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THE EUROPEAN UNION**

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from : General Secretariat

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Subject: Proposal for a Directive establishing a framework for Community action to achieve a sustainable use of pesticides
- Political agreement

Delegations will find attached the text of the above proposal as it stands after the final examination by the Working Party ¹.

¹ Please note that the Presidency has modified some provisions in the light of the results from the meeting on 21 November.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

Establishing a framework for Community action to achieve the sustainable use of pesticides

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission^{*},

Having regard to the opinion of the European Economic and Social Committee^{**},

Having regard to the opinion of the Committee of the Regions^{***},

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

* OJ C , , p.
** OJ C , , p.
*** OJ C , , p.

Whereas:

- (1) In line with Articles 2 and 7 of Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme², a common legal framework for achieving a sustainable use of pesticides should be established.
- (1a) Currently, this Directive should apply to pesticides which are plant protection products. However, it is foreseen to extend in the future the scope of this Directive to biocidal products.
- (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 the placing on the market of plant protection products³, 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 policy⁴; Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁵, Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁶, 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/EEC⁷. These measures should also not prejudice voluntary measures in the context of Regulations for Structural Funds or according to the Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).
- (3) National Action Plans aiming at setting targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment and at encouraging the development and introduction of Integrated Pest Management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides should be used by Member States in order to facilitate the implementation of this Directive. The National Action Plans may be coordinated with implementation plans under other relevant Community legislation and could be used for grouping together objectives to be achieved under other Community legislation related to pesticides.
- (4) The exchange of information on the objectives and actions Member States lay down in their National Action Plans is a very important element for achieving the objectives of this Directive. Therefore, it is appropriate to request Member States to report regularly to the Commission and the other Member States, in particular on the implementation and results of their National Action Plans and on their experiences.

² OJ L 242, 10.9.2002, p. 1.

³ OJ L [...]

⁴ OJ L 327, 22.12.2000, p. 1. Directive as last amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).

⁵ OJ L 103, 25.4.1979, p. 1. Directive as last amended by Regulation (EC) 807/2003 (OJ L122, 6.5.2003, p. 36).

⁶ OJ L 206, 22.7.1992, p. 7. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁷ OJ L 70, 16.3.2005, p. 1. Regulation as amended by Commission Regulation (EC) No 178/2006 (OJ L 29, 2.2.2006, p. 3).

- (5) For the preparation and modification of the National Action Plans, it is appropriate to provide for the application of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC⁸.
- (6) It is essential that Member States set up systems of both initial and additional training for distributors, advisors and professional users of pesticides and certification systems to record this 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)⁹.
- (7) The sales of pesticides, including Internet sales, are an important element in the distribution chain, where specific advice on safety instructions for human health and the environment should be given to the end user at the time of sale, in particular to professional users. For non-professional users which in general do not have the same education and training recommendations should be given, in particular on safe handling and storage of pesticides as well as on disposal of the packaging.
- (8) Considering the possible risks from the use of pesticides, the general public should be better informed on the overall impacts of the use of pesticides through awareness-raising campaigns, information passed on through retailers and other appropriate measures.
- (9) To the extent that the handling and application of pesticides requires the setting of minimum health and safety requirements at the workplace, covering the risks arising from exposure of workers to such products, as well as general and specific preventive measures to reduce those risks, those measures are covered by Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work¹⁰ and Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to their exposure to carcinogens or mutagens at work¹¹.
- (10) 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)¹² will provide when amended for rules on the placing on the market of pesticide application equipment ensuring that environment requirements are met, it is appropriate, in order to minimise 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. Member States shall describe how they will ensure the implementation of those requirements in their National Action Plans.

⁸ OJ L 156, 25.6.2003, p. 17.

⁹ OJ L 277, 21.10.2005, p. 1.

¹⁰ OJ L 131, 5.5.1998, p. 11. Directive as amended by the 2003 Act of Accession.

¹¹ OJ L 158, 30.4.2004, p. 50.

¹² OJ L 157, 9.6.2006, p. 24.

- (11) 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 prohibited with derogation possible where it represents clear advantages in terms of reduced impacts on human health and the environment in comparison with other spraying methods, or where there are no viable alternatives.
- (12) 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 and safeguard zones or planting hedges along surface waters to reduce exposure of water bodies to spray drift, drain flow and run-off. The dimensions of buffer zones should depend in particular on soil characteristics, pesticide properties, 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 the pesticide use should, therefore, be reduced as far as possible, or eliminated, if appropriate.
- (13) 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 prohibited, restricted or the risks arising from such use minimised.
- (14) Handling of pesticides, including storage, diluting and mixing the pesticides and cleaning of application equipment after use, and recovery and disposal of tank mixtures, empty packaging and remnants of pesticides are particularly prone to unwanted exposure of humans and the environment. Therefore, it is appropriate to provide for specific measures addressing those activities as a complement to the measures provided for under Articles 4 and 8 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste¹³, and Articles 2 and 5 of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste¹⁴. Measures should also encompass non-professional users, since inappropriate handling is very likely to occur in this group of users due to the lack of knowledge.
- (15) The application of general principles and crop and sector specific guidelines 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 and the dependency on the use of pesticides. Member States should promote low pesticide-input pest management, in particular Integrated Pest Management, and establish necessary conditions and measures for its implementation.

¹³ OJ L 114, 27.4.2006, p. 9.

¹⁴ OJ L 377, 31.12.1991, p. 20. Directive as last amended by Regulation (EC) No 166/2006 of the European Parliament and of the Council (OJ L 33, 4.2.2006, p. 1).

- (16) Whereas, on the basis of the Regulation on placing plant protection products on the market and Article 13.4 of this Framework Directive, implementation of the principles of Integrated Pest Management is obligatory and whereas the subsidiarity principle applies to the way the principles for Integrated Pest Management are implemented, Member States shall describe how they ensure the implementation of the principles of Integrated Pest Management in their National Action Plan.
- (17) 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. Statistical data collected in accordance with Regulation (EC) No. [STAT] shall be used. In addition to harmonised common indicators, Member States should be entitled to use their national indicators.
- (18) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that the provisions are implemented. The penalties should be effective, proportionate and dissuasive.
- (19) Since the objectives of this Directive, namely to protect human health and the environment from the possible risks associated with the use of pesticides, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, by reason of scale and effects of the action, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (20) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this seeks to promote the integration into Community policies of a high level of environmental protection in accordance with the principle of sustainable development as laid down in Article 37 of the Charter of Fundamental Rights of the European Union.
- (21) The Commission should be empowered to establish and update the Annexes to this Directive. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of the Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁴.
- (22) In accordance with paragraph 34 of the Interinstitutional agreement on better law-making, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and the transposition measures and to make them public.

HAVE ADOPTED THIS DIRECTIVE:

Chapter I

General Provisions

Article 1

Subject matter

This Directive establishes a framework to achieve a more sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of integrated pest management and of alternative approaches or techniques.

Article 2

Scope

1. This Directive shall apply to pesticides that are plant protection products as defined in Article 3(i) paragraph (1).
2. This Directive shall apply without prejudice to any other relevant Community legislation.

Article 3

Definitions

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

- (a) "professional user" means any person who uses pesticides in the course of their professional activities, including operators, technicians, employers and self-employed people, both in the farming and other sectors.
- (b) "distributor" means any natural or legal person who makes a pesticide available on the market, including wholesalers, retailers, vendors and suppliers.
- (c) "advisor" means any person who advises on pest management and pesticide safe use, in the frame of a professional capacity or commercial service, including private self-employed and public advisory services, commercial agents, food producers and retailers where applicable.

- (d) "pesticide application equipment" means any apparatus specifically intended for the application of pesticides, including accessories that are essential for the effective operation of such equipment, such as nozzles, manometers, filters, strainers and cleaning devices for tanks.
- (e) "aerial spraying" means application of pesticides from an aircraft (plane or helicopter).
- (f) "integrated pest management" means careful consideration of all available plant protection methods and subsequent integration of appropriate measures that discourage the development of the populations of harmful organisms and keep the use of plant protection products and other forms of intervention to levels that are economically and ecologically justified and reduce or minimise risks to human health and the environment. Integrated Pest Management emphasises the growth of a healthy crop with the least possible disruption to agro ecosystems and encourages natural pest control mechanisms.
- (g) "risk indicator" means the result of a method of calculation that is used to evaluate risks of pesticides on human health and/or the environment.
- (h) the terms "surface water" and "groundwater" have the same meaning as in Directive 2000/60/EC.
- (i) "pesticide" means:
- 1) plant protection product as defined in the Regulation (EC) No ... concerning the placing on the market of plant protection products;
 - 2) biocidal product as defined in the Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products.

Article 4
National Action Plans

1. Member States shall adopt National Action Plans to set up targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides.

When drawing up and revising their National Action Plans, Member States shall take account of the social, economic, environmental and health impacts of the measures envisaged. Member States shall describe in their National Action Plans how they implement measures arising from Articles 5 to 14 in order to achieve the objectives referred to in the first paragraph of this Article.

2. Within three years of the entry into force of this Directive, Member States shall communicate their National Action Plans to the Commission and to other Member States.

National Action Plans shall be reviewed at least every five years and any substantial changes to National Action Plans shall be reported to the Commission without undue delay.

3. Where relevant, the Commission shall make information communicated in accordance with paragraph 2 available on the Internet.
4. The provisions on public participation laid down in Article 2 of Directive 2003/35/EC shall apply to the preparation and the modification of the National Action Plans.

Chapter II

Training, Sales of pesticides, Information and Awareness-raising

Article 5

Training

1. Member States shall ensure that all professional users, distributors and advisors have access to appropriate training. This shall consist of both initial and additional training to acquire and to update knowledge as appropriate.

The training shall be designed to ensure that such users, distributors and advisors acquire sufficient knowledge on the subjects listed in Annex I, taking account of their different roles and responsibilities.

2. Within two years from the date referred to in Article 20(1), Member States shall establish certificate systems and designate the Competent Authorities responsible for their implementation. These certificates shall, as a minimum, provide evidence of sufficient knowledge of the subjects listed in Annex I acquired by professional users, distributors and advisors either by undergoing training or by other means.

Certificate systems shall include requirements and procedures for the granting, maintenance and withdrawal of certificates.

3. Annex I shall take account of the scientific and technical progress in accordance with the procedure referred to in Article 18(2).

Article 6
Requirements for sales of pesticides

1. Member States shall ensure that at least those distributors selling pesticides to professional users have sufficient staff in their employment holding a certificate referred to in Article 5(2). Such persons shall be available at the time of sale to provide adequate information to customers as regards pesticide use and human health and environmental safety instructions on the products in question.
2. Member States shall take necessary measures to restrict sales of pesticides authorised for professional use to persons holding a certificate referred to in Article 5(2).
3. Member States shall require distributors selling pesticides to non-professional users to provide general information regarding the risks of pesticide use, in particular on hazards, exposure, proper storage, handling, application and safe disposal in accordance with Community legislation on waste, as well as regarding low-risk alternatives. Member States may require pesticide producers to provide such information.
4. The measures provided for in paragraphs 1 and 2 shall be established within four years of the date referred to in Article 20(1).

Article 7
Information and awareness-raising

Member States shall take measures to inform the general public and to promote and facilitate awareness-raising and the availability of accurate and balanced information relating to pesticides for the general public, in particular regarding the risks for human health, non target organisms and the environment and the use of non-chemical alternatives.

Chapter III

Pesticide application equipment

Article 8

Inspection of equipment in use

1. Member States shall ensure that pesticide application equipment in professional use shall be subject to inspections at regular intervals. The interval between inspections shall not exceed five years until 2020 and shall not exceed three years thereafter.
2. Within five years from the date referred to in Article 20(1), Member States shall ensure that an inspection of the application equipment has been conducted at least once. After this period only pesticide application equipment having successfully passed inspection shall be in professional use.

New equipment shall be inspected at least once within a period of 5 years after purchase.

3. By way of derogation from paragraphs 1 and 2 of this Article and, following a risk assessment for human health and the environment including an assessment of the scale of the use of the equipment, Member States may:
 - a) apply different timetables and inspection intervals to pesticide application equipment not used for spraying pesticides and to handheld pesticide application equipment or knapsack sprayers; or
 - b) exempt from inspection handheld pesticide application equipment or knapsack sprayers.
4. The inspections shall verify that pesticide application equipments satisfy the relevant requirements listed in Annex II, in order to achieve a high level of safety for human health and the environment.

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

5. Professional users shall conduct regular calibrations and technical checks of the application equipment according to the appropriate training received as provided for in Article 5.
6. Member States shall designate bodies responsible for implementing the inspection systems and inform the Commission thereof.

Each Member State shall establish certificate systems designed to allow the verification of inspections and recognize the certificates granted in other Member States following the requirements referred to in paragraph 4 and where the time period since the last inspection carried out in another Member State is equal to or shorter than the inspection interval applicable in its own territory.

Member States shall endeavour to recognize the certificates issued in other Member States provided that the inspection intervals of paragraph 1 are complied with.

7. Annex II shall take account of the scientific and technical progress in accordance with the procedure referred to in Article 18(2).

Chapter IV

Specific Practices and Uses

Article 9

Aerial spraying

1. Member States shall ensure that aerial spraying is prohibited.
2. By way of derogation from paragraph 1 aerial spraying may only be allowed in special cases provided the following conditions are met:
 - 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 approved for aerial spraying by the Member State following a specific assessment addressing risks from aerial spraying.
 - c) The operator carrying out the aerial spraying must hold a certificate as referred to in Article 5(2). During the transitional period where certificate systems are not yet in place, Member States may accept other proof of competence.
 - d) The enterprise responsible for providing aerial spray applications shall be certified by a competent authority for authorising equipments and aircrafts for aerial application of pesticides.
3. Member States shall designate the authorities competent for establishing the specific conditions by which aerial spraying may be carried out and make public crops, areas, circumstances and particular requirements for application including weather conditions where aerial spraying may be allowed.

The competent authorities shall specify the measures necessary for warning residents, bystanders and to protect the environment in the vicinity of the area sprayed.

4. A professional user wishing to apply pesticides by aerial spraying shall submit a request in due time to the competent authority to apply pesticides by aerial spraying accompanied by evidence to show that the conditions referred to in paragraphs 2 and 3 are fulfilled. Member States may provide that requests for which no answer was received on the decision taken within the time period laid down by the competent authorities shall be deemed to be approved.
5. Member States shall ensure that conditions referred to in paragraphs 2 and 3 are met by conducting appropriate monitoring.
6. The competent authorities shall keep records of the requests submitted under paragraph 4.

Article 10

Specific measures to protect the aquatic environment and drinking water

1. Member States shall ensure that appropriate measures to protect the aquatic environment and drinking water supplies from the impact of pesticides are adopted. These measures shall support and be compatible with relevant provisions of Directive 2000/60/EC and according to the provisions of Regulation (EC) no [...] on the placing on the market of plant protection products.

2. The measures provided in paragraph 1 of this Article shall include:
 - a) Giving preference to pesticides that are not classified as dangerous for the aquatic environment pursuant to Directive 1999/45/EC nor containing priority hazardous substances as set in Article 16(2) of Directive 2000/60/CE;

 - b) Giving preference to the most efficient application techniques such as the use of low-drift application equipment especially in vertical crops such as orchards, vineyards and hops;

 - c) Use of mitigation measures which minimise the risk of off-site pollution caused by spray drift, drain-flow and run-off. These shall include when necessary the establishment of appropriately-sized buffer zones for the protection of non-target aquatic organisms and safeguard zones for surface and ground waters used for the abstraction of drinking water, where pesticides must not be used or stored;

 - d) Reducing as far as possible or if appropriate eliminating applications on or along roads, railway lines, very permeable surfaces or other infrastructure close to surface water or groundwater or on sealed surfaces with a high risk of run-off into surface water or sewage systems.

Article 11

Reduction of pesticide use or risks in specific areas

Member States shall, having due regard to necessary hygiene, public safety requirements and biodiversity, or the results of relevant risk assessments, ensure that the use of pesticides is prohibited, restricted or the risks arising from such use minimised, in:

- 1) areas used by the general public or by vulnerable populations, such as parks, public gardens, sports grounds, school grounds and playgrounds;
- 2) protected areas as defined in Directive 2000/60/EC or other areas identified for the purposes of establishing the necessary conservation measures in accordance with the provisions of Directive 79/409/EEC and Directive 92/43/EEC;
- 3) recently treated areas used by or accessible to agricultural workers.

Article 12

Handling and storage of pesticides and treatment of their packaging and remnants

1. Member States shall adopt the necessary measures to ensure that the following operations by professional users and where applicable by distributors 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) disposal of tank mixtures remaining after application;
 - (d) cleaning of the equipment used after application;
 - (e) recovery or disposal of pesticide remnants and their packaging in accordance with Community legislation on waste.
2. Member States shall take all necessary measures regarding pesticides authorised for non-professional users to avoid dangerous handling operations. These measures may include use of pesticides of low toxicity, ready to use formulations and limits on sizes of containers or packaging.
3. Member States shall ensure that storage areas for pesticides for professional use shall be constructed in such a way as to prevent unwanted releases. Particular attention should be paid to location, size and construction materials.

Article 13

Integrated Pest Management

1. Member States shall take appropriate measures to promote low pesticide-input pest management, giving priority wherever possible to non-chemical methods and otherwise to practices and products with the lowest risk to human health and the environment among those available for the same pest problem. Low pesticide-input pest management includes Integrated Pest Management as well as organic farming according to Council Regulation (EC) No 834/2007 on organic production of agricultural products.
2. Member States shall establish or support the establishment of necessary conditions for the implementation of Integrated Pest Management. In particular, they shall ensure that professional users have at their disposal information, tools for pest monitoring and decision making, as well as advisory services on integrated pest management.
3. By 30 June 2013, Member States shall report to the Commission on the implementation of paragraphs 1 and 2 and, in particular, whether the necessary conditions for implementation of integrated pest management are in place.
4. Member States shall describe in their National Action Plan referred to in Article 4 how they ensure that the general principles of Integrated Pest Management as set out in Annex III will be implemented by all professional pesticide users at the latest by 1 January 2014.

Annex III shall take account of the scientific and technical progress and be amended in accordance with the procedure referred to in Article 18(2).

5. Member States shall establish appropriate incentives to encourage professional users to implement crop or sector specific guidelines for integrated pest management on a voluntary basis. Public services and/or organisations representing particular professional users may draw up such guidelines. Member States shall refer to those guidelines that they consider pertinent and appropriate in their National Action Plans drawn up in accordance with Article 4.

Chapter V

Indicators, Reporting and Information Exchange

Article 14

Indicators

1. Harmonised risk indicators as referred to in Annex IV shall be established. However, Member States may continue to use existing national indicators or adopt other appropriate indicators in addition to the harmonised ones.

Annex IV shall take into account the scientific and technical progress and be amended in accordance to the procedure referred to in Article 18(2).

2. Member States shall
 - (a) calculate harmonised risk indicators as referred to in paragraph 1 by using statistical data collected in accordance with Regulation (EC) No. [ESTAT] together with other relevant data;
 - (b) identify trends in the use of certain active substances;
 - (c) identify priority items, like active substances, crops, regions or practices, that require particular attention or good practices that can be set as examples in order to achieve the objectives of this Directive to reduce the risks and impacts of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides.
3. Member States shall communicate the results of the evaluations carried out pursuant to paragraph 2 to the Commission and to other Member States.
4. The Commission shall calculate risk indicators at Community level by using statistical data collected in accordance with Regulation (EC) No [ESTAT] and other relevant data, in order to estimate trends in risks from pesticide use.

The Commission shall also use this data and information to assess progress achieving the objectives of other Community policies aimed at reducing the impact of pesticides on human health and on the environment.

Article 15

Reporting

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

Chapter VI

Final provisions

Article 16

Penalties

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

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

Article 16a

Fees and Charges

1. Member States may recover the costs associated with any work arising from obligations under this Directive by means of a fee or charge.
2. Member States shall ensure that the fee or charge referred to in paragraph 1 is established in a transparent manner and corresponds to the actual cost of the work involved.

Article 17

Standardisation

1. The standards referred to in Article 8(4) of this Directive shall be established in accordance with the procedure provided for in Article 6(3) of Directive 98/34/EC.

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

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

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

Article 18
Committees

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002*.
2. Where reference is made to this paragraph, Articles 5a (1) to 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 19
Expenditure

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

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

Article 20
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...* at the latest.

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.

* OJ L 31, 1.2.2002, p. 1.

* Two years after entry into force of this Directive.

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

Article 21

Entry into force

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

Article 22

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

ANNEX I

Training subjects referred to in Article 5

1. All relevant legislation regarding pesticides and their use.
2. The hazards and risks associated with pesticides, and how to identify and control them, in particular:
 - (a) risks to humans (operators, residents, bystanders, people entering treated areas and those handling or eating treated items) and how factors such as smoking exacerbate these risks;
 - (b) symptoms of pesticide poisoning and first aid measures;
 - (c) risks to non target plants, beneficial insects, wildlife, biodiversity and the environment in general.
3. Notions on integrated pest management strategies and techniques, integrated crop management strategies and techniques, organic farming principles, information on the general principles and crop or sector-specific guidelines for integrated pest management.
4. Initiation to comparative assessment at user level to help professional users make the most appropriate choices on pesticides with the least side effects on human health, non-target organisms and the environment among all authorised products for a given pest problem, in a given situation.
5. Measures to minimise risks to humans, non target organisms and the environment: safe working practices for storing, handling and mixing pesticides, and disposing of empty packaging, other contaminated materials and surplus pesticides (including tank mixes), whether in concentrate or dilute form; recommended way to control operator exposure (personal protection equipment).

6. Procedures for preparing application equipment for work, including its calibration, and for its operation with minimum risks to the user, other humans, non-target animal and plant species, biodiversity and the environment.
 7. Use of application equipment and its maintenance, and specific spraying techniques (e.g., low-volume spraying, low-drift nozzles), as well as the objectives of the technical check of sprayers in use and ways to improve spray quality.
 8. Emergency action to protect human health and the environment in case of accidental spillage and contamination.
 9. Health monitoring and access facilities to report on any incidents or unease.
 10. Record keeping of any use of pesticides, in accordance with the relevant legislation.
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ANNEX II

Health and safety and environmental requirements relating to the inspection of pesticide application equipment

The inspection of pesticide application equipment shall cover all aspects important to achieve a high level of safety and protection of human health and the environment. Full effectiveness of the application operation should be ensured by proper performance of devices and functions of the equipment to guarantee the following objectives are met.

The pesticide application equipment must function reliably and be used properly to its intended purpose ensuring that pesticides can be accurately dosed and distributed. The equipment should be in such a condition as to be filled and emptied safely, easily and completely and prevent leakage of pesticides. It shall also permit easy and thorough cleaning. It must also ensure safe operations, and be controlled and immediately stopped from the operator's seat. Where necessary, adjustments should be simple, accurate and reproducible.

Particular attention should be made to:

(1) Power transmission parts

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

(2) Pump

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

(3) Agitation

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

(4) Spray liquid tank

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

(5) Measuring systems, control and regulation systems

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

(6) Pipes and hoses

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

(7) Filtering

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

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

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

(9) Nozzles

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

(10) Distribution

The transverse and vertical (in case of applications in vertical crops) distribution of the spray mixture in the target area must be even, where relevant.

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

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



ANNEX III

General principles of Integrated Pest Management

- (1) The prevention and/or suppression of harmful organisms should be achieved or supported among other options especially by:
 - crop rotation;
 - use of adequate cultivation techniques (e.g., stale seedbed technique, sowing dates and densities, under-sowing, conservation tillage, pruning and direct sowing);
 - use, where appropriate, of resistant/tolerant cultivars and standard/certified seed and planting material;
 - use of balanced fertilisation, liming and irrigation/drainage practices;
 - preventing the spreading of harmful organisms by hygiene measures (e.g., by regular cleansing of machinery and equipment);
 - protection and enhancement of important beneficial organisms, e.g. by adequate plant protection measures or the utilisation of ecological infrastructures inside and outside production sites.
- (2) Harmful organisms must be monitored with adequate methods and tools, where available. Such adequate tools should include observations in the field as well as scientifically sound warning, forecasting and early diagnosis systems, where feasible, as well as the use of advice from professionally qualified advisers.
- (3) 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, specific areas, crops and particular climatic conditions must be taken into account before treatments, where feasible.
- (4) Biological, physical and other non-chemical methods must be preferred to chemical methods if they provide satisfactory pest control.
- (5) The pesticides applied shall be as specific as possible for the target and shall have the least side effects on human health, non target organisms and the environment.

- (6) The professional user should keep the use of pesticides and other forms of intervention to levels that are necessary, e.g. by reduced doses, reduced application frequency or partial applications, considering that the level of risk in vegetation is acceptable and they do not increase the risk for development of resistance in populations of harmful organisms.
 - (7) Where the risk of resistance against a plant protection measure is known and where the level of harmful organisms requires repeated application of pesticides to the crops, available anti-resistance strategies should be applied to maintain the effectiveness of the products. This may include the use of multiple pesticides with different modes of action.
 - (8) Based on the records on the use of pesticides and on the monitoring of harmful organisms the professional user should check the success of the applied plant protection measures.
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ANNEX IV

Harmonised risk indicators
