

*Follows from Articles 4(2) and (2a) (new) (amendments 20 and 21).*

Amendment 23  
Article 4, paragraph 4 a (new)

***4a. The planning and realisation of Community programmes shall be eligible for Community funding.***

Amendment 24  
Article 5, paragraph 1, subparagraph 1

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

1. Member States shall ensure that all professional users, distributors and advisers have access to appropriate ***and independently organised education and training on the proper use of plant protection products reflecting the level of responsibility of those concerned and their specific role with regard to integrated pest management.***

*Justification*

*It is vital that the organisation of training should be carried out independently of the economic interests of particular groups. This does not exclude the deployment of industry specialists or NGOs. The Member States may also fulfil the basic requirements under this directive by offering appropriate training.*

Amendment 25  
Article 5, paragraph 2

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.

2. Within ***three*** years from the date referred to in Article 20(1), Member States shall establish ***training*** systems covering as a minimum the subjects listed in Annex I.

*Justification*

*Two years is too short a period for the compulsory training of all farmers.*

Amendment 26  
Article 5, paragraph 3, subparagraph 1 a (new)

***Consequently, as and when the national authorities responsible judge necessary, holders of the certificates referred to in Annex 1 shall be required to carry out refresher training.***

Amendment 27  
Article 6, paragraph 1

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 Council, 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.

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 Council, have at least one person in their employment, who has a certificate referred to in Article 5(2) ***that is not older than five years***, and who shall be present and available at the place of sales to provide information to customers as regards pesticide use.

*Justification*

*Given that, according to the Commission impact assessment, the legislative framework conditions and scientific knowledge on the proper specialised use of plant protection products are constantly changing, it makes sense to limit the period of validity of the certificates.*

Amendment 28  
Article 6, paragraph 2

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).***

2. Member States shall take the necessary measures to ensure that sales of ***authorised plant protection products are restricted to professional users holding a certificate referred to in Article 5(2) and in accordance with the advice of suitably qualified, competent professionals designated by the Member States.***

Amendment 29  
Article 6, paragraph 3

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).

3. Member States shall require distributors placing pesticides for non-professional use on the market to provide general information regarding the **proper use of plant protection products placed on the market**, in particular on **possible risks**, exposure, proper storage, handling and application, as well as disposal.

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

*Justification*

*The objective of information by producers and distributors must be to allow expert use of plant protection products totally excluding health and environmental hazards. The subject of this information must be the risks of specific products, as these can vary considerably according to the means and the manner of use.*

*A longer transitional period is needed to avoid the building-up of over-capacities in the training area in the first two years after the setting-up of the training system.*

Amendment 30  
Article 7

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.

Member States shall promote and facilitate **information** programmes and availability **for the general public** of information relating to **the use and risks of plant protection products and possible** health and environmental effects **arising from their use. In addition, information shall be provided on the role of plant protection products in agriculture and food production, responsible use of plant protection products** and non-chemical alternatives.

*Justification*

*This amendment ensures that the planned information and awareness-raising programmes do not address only the risks of plant protection products. Currently, the main issue addressed publicly is the dangers of plant protection products. Instead of this, as set out in the proposed*

*amendment, the aim should be to give objective information on the necessity and sustainability of using plant protection products and to make clear their importance for present-day food production.*

Amendment 31  
Article 8, paragraph 1

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.***

1. Member States shall ***create incentive schemes to*** ensure that pesticide application equipment and accessories in professional use ***are*** subject to inspections at regular intervals.

*Justification*

*Incentive schemes are more likely to create openness to inspection of equipment on the part of users than coercive measures.*

Amendment 32  
Article 8, paragraph 3

***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.*** ***deleted***

*Justification*

*This particular provision may be dropped in view of the subsidiarity principle.*

Amendment 33  
Article 8, paragraph 4

***4. Member States shall designate bodies responsible for carrying out the inspections and inform the Commission thereof.*** ***deleted***

*Justification*

*This provision is superfluous.*

Amendment 34  
Article 9, paragraph 1

1. Member States shall **prohibit** aerial spraying **subject to paragraphs 2-6**.

1. Member States shall **adopt provisions governing** aerial spraying **in the light of the conditions laid down in paragraph 4**.

*Justification*

*General prohibition of aerial spraying is excessively bureaucratic and makes little sense given that it is clear that other ways of using plant protection products make little sense in certain cases (vineyards, forests). It is the task of the Member States to ensure that aerial spraying is carried out only when it is unavoidable. Whether approval or notification procedures are deemed necessary is a matter for the Member States. Documentation requirements are not necessary in the light of the conditions of the environmental information directive and existing national provisions.*

Amendment 35  
Article 9, paragraph 2

**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.** **deleted**

*Justification*

*Follows from the amendments to paragraphs 1 and 4.*

Amendment 36  
Article 9, paragraph 3

**3. Member States shall designate the authorities competent for granting derogations, and inform the Commission thereof.** **deleted**

*Justification*

*This provision is superfluous.*

Amendment 37  
Article 9, paragraph 4

**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.**

**4. Aerial spraying shall be allowed only under the following conditions:**

- (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 second subparagraph of Article 6(3) shall apply.**

**(ca) it must be ensured that all necessary measures will be taken to warn residents and bystanders promptly and to protect the environment in the vicinity of the area sprayed;**

**(cb) the relevant authorities received prior notification of, or approved, aerial spraying.**

*Justification*

*It is up to the Member States to decide whether to impose approval or notification procedures. In any event, however, spraying is permissible only when the conditions set out in paragraph 4 are met. In addition, the Commission proposal was unnecessarily bureaucratic. The transitional period laid down in Article 6(3), second subparagraph, is to be respected.*

Amendment 38  
Article 9, paragraph 5

**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.**

**deleted**

*Justification*

*Follows from the amendments to paragraphs 1 and 4. See justification to amendments 34 and 37.*

Amendment 39  
Article 9, paragraph 6

**6. The competent authorities shall keep ~~deleted~~  
records of derogations granted.**

*Justification*

*Documentation requirements are not necessary in the light of the conditions of the environmental information directive and existing national provisions.*

Amendment 40  
Article 10, paragraph 1, introduction

1. Member States shall ensure that, when **pesticides** are used in the vicinity of water bodies, preference is given to:

**1. As part of the establishment and implementation of their national action plans, the Member States shall provide for measures to ensure, in an appropriate manner, that, when plant protection products are used in the vicinity of water bodies, preference is given to:**

*Justification*

*The current wording does not provide any legal or planning certainty, particularly the very imprecise wording of the current paragraph 1. These are problems that can be solved primarily by the Member States through their national action plans under Article 4.*

Amendment 41  
Article 10, paragraph 1 a (new)

**1a. As part of the establishment and implementation of their national action plans, the Member States shall monitor in particular the following measures to protect bodies of water:**

**(a) establishment of buffer and protection zones on fields adjacent to water courses**

*and, in particular, protection zones for the abstraction of drinking water established in accordance with Article 7(3) of Directive 2000/60/EC, where pesticides must not be applied or stored; the dimensions of the buffer zones should be defined on the basis of the risks of pollution and the agricultural characteristics of the area concerned;*

*(b) taking appropriate measures to limit the aerial drift of plant protection products at least in vertical crops, including orchards, vineyards, and hops, directly adjacent to a water course;*

*(c) taking appropriate measures to ensure that the application of pesticides is reduced as far as possible or, if appropriate, eliminated 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.*

*Measures under point (a) shall be included in every national action plan.*

#### *Justification*

*The text of points (a) to (c) of paragraph 1a (new) essentially corresponds to that of paragraphs 2 to 4 of the old Commission proposal. The measures pursue the same objective and are therefore brought together into one paragraph. Protection and buffer zones for waters and drinking water are a vital component of a national action plan. As evidenced by the Danish example, however, voluntary measures can be just as efficient as binding legislative requirements.*

#### Amendment 42 Article 10, paragraph 2

*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)*

*deleted*



***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.***

*Justification*

*Now paragraph 1a (new), point (a) (see amendment 41).*

Amendment 43  
Article 10, paragraph 3

***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.*** *deleted*

*Justification*

*Now paragraph 1a (new), point (b) (see amendment 41).*

Amendment 44  
Article 10, paragraph 4

***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.*** *deleted*

*Justification*

*Now paragraph 1a (new), point (c) (see amendment 41).*

Amendment 45  
Article 11, paragraph 1, introduction

Member States shall, ***taking due account of the necessary hygiene and public safety***

Member States shall ***take as their basis the results of relevant risk assessments and***

**requirements**, ensure that the following measures are adopted:

ensure that the following measures are adopted:

*Justification*

*The basis for a decision to reduce use of plant protection products in sensitive areas should be a relevant risk assessment. The point is not to ban use, but to ensure careful and low use of a plant protection product in the light of the particular protection objective. In the Natura 2000 zone regulations, prohibitions and requirements are laid down to cover all cases, so that, bearing in mind the subsidiarity principle, no further specific legislation is necessary.*

Amendment 46

Article 11, paragraph 1, point (a)

(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;

(a) the use of pesticides shall be restricted to the minimum necessary **or eliminated entirely** in areas **regularly** used by the general public or by sensitive population, at least in parks, public gardens, sports grounds, school grounds and playgrounds;

*Justification*

*This provides greater accuracy and clarity. The decisive factor is not prohibition, but the minimum possible use of plant protection products depending on the particular protection objectives of public places. In view of the low use of plant protection products in public places, this provision has clearly already been broadly implemented in the Member States.*

Amendment 47

Article 11, paragraph 1, point (b) and paragraph 2

**(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.**

**deleted**

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

Amendment 48  
Article 11, paragraph 1 a (new)

***Restrictions on the use of plant protection products in Natura 2000 sites do not contravene the voluntary nature of support measures under the structural funds regulations and the regulation on rural development.***

*Justification*

*The addition of the last sentence is necessary to make clear that the restriction on the use of plant protection products in Natura 2000 sites with the objective of implementing the conservation objectives does not constitute a violation of the voluntary principle in support. There has been no clear statement from the Commission's services on this point, leading to considerable legal uncertainties in the Member States and hindering the implementation of rural environmental measures.*

Amendment 49  
Article 12, paragraph 1, introduction

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:

1. ***As part of their national action plans, the*** Member States shall adopt the measures ***that prove necessary on the basis of relevant risk assessments*** to ensure that the following operations do not endanger the health or safety of humans and the environment:

*Justification*

*The proposed measures should be integrated into the national action plans. This is primarily a matter of implementing existing rules in practice through appropriate activities. There is no lack of rules in the Member States.*

Amendment 50  
Article 12, paragraph 2

2. Member States shall ***take all necessary*** measures regarding pesticides authorised for non-professional use to avoid dangerous handling operations.

2. ***In their national action plans, the*** Member States shall ***adopt*** measures ***that prove necessary on the basis of appropriate risk assessments*** regarding pesticides authorised for non-professional use to avoid dangerous handling operations.

### *Justification*

*See justification to amendment 49.*

#### Amendment 51 Article 12, paragraph 3

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

3. ***In their national action plans, the Member States shall take measures that prove necessary on the basis of appropriate risk assessments to ensure that storage areas for pesticides shall be constructed in such a way as to prevent unwanted releases.***

### *Justification*

*See justification to amendment 46.*

#### Amendment 52 Article 13, paragraph 1

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.***

1. Member States shall ***create incentive schemes*** to promote low pesticide-input farming, including integrated pest management.

### *Justification*

*Incentive schemes are more likely to create openness to lower-pesticide-input procedures and integrated plant protection on the part of users than coercive measures. In addition, it must be pointed out that the effects of plant protection products on human health and the environment are assessed in the framework of the licensing procedure. It can be assumed that licensed plant protection products, if correctly used, will have no effects on anything other than their targets.*

#### Amendment 53

Article 13, paragraph 2

**2. Member States shall establish or support the establishment of all necessary conditions for implementation of integrated pest management.** *deleted*

*Justification*

*The text is integrated into paragraph 1 (see amendment 52).*

Amendment 54  
Article 13, paragraph 5

**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.** *deleted*

*Justification*

*The subject of paragraph 5 is already dealt with in Article 52 of the Regulation concerning the placing of plant protection products on the market.*

Amendment 55  
Article 13, paragraph 6

**6. Member States shall establish all necessary incentives to encourage farmers to implement crop-specific standards of Integrated Pest Management.** *deleted*

Amendment 56  
Article 13, paragraph 7

**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 [...].

**7. As a help to the Member States, the Commission may have general standards developed** for Integrated Pest Management **as** referred to in ***paragraph 1*** in accordance with the procedure laid down in Article 52 of Regulation (EC) No [...] **and shall encourage public participation of interested**

*stakeholders.*

Amendment 57  
Article 13, paragraph 8

**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.** *deleted*

*Justification*

*The introduction of Europe-wide crop-specific standards for integrated pest management should be rejected, since it cannot take account of the diversity of local natural and climatic conditions in Europe, and runs counter to the underlying philosophy of integrated agriculture whereby local conditions form an essential basis for any measure.*

Amendment 58  
Article 13, paragraph 8 a (new)

**8a. The obligations of recipients of direct payments under Article 3 in connection with Annex III to Regulation (EC) No 1782/2003 in relation to the use of plant protection products shall be deemed fulfilled when proof of education or training pursuant to Articles 5 and 6 and of the use of machinery compliant with the requirements of Article 8 is provided.**

*Justification*

*An essential requirement for the expert use of plant protection products is appropriate knowledge and properly functioning machinery. It would therefore appear sufficient, as proof of cross-compliance, to provide the relevant documentation on training and the functioning of machinery. However, if cross checks under other legislation uncover violations, penalties under Regulation 1782/2003 are, of course, still applicable.*

Amendment 59  
Article 14, paragraph 1

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.

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

*Justification*

*Indicators should also be set for the use of pesticides.*

Amendment 60  
Article 14, paragraph 2, introduction

2. Member States shall use statistical data collected in accordance with Regulation (EC) No [ESTAT...] for the following purposes:

2. Member States shall use statistical data collected, **if appropriate**, in accordance with Regulation (EC) No [ESTAT...] for the following purposes:

*Justification*

*In case the statistical regulation is not adopted, other statistical data should be used for reference.*

Amendment 61  
Article 14, paragraph 2, point (a)

(a) calculation of common and harmonised risk indicators at national level

(a) calculation of common and harmonised risk **and use** indicators at national level

*Justification*

*See Amendment 59.*

Amendment 62  
Article 14, paragraph 2, point (b a) (new)

***(ba) identification of trends of occurrence of pests and disease and development of fungi;***

*Justification*

*There should also be a focus on the above mentioned issues, because they also affect the risks indicators of using plant protection products.*

Amendment 63

Article 14, paragraph 2, point (c a) (new)

***(ca) assessment and adaptation of the national action plans.***

Amendment 64

Article 14, paragraph 3

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.***

3. Member States shall communicate the results of the evaluations carried out pursuant to paragraph 2 to the Commission.

***The results shall be published via the internet database referred to in Article 4(2a).***

*Justification*

*Follows from the amendment to Article 4(2)(a.)*

Amendment 65

Article 14, paragraph 4, subparagraph 1

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.

4. The Commission shall use statistical data, ***if appropriate***, collected in accordance with Regulation (EC) No [ESTAT...] and the information referred to in paragraph 3 to calculate risk ***and use*** indicators at Community level, in order to estimate trends in risks from pesticide use.

Amendment 66

Article 14, paragraph 4, subparagraph 2 a (new)

***The results shall be made available to the***



**general public via the internet database referred to in Article 4(2a).**

*Justification*

*Follows from the addition of Article 4(2a) (new).*

Amendment 67  
Article 14, paragraph 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.

5. For the purposes of paragraph 2(a) and paragraph 3, risk **and use** 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.

*Justification*

*See Amendment 59.*

Amendment 68  
Article 14, paragraph 5 a (new)

**5a. In the collection of data, account should be taken of the fact that farmers in the Community should not be burdened with extra documentary obligations and disproportionate notification and reporting obligations.**

*Justification*

*Farmers are already subject to considerable obligations in terms of documentation and reporting. If a statistical regulation for plant protection products is created, it is important to ensure that no extra disproportionate obligations arise for farmers in terms of notification, reporting and documentation. As a rule, spot checks etc. on a voluntary basis or as part of regular monitoring should be sufficient.*

Amendment 69  
Article 15

The Commission shall regularly submit to

The Commission shall regularly, **and at**

the European Parliament and the Council a report on the progress in the implementation of this Directive, accompanied where appropriate by proposals for amendments.

***least every five years***, 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.

*Justification*

*Adaptation in view of the time scales applicable to the verification of plans.*

Amendment 70  
Article 15 a (new)

***Article 15 a***

***The Commission shall set up a European fund for small-scale applications to encourage cooperation between research institutes in the Member States in connection with research into the use of crops in small-scale cultivation.***

***As an adjunct to the fund, the Commission shall establish a platform by means of which information and best practices can be exchanged concerning the use of plant protection products in small-scale cultivation and the sustainable use of plant protection products.***

Amendment 71  
Article 16, first paragraph

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 determine penalties applicable to infringements of the national provisions adopted pursuant to ***Articles 6, 8 and 9*** of this Directive and shall take all measures necessary to ensure that they are implemented. The penalties imposed shall be effective, proportionate and dissuasive.

*Justification*

*Clarification of the provisions on penalties.*

Amendment 72  
Article 16 a (new)

**Article 16a**

***The provisions of Directive 2004/35/EC shall not apply where farmers use plant protection products in accordance with the licensing regulations.***

*Justification*

*Farmers who abide by the existing legal provisions on plant protection products should not be held liable for environmental damage within the meaning of Directive 2004/35/EC. The use of licensed plant protection products in accordance with the rules for use should exempt farmers from liability under Article 3, paragraph 1, of Directive 2004/35/EC.*

Amendment 73  
Article 18, paragraph 2

***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.*** ***deleted***

*Justification*

*Correction of an editorial oversight. The reference to Article 3 of Decision 1999/468/EC is unnecessary, as no reference is made to this procedure at any point in the text.*

Amendment 74  
Article 18, paragraph 3

***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.***

***3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.***

*Justification*

*It is necessary to adapt comitology as the directive at certain points provides that non-essential general provisions should be amended in the regulatory committee procedure (Article 5(3), Article 8(5) and Article 14(1)), for which, since Council Decision 2000/512/EC, the 'regulatory procedure with scrutiny' has been introduced. The setting of time scales pursuant to Article 5a(6) of Decision 1999/468/EC is not necessary, as there are not expected to be cases of particular urgency.*

Amendment 75

Article 19, paragraph 1, point (c a) (new)

***(ca) the creation of an internet database in line with Article 4(2a).***

*Justification*

*Follows from the addition of Article 4(2a).*

## PROCEDURE

<b>Title</b>	Framework directive on the sustainable use of pesticides			
<b>References</b>	COM(2006)0373 - C6-0246/2006 - 2006/0132(COD)			
<b>Committee responsible</b>	ENVI			
<b>Opinion by</b> Date announced in plenary	AGRI 5.9.2006			
<b>Enhanced cooperation - date announced in plenary</b>	5.9.2006			
<b>Drafts(wo)man</b> Date appointed	Michl Ebner 11.9.2006			
<b>Discussed in committee</b>	21.11.2006	27.2.2007	21.3.2007	12.4.2007
<b>Date adopted</b>	12.4.2007			
<b>Result of final vote</b>	+: 36	-: 2	0: 1	
<b>Members present for the final vote</b>	Vincenzo Aita, Katerina Batzeli, Sergio Berlato, Thijs Berman, Niels Busk, Luis Manuel Capoulas Santos, Giuseppe Castiglione, Dumitru Gheorghe Mircea Coșea, Joseph Daul, Albert Deß, Gintaras Didžiokas, Michl Ebner, Carmen Fraga Estévez, Duarte Freitas, Lutz Goepel, Friedrich-Wilhelm Graefe zu Baringdorf, Elisabeth Jeggle, Heinz Kindermann, Diamanto Manolakou, Mairead McGuinness, Rosa Miguélez Ramos, Neil Parish, Radu Podgorean, María Isabel Salinas García, Agnes Schierhuber, Willem Schuth, Czesław Adam Siekierski, Alyn Smith, Marc Tarabella, Jeffrey Titford, Witold Tomczak, Donato Tommaso Veraldi, Janusz Wojciechowski			
<b>Substitute(s) present for the final vote</b>	Herbert Bösch, Bernadette Bourzai, Béla Glattfelder, Christa Klauß, Wiesław Stefan Kuc, Astrid Lulling, Jan Mulder			

## PROCEDURE

<b>Title</b>	Framework directive on the sustainable use of pesticides	
<b>References</b>	COM(2006)0373 - C6-0246/2006 - 2006/0132(COD)	
<b>Date submitted to Parliament</b>	12.7.2006	
<b>Committee responsible</b> Date announced in plenary	ENVI 5.9.2006	
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ITRE 5.9.2006	AGRI 5.9.2006
<b>Enhanced cooperation</b> Date announced in plenary	29.11.2006	
<b>Rapporteur(s)</b> Date appointed	Christa Kläß 3.10.2006	
<b>Legal basis disputed</b> Date of JURI opinion	JURI 11.9.2007	
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<b>Result of final vote</b>	+: 34	-: 11
	0: 5	
<b>Members present for the final vote</b>	Adamos Adamou, Georgs Andrejevs, Margrete Auken, Pilar Ayuso, Irena Belohorská, Johannes Blokland, Hiltrud Breyer, Dorette Corbey, Chris Davies, Edite Estrela, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Cristina Gutiérrez-Cortines, Satu Hassi, Gyula Hegyi, Jens Holm, Caroline Jackson, Dan Jørgensen, Christa Kläß, Aldis Kušķis, Roberto Musacchio, Riitta Myller, Péter Olajos, Miroslav Ouzký, Vladko Todorov Panayotov, Vittorio Prodi, Guido Sacconi, Richard Seeber, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Evangelia Tzampazi, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman, Glenis Willmott	
<b>Substitute(s) present for the final vote</b>	Jens-Peter Bonde, Christofer Fjellner, Monica Frassoni, Ambroise Guellec, Erna Hennicot-Schoepges, Anne Laperrouze, Kartika Tamara Liotard, David Martin, Renate Sommer, Lambert van Nistelrooij	
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Gabriela Crețu	