

Pesticides package

First analysis of the outcome of the EP Plenary vote in Strasbourg on 13 January 2009

Sustainable Use Framework Directive

1. On National Action Plans-Quantitative targets-article 4:

- Member States to set up quantitative targets within their national action plans (NAP)
- those targets may cover different areas of concern for example workers' protection, protection of the environment, residues, use of specific techniques or use in specific crops.
- NAP to include indicators to monitor the use of PPP of particular concern, with attention to PPP containing active substances not fulfilling the criteria of Annex II para 3.6-3.8 of the Regulation replacing Directive 91/414
- On basis of indicators and taking into account of risk or use reduction targets already achieved nationally, Member States to establish use reduction targets-as an appropriate means to achieve risk reduction
- NAP to take into account other Community legislation (such as water framework directive) as well as specific, national, regional and local conditions and all relevant stakeholders groups
- Member States to communicate their NAPs to Commission and other MS by 3 years after the entry into force of the Directive

What has been achieved for the farmers and cooperatives:

- No target/percentage of use reduction (e.g. 50%)
- No definition of use reduction
- Neither deadline year nor baseline year
- No application frequency
- No annex establishing minimum elements in the NAP for use reduction (with enclosed elements such as 30% to 50% use reduction targets)
- Subsidiarity as regards the national quantitative targets, the definition of national indicators, taking into account the own national situation
- Subsidiarity as regards the PPP to be covered by the NAP

2. On Reduction of pesticide use or risks in specific areas- public areas-article 11:

- **Minimization OR prohibition of PPP use**
- **Risk management** to be done
- **Low risk PPP** to be firstly considered
- **Definition of specific areas as:**
 - **Areas used by the general public or vulnerable groups** (as defined in article 3 Regulation i.e. *Persons needing specific consideration when assessing the acute and chronic health effects of plant protection products. These include pregnant and nursing women, unborns, infants and children, the elderly and workers and residents subject to high pesticide exposure over the long term*)
 - **Protected areas under the Water Framework Directive Or under NATURA 2000** (birds and habitat directives)
 - **Recently treated areas** used/accessible to agricultural workers

What has been achieved for the farmers and cooperatives:

- Possibility to link measures to risk assessment
- No complete prohibition of use in specific areas
- No no-spray zones around public areas
- No inclusion of residential areas within the scope of public areas
- Subsidiarity as regards minimization or prohibition

3. On IPM-article 13:

- MS to take all necessary measures to promote low pesticide-input pest management
- **Wherever possible** priority to non-chemical methods
- **IPM to be implemented in ALL MS by 01/01/2014**
- MS to establish **incentives** for professional users to encourage IPM implementation

What has been achieved for the farmers and cooperatives:

- No obligatory crop specific standards
- No annex introducing detailed elements for general and crop specific IPM criteria
- No direct link between the use of economic instruments and the promotion of low pesticide input
- Positive consideration has been given to non-chemical methods

4. On Taxes:

In RECITALS ONLY: “SUBSIDIARITY” as regards use of economic instruments to achieve sustainable use of pesticides

What has been achieved for the farmers and cooperatives:

- No subsidy or fiscal measure to encourage use of less dangerous products
- No obligatory pesticide levy to reduce the use of pesticides
- No financing NAPs by PPP taxes/levies
- No economic measures to promote low-pesticide input farming, IPM, organic
- No mention of : “Commission to put forward a proposal for a Community level pesticide tax/levy system”

5. Other aspects:

a) On buffer zones-article 10

- No fixed-size buffer zone (e.g. 10 metres)
- No pesticide-free zones covering the entire MS
- as regards the establishment of appropriately-sized buffer zones

b) On warning of neighbours-article 9a

- MS may include provisions in NAP on informing persons who could be exposed to spray drift
- Subsidiarity as regards possibility to include these or not
- No general obligation from MS/farmers to inform neighbours on the spray of pesticides

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Regulation on the placing on the market of PPP (revision of 91/414)

Some positive points have been achieved, particularly in comparison to the previous steps within the European Parliament and in particular on:

- the rejection of ALL additional cut-offs proposed by the European Parliament and the adoption of a risk assessment based cut-off on bees
- the maintenance of a derogation clause to some of the cut-off criteria in article 4 (7) (serious danger to plant health)
- the rejection of the substance of the “pesticide passport”- no obligation anymore for PPP users to provide direct info to retailers
- the evaluation of the creation of a fund for minor crops
- for Endocrine Disruptors: the Commission shall present a proposal for the definition of ED within 4 years after entry into force of the new Regulation

1. On minor uses-article 51 and Annex IV

- MS are to facilitate the process for the extension of the authorisation if on minor uses
- Commission is to present a report on the establishment of a European fund for minor uses
- accompanied by appropriate legislative proposals
- In Annex IV-comparative assessment to take into account minor uses

What has been achieved for the farmers and cooperatives:

- More favourable provisions to support minor uses

2. On approval criteria for active substances-article 4

- **Principle:** Assessment of active substances according to Annex II (paragraph 1 of article 4)-in particular paragraphs 2 and 3-and meeting the requirements for both residue of PPP (paragraph 2 of article 4) and PPP (paragraph 3 of article 4)
- **Derogation:** possibility to authorise active substance not meeting criteria of Annex II 3.6.3, 3.6.4, 3.6.5 or 3.8.2 But :
 - are necessary to control a serious danger to plant health not contained by other means
 - for limited period necessary to control that serious danger-not exceeding 5 years
 - not applicable for active substances classified as carcinogenic category 1, carcinogenic category 2 without threshold or toxic for reproduction category 1
 - only if PPP is necessary to control serious danger to plant health within MS territory
 - in parallel, MS to elaborate phasing out plan on how to control the serious danger by other means

What has been achieved :

- Criteria for approval are more based on risk assessment
- No deletion of the derogation to cut-off criteria
- Maintenance of a reasonable process and scope of the substances to be covered by a derogation-applicable to ED substances
- No establishment of pesticide-free zones-which may cover the entire MS territory (article 1)
- No automatic inclusion in the definition of “substance of concern” of *Any substance that has or potentially has either carcinogenic, mutagenic, endocrine disrupting, neurotoxic, immunotoxic, reprotoxic or genotoxic capabilities*
- No automatic taking account of cumulative and synergistic effects and all relevant exposure routes to organisms in the environment, while assessing the environment effect
- No link between the authorization of a PPP and the compliance with National Action Plan under the Sustainable Use Framework Directive
- No deadline to establish the phasing out plan of the derogation (e.g. 2 years)

3. On cut-off criteria-Annex II-in particular point 3

Active substance to be approved only if the following cut-offs are not met, i.e. if the substance is:

- No mutagen category 1 and 2 unless exposure negligible -Annex 2 paragraph 3.6.2.
- No carcinogen category 1 or 2 unless exposure negligible - Annex 2 paragraph 3.6.3.
- No toxic for reproduction 1 or 2 unless exposure negligible - Annex 2 paragraph 3.6.4.
- No endocrine disrupting properties unless exposure negligible-Annex 2 paragraph 3.6.5.
- No persistent organic pollutant (POP) according to the Stockholm convention- Annex 2 paragraph 3.7.1.
- No persistent, bio accumulative and toxic (PBT)- Annex 2 paragraph 3.7.2.
- negligible exposure of honeybees-based on risk assessment – Annex II point 3.8.2a

What has been achieved for the farmers and cooperatives:

- No new cut-off introduced by the European Parliament(1 POP, neurotoxicity, immunotoxicity, bee toxicity hazard quotient >50, Priority Hazardous Substances under Water Framework Directive)
- Workable reasonable cut-off on bees-risk assessment based

4. On substitution-article 50

- Comparative assessment if substance approved as candidate for substitution
- Candidates for substitution shall be approved for max 7 years, renewable
- MS shall not authorise or shall restrict the use of PPP for use in a given crop
- Derogation from comparative assessment if to acquire experience before using product in practice or if non-chemical control or prevention existing

What has been achieved for the farmers and cooperatives:

- Application of comparative assessment to all active substances (even to substances not candidates for substitution) has been avoided
- Approval of candidates for substitution once for a period of max 5 years has been avoided

5. On transparency-article 67

- For producers, suppliers, distributors and exporters of PPP: Record keeping for at least 5 years
- For professional users of PPP: Record keeping of PPP used for at least 3 years
- Competent national authorities to provide access
- Commission report on cost-benefit of traceability of information from users to retailers accompanied by appropriate legislative proposals if necessary

What has been achieved for the farmers and cooperatives:

- No need to keep records 10 years
- No general obligation from users of PPP to provide direct information to neighbours, residents or retailers-ONLY competent authority to provide such info
- No obligation to provide information on all applications of PPP to retailers and wholesalers

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