



**2017/2284(INI)**

10.10.2018

# **DRAFT REPORT**

on the implementation of Directive 2009/128/EC on the sustainable use of pesticides  
(2017/2284(INI))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Jytte Guteland

## CONTENTS

	<b>Page</b>
EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS .....	3
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION .....	7

## EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

### Background

The Seventh Environment Action Programme (7th EAP) sets the objective, that by 2020 the use of plant protection products should not have any harmful effects on human health or unacceptable influence on the environment, and that such products should be used sustainably.

Pesticide use plays an important role in Europe's agricultural production by keeping plants healthy and preventing their destruction by disease and infestation. However, pesticides applied to crops can enter soil and surface waters via leaching and run-off, and can enter groundwater, with the risk of negatively affecting non-target species in both terrestrial and aquatic ecosystems. This impacts habitat function and contributes to biodiversity loss, including large reductions of insect populations; it also affects soil formation and composition and provision of clean drinking water. Pesticide residues in food may also pose a risk for human health while residues in animal feed pose risks to animal health and can enter the food chain. Particular concerns have been raised regarding the health impacts of human exposure to pesticides with endocrine-disrupting properties and the associated costs to human health. Other human health concerns relate to the neurotoxicity of e.g. insecticides and biocides, which can affect the brain function, particularly if exposure occurs during foetal development.

The present dependence on pesticides as the dominant means of controlling pests clearly is not compatible with sustainable agriculture as the prolonged use of pesticides frequently leads to pests becoming resistant. It also has the harmful side effect of killing beneficial organisms that play an important role in preventing pests and often lead to the outbreak of secondary pests. Both factors may result in further increases of the use of pesticides, thus creating a negative spiral. Finally, pesticides destroy the biodiversity of the farmland and depletes the agricultural soil, which is essential for a sustainable food production. In the recent report<sup>1</sup> from the European Commission concerning statistics on pesticides, it is acknowledged that "pesticides are a cause of pollution and have a direct effect especially on the state of biodiversity, water bodies, and soils". At the same time, the 2017 UN report of the Special Rapporteur on the right to food<sup>2</sup> highlights the adverse impact of pesticide use on human rights, human health (workers, their families, bystanders, residents and consumers) and the environment. The report also reveals that intensive agriculture based on pesticide use has not contributed to reduce world hunger, but rather it has helped to increase the consumption of food and food waste in industrialized countries.

Since 1996, the use of pesticides in Europe has steadily increased and despite much debate on the sustainability of agriculture and despite the entering on the market of pesticides that can be used at low dose, the use on average did not decrease in recent years. The total annual sales in the EU amounted to 400.000 tons of pesticides in 2015, with the vast majority used in the agricultural sector.

### Implementation of the Directive

Directive 2009/128/EC of the European Parliament and of the Council on the sustainable use

---

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0109&from=EN>

<sup>2</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/017/85/PDF/G1701785.pdf?OpenElement>

of pesticides provides for a range of actions to achieve a sustainable use of pesticides in the EU by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of Integrated Pest Management (IPM) and of alternative approaches or techniques, such as non-chemical alternatives to pesticides.

Article 4 of the Directive requires MSs to adopt National Action Plans (NAPs) containing quantitative objectives, targets, measures and timetables to reduce risks and impacts of pesticide use and to encourage the development and introduction of IPM and of alternative approaches or techniques, in order to reduce dependency on the use of pesticides. In addition, the NAPs shall also include indicators to monitor the use of pesticides containing active substances of particular concern, especially if alternatives are available. In their NAPs, Member States (MSs) shall describe how they will implement measures pursuant to Articles 5 to 15 of the Directive.

On 10 October 2017, the European Commission, pursuant to reporting requirements under Articles 4(3) and 16 of the Directive, published its report on Member State National Action Plans and on progress in the implementation of Directive 2009/128/EC on the sustainable use of pesticides.

The rapporteur welcomes the Commission's evaluation report, but at the same time expresses deep concern over the poor implementation of the provisions of the Directive in the majority of Member States. It is clear that some progress has been made in the field of checks on spraying equipment, and in the development of training courses and certification schemes regarding how to best spray pesticides. However, very little progress has been made in promoting the uptake of alternative techniques, which are the key to ensuring real pesticide dependency reductions. According to the European Environment Agency, the EU demand for pesticides has remained nearly stable over the last years<sup>1</sup>, which could indicate that the risks of pesticides to humans and the environment have remained constant, despite implementation of the National Action Plans under the Directive on the Sustainable Use of Pesticides.

Twenty-one MSs reported targets for pesticide risk reduction, and nine MSs had targets for pesticide use reduction with some MSs reporting targets for both risk and use reduction. Only five MSs set high-level measurable targets, with four having risk reduction targets (Belgium, Denmark, Greece and Germany) and one (France) having a use reduction target. MSs are required to review their NAPs at least every five years and update their NAP, if required, based on this review. Unfortunately, to date, only France and Lithuania have reviewed, and subsequently revised, their NAPs.

The rapporteur regrets the inconsistency of the National Action Plans and the prevailing lack of quantitative objectives, targets, measurements and timetables for the various areas, without which no evaluation of progress across the EU can be made. Many NAPs focus on training for pesticide users or rules for testing equipment, but lack detail about the protection of specific ecosystems and drinking water. What is more, most action plans do not specify how the achievement of targets or objectives will be measured. Many Member States have established measures to stop pesticides ending up in watercourses, including equipment modifications and financial incentives for farmers to install pesticide buffer zones, but the coverage of these zones tends to be very limited and the ambition of their targets too low.

---

<sup>1</sup> <https://www.eea.europa.eu/airs/2017/environment-and-health/pesticides-sales>

The rapporteur fully agrees with the report's main conclusion calling for Member States to finally identify overall objectives and quantifiable pesticide use reduction targets and believes that special attention shall be given to monitoring environmental and health damages caused by pesticides, improving water quality, fostering and maintaining biodiversity and prioritising Integrated Pest Management (IPM) principles in the European agriculture sector. IPM aims at keeping the use of pesticides and other forms of intervention to levels that are economically and ecologically justified and that reduce or minimise risk to human health and the environment while prioritising physical, non-chemical and sustainable biological methods to protect crops and discourage pests. Regrettably, to date, MSs have not converted the IPM principles into prescriptive and assessable criteria but see the IPM mainly as an education tool for farmers and have no method in place to assess compliance with IPM principles. IPM is a cornerstone of the Directive and it is therefore of particular concern that MSs have not yet set clear targets and ensured their implementation. IPM has great untapped potential as a method to protect consumers and the environment from the harmful effects of pesticides and it is imperative that Member States start using this tool box as soon as possible by substituting conventional pesticide use while ensuring that appropriate incentive systems exist, where they are necessary to encourage the uptake of IPM methodologies.

The rapporteur strongly believes in sustainable agriculture that favours prevention, non-chemical methods, biological controls and low-risk products. Increasing the availability of alternatives to conventional products, such as low-risk plant protection products, contributes at the same time to a sustainable agriculture and to expanding the farmer's toolbox by increasing plant protection options. Research and innovation is needed to develop alternatives to protect against current and future pests, which reduce reliance on pesticides and /or provide plant protection options with a lower risk profile or new modes of action.

The rapporteur trusts that the best way forward to ensure full and serious implementation of the Directive on the sustainable use of pesticides is to make sure that the Directive's objectives are integrated as broadly as possible, into the EU's Common Agricultural Policy (CAP) in the upcoming reform. Integrating pesticide use reduction targets and other IPM principles into the CAP delivery model, is key to ensure progress in the implementation of the Directive. The current CAP "greening measures" have so far had little positive impact on the ground and ensuring cross-compliance of the Directive with a modernised CAP with sustainability at its heart can deliver truly environmentally friendly, economically viable and socially responsible agriculture in Europe.

The rapporteur wants to stress that a number of pesticides are suspected or proved to act as endocrine disrupting compounds (EDCs). Despite this there are still widely available and used across Europe. These substances should be identified according to recently adopted criteria as soon as possible and pesticide products that contain endocrine active substances should not be placed on the market.

Finally, the rapporteur finds it worrying that despite clear obligation in Article 15 of the Directive the Commission still has not come up with the harmonised risk indicators which would ensure that the progress achieved in the reduction of risk and adverse impacts from pesticide use for human health and environment can be properly measured and compared across all Member States.

## Conclusions

The rapporteur is convinced that further efforts on both EU and national level are needed to ensure effective implementation of the Directive. It is becoming more and more evident that citizens are increasingly concerned and want farmers to reduce dependency on pesticides, and this is further proved by the recent successful European Citizens' Initiative to ban glyphosate, which collected over 1.3 million signatures from across Europe in under six months.

The European Commission needs to recognise its role as guardian of EU law and act against evident non-compliance by multiple Member States. It is crucial that the Commission intervenes in case of non-action or where actions are unclear, and when derogations are not justified or go beyond what is defined in the Directive. Moreover, in its monitoring exercise, the Commission should go beyond assessing the mere compliance with the Directive towards focusing on how to achieve better overall environmental results for soil, water and biodiversity. The Commission must proceed with discussions with stakeholders and Member States in the development of harmonised risk indicators to allow a comparable and clear set of data and reliable progress evaluation.

The Member States have to take a proactive stance with respect to the protection of human health and the environment and deliver on their legal obligations under EU law as well as the expectations of the European citizens. Member States need to take all necessary measures to promote and incentivise low-pesticide input pest management, giving wherever possible priority to non-chemical methods, so that professional users of pesticides switch to practices and products with the lowest risk to human health and the environment among those available for the same pest problem.

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the implementation of Directive 2009/128/EC on the sustainable use of pesticides (2017/2284(INI))

*The European Parliament,*

- having regard to Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides<sup>1</sup>,
- having regard to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC<sup>2</sup>,
- having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 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<sup>3</sup>,
- having regard to 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), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC<sup>4</sup>,
- having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC<sup>5</sup>,
- having regard to Regulation (EC) No 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides<sup>6</sup>,
- having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009<sup>7</sup>,
- having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy<sup>8</sup>,
- having regard to Commission Directive 2009/90/EC of 31 July 2009 laying down,

---

<sup>1</sup> OJ L 309, 24.11.2009, p. 71.

<sup>2</sup> OJ L 158, 30.4.2004, p. 7.

<sup>3</sup> OJ L 70, 16.3.2005, p. 1.

<sup>4</sup> OJ L 136, 29.5.2007, p. 3.

<sup>5</sup> OJ L 309, 24.11.2009, p. 1.

<sup>6</sup> OJ L 324, 10.12.2009, p. 1.

<sup>7</sup> OJ L 347, 20.12.2013, p. 608.

<sup>8</sup> OJ L 327, 22.12.2000, p. 1.

- pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status<sup>1</sup>,
- having regard to Directive 2009/127/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2006/42/EC with regard to machinery for pesticide application<sup>2</sup>,
  - having regard to its resolution of 7 June 2016 on enhancing innovation and economic development in future European farm management<sup>3</sup>,
  - having regard to its resolution of 7 June 2016 on technological solutions for sustainable agriculture in the EU<sup>4</sup>,
  - having regard to its resolution of 15 February 2017 on low-risk pesticides of biological origin<sup>5</sup>,
  - having regard to its resolution of 24 October 2017 on the draft Commission implementing regulation renewing the approval of the active substance glyphosate in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Implementing Regulation (EU) No 540/2011<sup>6</sup>,
  - having regard to its resolution of 1 March 2018 on prospects and challenges for the EU apiculture sector<sup>7</sup>,
  - having regard to its resolution of 13 September 2018 on the implementation of the Plant Protection Products Regulation (EC) No 1107/2009<sup>8</sup>,
  - having regard to the ongoing European Implementation Assessment on Directive 2009/128/EC on establishing a framework for Community action to achieve the sustainable use of pesticides and the report published by the European Parliamentary Research Service (DG EPRS) on 15 October 2018,
  - having regard to the Commission report of 10 October 2017 on Member State National Action Plans and on progress in the implementation of Directive 2009/128/EC on the sustainable use of pesticides (COM(2017)0587),
  - having regard to the overview report of October 2017 by the Commission’s Directorate-General for Health and Food Safety (DG SANTE) on the implementation of Member States’ measures to achieve the sustainable use of pesticides under Directive 2009/128/EC<sup>9</sup>,

---

<sup>1</sup> OJ L 201, 1.8.2009, p. 36.

<sup>2</sup> OJ L 310, 25.11.2009, p. 29.

<sup>3</sup> OJ C 86, 6.3.2018, p. 62.

<sup>4</sup> OJ C 86, 6.3.2018, p. 51.

<sup>5</sup> OJ C 252, 18.7.2018, p. 184.

<sup>6</sup> OJ C 346, 27.9.2018, p. 117.

<sup>7</sup> Texts adopted, P8\_TA(2018)0057.

<sup>8</sup> Texts adopted, P8\_TA(2018)0356.

<sup>9</sup> [http://ec.europa.eu/food/audits-analysis/overview\\_reports/details.cfm?rep\\_id=114](http://ec.europa.eu/food/audits-analysis/overview_reports/details.cfm?rep_id=114)

- having regard to the Commission communication of 22 November 2016 entitled ‘Next steps for a sustainable European future: European Action for Sustainability’ (COM(2016)0739),
  - having regard to the 7th Environment Action Programme<sup>1</sup>,
  - having regard to the 2017 UN report of the Special Rapporteur on the Right to Food drafted pursuant to UN Human Rights Council resolutions 6/2, 31/10 and 32/8<sup>2</sup>,
  - having regard to the Implementation Plan on increasing low-risk plant protection product availability and accelerating integrated pest management implementation in Member States, developed by the Expert Group on Sustainable Plant Protection and endorsed by the Council on 28 June 2016<sup>3</sup>,
  - having regard to the resolution of the French Senate of 19 May 2017 to limit the use of pesticides in the European Union<sup>4</sup>,
  - having regard to the scientific study entitled ‘More than 75 % decline over 27 years in total flying insect biomass in protected areas’ by Caspar A. Hallmann, Martin Sorg, Eelke Jongejans, Henk Siepel, Nick Hofland, Heinz Schwan et al, published on 18 October 2017<sup>5</sup>,
  - having regard to Rule 52 of its Rules for Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Agriculture and Rural Development (A8-0000/2018),
- A. whereas Directive 2009/128/EC of the European Parliament and of the Council on the sustainable use of pesticides (hereinafter ‘the directive’) provides for a range of actions to achieve a sustainable use of pesticides in the EU, by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of Integrated Pest Management (IPM) and alternative approaches or techniques, such as non-chemical alternatives to pesticides;
- B. whereas the directive is one of the Union’s most valuable tools to ensure that the environment, ecosystems and human health are well protected from hazardous substances in pesticides; whereas the failure to fully implement the directive makes it all but impossible to achieve the highest degree of protection and to transition towards a sustainable agricultural sector and non-toxic environment;

---

<sup>1</sup> OJ L 354, 28.12.2013, p. 171.

<sup>2</sup> <http://www.pan-uk.org/site/wp-content/uploads/United-Nations-Report-of-the-Special-Rapporteur-on-the-right-to-food.pdf>

<sup>3</sup> <http://data.consilium.europa.eu/doc/document/ST-10041-2016-ADD-1/en/pdf>

<sup>4</sup> <http://www.senat.fr/leg/ppr16-477.html>

<sup>5</sup> <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0185809>

## *Main conclusions*

1. Regrets the fact that the overall degree of progress in implementation by the Member States is insufficient to meet the directive's main objectives and to unlock its full potential to reduce the overall risks deriving from pesticide use and achieve the environmental and health improvements the directive was specifically designed for;
2. Emphasises that the implementation of the directive must be comprehensive and cover all the required aspects, and that the partial implementation of certain elements but not others is insufficient to realise the directive's overarching purpose of achieving the sustainable use of pesticides; underlines the fact that the implementation of IPM practices plays a particularly important role in efforts to achieve this objective;
3. Is concerned by the fact that the National Action Plans (NAPs) are notoriously inconsistent as regards the establishment of quantitative objectives, targets, measurements and timetables for the various action areas, making it impossible to assess the progress made; regrets the fact that just two Member States have produced a revised NAP to date;
4. Regrets the fact that in many Member States there is no real commitment to IPM practices, which are the cornerstone of the directive; underlines the fact that rigorous implementation of IPM is one of the key measures to reduce dependency on pesticide use in sustainable agriculture, which is environmentally friendly, economically viable and socially responsible and contributes to Europe's food security while strengthening biodiversity and human and animal health, boosting the rural economy and reducing costs for farmers by facilitating the market uptake of low-risk and non-chemical alternatives; stresses that additional financial incentives are needed to strengthen the uptake of IPM practices by individual farms;
5. Expresses concern at the fact that approximately 80 % of Member States' NAPs contain no specific information on how to quantify the achievement of many of the objectives and targets, particularly as regards targets for IPM and aquatic protection measures; stresses that this greatly complicates the process of measuring the progress made by Member States towards the main objectives and purpose of the directive;
6. Is concerned that very little progress has been made in promoting the uptake of low-risk and non-chemical alternatives to conventional pesticides; notes that a mere handful of NAPs contain incentives for the registration of such alternative products;
7. Stresses that the common agriculture policy (CAP), in its current form, is not capable of reducing farms' dependency on pesticides; considers that specific policy instruments in the post-2020 CAP are required in order to help change farmers' behaviour as regards pesticide use, such as fiscal measures at national level, cross-compliance between IPM and CAP direct payments etc.;
8. Notes that most Member States use national risk indicators to assess, either entirely or in part, the adverse impact of pesticide use; recalls that in spite of the explicit obligation laid down in Article 15 of the directive, the Commission has not yet established EU-wide harmonised risk indicators, which makes it all but impossible to compare the progress made in different Member States and across the Union as a whole;

9. Is deeply concerned at the gradual depletion of biodiversity in Europe and at the particularly disconcerting demise of winged insects, as evidenced by the findings of a recent scientific study<sup>1</sup> that the population of flying insects in Germany has plummeted by more than 75 % in 27 years; considers that this collapse must be linked to the use of pesticides and further underlines the need for Europe to switch to a more sustainable pesticide use and increase the number of non-chemical alternatives for farmers;
10. Emphasises the fundamental importance of biodiversity and robust ecosystems, most notably bees and other pollinating insects, for ensuring a healthy and sustainable agricultural sector;
11. Expresses particular concern at the continued use of pesticides with active substances that are mutagenic, carcinogenic or toxic for reproduction, or active substances that have endocrine-disrupting characteristics and are damaging to humans or animals; emphasises that the use of such pesticides is incompatible with the objectives and purpose of the directive;
12. Regrets the fact that the improvement of water quality has been insufficiently targeted, with most Member States failing to establish targets and timetables for measures to protect the aquatic environment from pesticides, and those that did so not specifying how the achievement of targets or objectives would be measured;

### ***Recommendations***

13. Calls on the Member States to complete the implementation of the directive without further delay;
14. Calls on the Member States to take a proactive role in the practical implementation of the directive in order to identify gaps and specific areas which require particular attention with respect to the protection of human health and the environment, and not to limit themselves only to the usual national transposition and control mechanisms;
15. Calls on the Member States to adhere to the established timelines for delivering revised NAPs; urges those Member States that have not yet delivered revised NAPs to do so without further delay, this time with the clear overall objective of an immediate and long-term reduction in pesticide use, expressed either through a quantity- or risk-based approach, including clearly defined annual reduction targets and with special attention for the possible effects on pollinators and the uptake of alternative techniques in the agricultural sector;
16. Calls on the Commission and the Member States to ensure better coherence of the directive and its implementation with related EU legislation and policies, most notably the provisions under the CAP and the regulation concerning the placing of plant protection products on the market;
17. Calls on the Commission and the Member States to move forward with the development of harmonised risk indicators in order to properly monitor the reduction impacts of

---

<sup>1</sup> <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0185809>

pesticides;

18. Calls on the Commission and the Member States to take all the requisite measures to promote low-risk pesticides and to prioritise non-chemical options and methods which cause the least harm to health and nature;
19. Calls on the Commission and the Member States to place greater emphasis on the promotion of the development, research and marketing of low-risk biological alternatives;
20. Calls on the Commission to carefully consider all the measures available to ensure compliance, including infringement proceedings against Member States that fail to comply with the obligation to fully implement the directive;
21. Calls on the Commission to immediately prohibit the use of pesticides with active substances that are mutagenic, carcinogenic, or toxic for reproduction, or active substances that have endocrine-disrupting characteristics and are damaging to humans or animals;
  - 
  - ◦
22. Instructs its President to forward this resolution to the Council and the Commission.