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## **REPORT**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1) / Council
No. prev. doc.:	8395/2/23 REV 2 9063/23
No. Cion doc.:	10654/22
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 - progress report - exchange of views

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### **I. INTRODUCTION**

1. On 22 June 2022, the Commission submitted a proposal for a Regulation of the European Parliament and of the Council on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115<sup>1</sup>.

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<sup>1</sup> 10654/22 +ADD 1-6

2. The proposal is intended to replace the current legislation (Directive 2009/128/EC) with a regulation, in order to harmonise national policies on pesticide use and to better align with the objectives of the relevant EU flagship initiatives under the European Green Deal (such as the Farm to Fork and Biodiversity Strategies) and of the EU Chemicals Strategy and Zero Pollution Action Plan. The proposal is a response to the Commission’s commitment to reduce the overall use and risk of chemical pesticides in the EU by 50% and the use of more hazardous pesticides by 50% by 2030 as outlined in the Farm to Fork (F2F) and Biodiversity strategies. It also aims to provide a proportionate, realistic yet ambitious approach to addressing growing societal concerns around pesticides.

## **II. STATE OF PLAY IN THE COUNCIL**

3. The Commission presented the proposal and its impact assessment to the Working Party on Plants and Plant Health Questions (hereinafter ‘The Working Party’) on 13 July 2022, which was followed by a presentation in the AGRIFISH Council on 18 July 2022. The examination and detailed discussions of the articles of the proposal pursued during the Czech Presidency, were summarized in a progress report<sup>2</sup> presented by the latter at the 12 December 2022 AGRIFISH Council.
4. On 19 December 2022, the Council adopted a Council Decision requesting the Commission to prepare a study complementing the existing impact assessment of the proposal<sup>3</sup>. On 22 March 2023, the Commission sent a letter<sup>4</sup> to the Swedish Presidency, replying to the Council’s request under Article 241 TFEU by way of the above Council Decision. The letter stated that *“the Commission will in the spirit of sincere cooperation and on an exceptional basis, be providing additional input, as requested by the Council, on the basis of available evidence and data as soon as it becomes available in the course of spring 2023”*.

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<sup>2</sup> 15774/22

<sup>3</sup> [EUR-Lex - 32022D2572 - EN - EUR-Lex \(europa.eu\)](#)

<sup>4</sup> 7775/23

5. Since January 2023, the Swedish Presidency has continued the discussions on the proposal in the Working Party. This was in line with the wish expressed by the majority of Ministers at the AGRIFISH Council in December to continue with the examination of various technical aspects of the proposal without undue delays. A total of seven Working Party meetings (of which one in February was a two-day meeting) have been devoted to the proposal. The meeting on 28 March 2023 was the only one organised as an informal videoconference of the members of the Working Party and it marked the end of the first examination and discussion of the entire proposal (with the exception of Articles 34-36). The Working Party meetings in April, May and June were dedicated to the discussion of Presidency compromise texts on Chapter IV and on Articles 20-28, respectively (together with their related recitals and Annex III).
6. For the above meetings, the Presidency prepared three steering notes<sup>5</sup> containing explanations for the changes proposed by the Presidency compared to the Commission proposal and invited Member States to provide comments and contributions on the topics addressed.

### **III. MAIN ISSUES AND PROGRESS ACHIEVED**

7. One of the key issues highlighted by a majority of delegations regarding **Integrated Pest Management - IPM (Chapter IV)** was the **obligation** contained in the Commission proposal for the Member States **to adopt legally binding crop-specific rules** for the implementation of IPM. Those delegations questioned this proposal on the argument that IPM requires flexibility by its nature, since it needs to be adapted to different crops and to different situations, while avoiding the long legislative process required by compulsory rules, with their inherent extra administrative burden.

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<sup>5</sup> WK 5151/2023, WK 5988/2023 and WK 7079/2023

8. On the other hand, a few other delegations indicated that they could agree to mandatory crop-specific rules. Furthermore, some delegations pointed out that they already had national systems with legally binding (or partly legally binding) crop or sector specific recommendations, guidelines and/or rules which they would like to maintain.
9. In response to the above positions, the Presidency proposes to allow the Member States the flexibility to adopt either crop/sector specific guidelines, or crop/sector specific legally binding rules. This option would give the Member States the possibility to keep their national binding rules that they already have, or to adopt such new rules on a voluntary basis. These crop or sector-specific rules would need not cover all the issues that are currently covered in the existing crop-specific guidelines foreseen by SUD. Instead, a Member State could choose to turn only certain aspects of those guidelines into rules, while the others could remain as guidelines. The obligation to notify the Commission 9 months prior to the adoption of the crop or sector-specific rules would remain as foreseen by the Commission proposal but, should the Commission object to them, the Member State in question would either amend the text of the rules, or provide justification for not taking the Commission's objections into account. Furthermore, the Presidency proposes that Member States would have to adopt crop or sector-specific guidelines for at least 75 % of the utilised agricultural area (excluding kitchen garden), as compared to the Commission proposal which foresees that Member States would have to adopt crop-specific rules for 90 % of the same area.
10. In addition, the Presidency compromise text clarifies that professional users need to apply the general principles of integrated pest management in accordance with Article 13. In case a professional user is complying with the relevant crop or sector-specific guidelines, then that professional user is deemed to have applied the general principles of integrated pest management set out in Article 13 in relation to the relevant crop or sector. Furthermore, professional uses will have to apply crop or sector-specific rules if such rules have been adopted by the Member State in which they operate.

11. Several delegations had also pointed out that Chapter IV only mentions the prevention and control of “*harmful organisms*”, and not the whole scope of uses foreseen by Article 2(1) of Regulation (EC) 1107/2009. Therefore, in order to clarify that IPM covers the sustainable use of *all* types of plant production products covered by Regulation (EC) 1107/2009, the Presidency proposes to specify that professional users must apply the general principles of integrated pest management specified in Article 13 when undertaking any plant protection aims as specified in Article 2(1) of Regulation (EC) No 1107/2009.
12. According to Article 67 of Regulation (EC) 1107/2009, professional users have the obligation to keep records of their use of plant protection products for 3 years. Several delegations suggested to align the duration of keeping data in the IPM register with the period set out in Article 67 of Regulation (EC) 1107/2009. However, unlike Article 67 of Regulation (EC) 1107/2009, Article 16 of the SUR proposal foresees that the data must be maintained in the IPM register by the competent authority responsible for the IPM register, for whom a longer period of time would be more useful in order to be able to see trends over time. Therefore, the Presidency compromise text proposes that the period for keeping the data in the IPM register by the competent authorities should be 10 years.
13. In Articles 20 and 21, the Presidency compromise text proposes to clarify the conditions necessary for the **aerial application of PPPs**. In Article 24, the **requirements for the sale of PPPs** have also been clarified for
  1. professional users - or their representatives - who need to hold a valid training certificate as precondition for purchasing PPPs, and
  2. non-professional users (including for online sales) – whom distributors have the obligation to inform about the proper use of PPPs in accordance with Article 55 of Regulation (EC) No 1107/2009.

14. Regarding **Training, Information and Awareness Raising (Chapter VII)**, the Presidency compromise text proposes to include a new definition for '*training certificate*', clarifying that this could either be a certificate of training, or a proof of entry in a central electronic register. The text also clarifies that it is up to the Member States to decide which system(s) they want to record and to provide as proof of training. Furthermore, the text clarifies that, in order to get a training certificate, it is necessary to demonstrate relevant knowledge by passing an exam or a test. Another Presidency proposal - in line with comments from several delegations - is that a training certificate will be valid for a maximum of 5 years (compared to the 10 years foreseen by the Commission proposal for a distributor or professional user, and 5 years for an advisor).
15. The Presidency compromise text also clarifies that professional users have to consult an independent advisor (Article 25bis) for strategic **advice on Integrated Pest Management (IPM)** every 3 years (instead of every year, as foreseen by the Commission proposal). Moreover, such advice can be provided individually or in groups, either in person or by means of a remote meeting. Competent authorities will have to adopt provisions to ensure that any registered advisor is independent, specifying rules for avoiding conflicts of interest.
16. In the last Working Party meeting on 6 June, the large majority of delegations expressed their appreciation for the work carried out so far by the Presidency and acknowledged that the revised Presidency compromise text on Chapter IV was clearer and reflected many of the delegations' concerns. However, further clarifications and reflection are necessary on issues like the responsibilities of 'professional users' of plant protection products, the interaction between the crop-specific guidelines and rules, how they are supposed to be applied, as well as how they are linked to the CAP funding. Another important issue was the administrative burden required by the proposed IPM electronic register. Several delegations have a scrutiny reservation on the latest changes proposed by the Presidency, indicating the need to examine the Presidency compromise text in further detail.

17. The text set out in the annex to this progress report is the same as in the above-mentioned Presidency compromise texts<sup>6</sup>.

## V. CONCLUSION

18. The Presidency considers that the work done to this point provides a solid basis for further progress in the Council.

With a view to the AGRIFISH Council meeting on 26 June 2023, the ministers are invited to take note of this progress report and to exchange views.

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<sup>6</sup> 8395/2/23 REV 2 and 9063/23

## CHAPTER IV

# INTEGRATED PEST MANAGEMENT

### *Article 12*

#### **Integrated pest management**

1. Professional users shall apply integrated pest management by applying **the general principles specified in Article 13**. ~~as follows:~~
  - a) ~~by applying crop-specific rules or guidelines adopted by the Member State in which they operate for the relevant crop and area in accordance with Article 14 and performing the actions set out in Article 13(8); or~~
  - b) ~~by applying Article 13.~~
- 1a. **Professional users may apply crop or sector-specific guidelines adopted by the Member State in which they operate for the relevant crop or sector and area in accordance with Article 14 and performing the actions set out in Article 13(8). If a professional user applies crop or sector-specific guidelines, the professional user is deemed to have applied the general principles of integrated pest management set out in Article 13 in relation to the relevant crop or sector.**
- 1b. **Professional users shall apply crop or sector-specific rules if such have been adopted by the Member State in which they operate for the relevant crop or sector and area in accordance with Article 14 and performing the actions set out in Article 13(8).**
2. [...] *(moved to Article 25bis)*



## Recital 20a

**(20a) In order to support ambitious implementation of integrated pest management, Member States should have the possibility to include specific voluntary actions in crop or sector-specific guidelines that may receive funding support through the CAP where they go beyond baseline requirements Member States may choose to set in crop or sector-specific rules.**

~~(20a) In order to allow Member States to support professional users to take voluntary measures, Member States could also establish crop-specific recommendations in relation to integrated pest management, to clarify the practices which may receive funding support through the CAP to professional users who go beyond the baseline legal requirements in relation to integrated pest management.~~

## *Article 13*

### **General principles of integrated pest management**

1. Professional users shall first consider and, where applicable apply measures that do not require the use of chemical plant protection products for the prevention or suppression of harmful organisms before resorting to application of chemical plant protection products.

2. A professional user's records referred to in Article 15(1) shall demonstrate that he or she has considered ~~all of~~ the following options, as relevant:

- crop rotation,
- use of relevant cultivation techniques, including stale seedbed technique, sowing dates and densities, under-sowing, intercropping, conservation tillage, pruning and direct sowing,
- use of resistant or tolerant **varieties cultivars** and certified or equivalent ~~seed, and planting material,~~ **plant reproductive material,**
- use of balanced fertilisation, liming and irrigation or drainage practices,
- preventing the spreading of harmful organisms by hygiene measures, including regular cleansing of machinery and equipment,
- protection and enhancement of important beneficial organisms, ~~including beneficial plant protection measures or the utilisation of natural or semi-natural structural elements of ecosystems and landscapes that are important in delivering ecosystem services~~ inside and outside production sites,
- pest exclusion by use of protected structures, nets and other physical barriers.

3. Professional users shall monitor harmful organisms by appropriate methods and tools, ~~where available~~. Such methods and tools shall include at least one of the following:

- a) observations in the field;
- b) scientifically sound warning, forecasting and early diagnosis systems, where feasible;
- c) the use of advice from professionally qualified advisors.

4. Professional users may only use chemical plant protection products if they are necessary to achieve acceptable levels of harmful organism control after all other non-chemical methods as set out in paragraphs 1 **and** 2 have been considered and where any of the following conditions has been satisfied:
- a) the results of monitoring of harmful organisms show, based on recorded observation, that chemical plant protection products need to be applied in a timely manner. because of the presence of a sufficiently high number of harmful organisms
  - b) where justified by a decision-support system, or by an advisor who meets the conditions laid down in Article ~~23~~ **[25 bis]**, the professional user decides, by way of a recorded decision, to use chemical plant protection products for preventative reasons.
- ~~5. Professional users shall apply plant protection products that are as specific as possible to control the harmful organisms and have the least side effects on human health, non-target organisms and the environment.~~
6. Professional users shall keep the use of chemical plant protection products and other forms of intervention to the levels that are ~~absolutely~~ necessary **according to good plant protection practice as defined in Article 3(18) of Regulation (EC) No 1107/2009** and that do not increase the risk for development of resistance in populations of harmful organisms. Where possible, professional users shall use the following measures:
- a) reduced rate of application;
  - b) reduced number of applications;
  - c) partial applications;
  - d) spot application.

7. Where the risk of resistance against a plant protection measure is known and where the level of harmful organisms requires repeated application of that measure ~~to the crops~~, professional users shall apply available anti-resistance strategies to maintain the effectiveness of that measure.

Where a plant protection measure involves repeated use of plant protection products, professional users shall use plant protection products with different modes of action, where available.

8. Professional users shall perform all of the following actions:

- a) check and document the level of success of the applied plant protection measures on the basis of the records on the use of plant protection products and other interventions, and the monitoring of harmful organisms;
- b) apply the information obtained by performing the actions referred to in point (a) as part of the decision-making process regarding future interventions.

9. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending the list of options set out in paragraph 2, the methods **and tools** set out in paragraph 3 and the ~~tools and~~ measures set out in paragraph 6 of this Article in order to take into account technical progress and scientific developments.

#### *Article 13 bis*

**Professional users shall apply the general principles of intergrated pest management specified in Article 13 when undertaking any plant protection aims as specified in Article 2(1) of Regulation (EC) No 1107/2009.**

Article 14 (former Article 15)

**Crop or sector-specific guidelines and ~~crop-specific~~ rules**

1. Member States shall adopt agronomic guidelines ~~or rules~~ based on integrated pest management for growing or storing a particular crop **or for a specific sector**, and which are designed to ensure that chemical crop protection is only used after all other non-chemical methods have been considered and, **where applicable**, when a threshold for intervention is reached ('crop **or sector**-specific guidelines' ~~or 'crop-specific rules'~~<sup>2</sup>). The crop **or sector**-specific guidelines ~~or crop-specific rules~~ shall implement the principles of integrated pest management, set out in Article 13, for the relevant crop **or sector**.
2. [...] (moved to paragraph 3c)
- ~~3.~~ By ... [*OP: please insert the date = the first day in the month following 24 months after the date of entry into force of this Regulation*] each Member State shall have in place effective ~~and enforceable~~ crop **or sector**-specific guidelines ~~or crop-specific rules~~, for crops **or sectors** covering an area that accounts for at least 75 % of its utilised agricultural area (excluding kitchen gardens). ~~Member States shall determine the geographic scope of those guidelines or crop-specific rules taking account of relevant agronomic conditions, including, the type of soil and crops and the prevailing climatic conditions.~~

- 3a. Member States may adopt legally binding agronomic rules based on the principles of integrated pest management for growing or storing a particular crop or for a specific sector and which are designed to ensure that chemical plant protection is only used after all other non-chemical methods have been considered and when a threshold for intervention, where available, is reached ('crop or sector-specific rules'). The crop or sector-specific rules shall implement, entirely or partially, the principles of integrated pest management set out in Article 13, for the relevant crop or sector and be set out in a binding legal act. In case a Member State adopts a crop or sector-specific rule that implements the principles of integrated pest management set out in Article 13 entirely, the relevant crop or sector would be deemed to have a guideline as required in paragraph 3.**
- 3b. Member States shall take into account relevant agronomic conditions, including the type of soil and crops and the prevailing climatic conditions when adopting crop or sector-specific guidelines or rules.**
- 3c. Each Member State shall designate a competent authority responsible for ensuring that the crop or sector-specific guidelines or rules are scientifically robust and which comply with this Article 13.**
4. [...] (modified and moved to paragraph 7a)
5. [...] (modified and moved to paragraph 7a)

6. The crop **or sector**-specific guidelines, ~~or crop-specific rules~~, shall specify, at least the following:
- a) the most economically significant harmful organisms affecting the crop **or sector**;
  - b) the non-chemical interventions involving cultural, physical and biological control which are effective against the harmful organisms referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;
  - c) if available, the ~~types of~~ low-risk plant protection products or alternatives to chemical plant protection products which are **effective authorised for use** against the harmful organisms referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;
  - d) the ~~types of~~ chemical plant protection products that are not low-risk plant protection products and that are **effective authorised for use** against the harmful organisms referred to in point (a) and qualitative criteria or conditions under which these interventions are to be made;
  - e) if available, the quantitative criteria or conditions under which chemical plant protection products may be used after all other means of control that do not require the use of chemical plant protection products have been exhausted;
  - f) if available, the measurable criteria or conditions under which more hazardous plant protection products may be used after all other means of control that do not require the use of chemical plant protection products have been exhausted.
  - g) the obligation to record observations demonstrating that the relevant threshold value, if available, has been reached.

7. Each Member State shall review its crop **or sector**-specific guidelines and ~~crop-specific~~ rules on a regular basis and update them where necessary, including when it is needed to reflect changes in the availability of harmful organism control tools.
- 7a. At least 9 months prior to the point in time when a crop **or sector**-specific rule becomes applicable under national law, the Member State shall notify the Commission who, may, within 6 months of receipt of the draft, object to its adoption by a Member State, if it considers that the draft does not comply with the **principles of integrated pest management criteria** set out in **Article 13 paragraph 6**. If the Commission objects, the Member State shall amend the text based on the Commission's objections or provide reasons for not taking them into account.
8. A Member State that is planning to update a crop **or sector**-specific rule shall notify the Commission who, may, within 3 months of receipt of the draft, object to the updating of the crop **or sector**-specific rule by a Member State, if it considers that the draft does not comply with the **principles of integrated pest management criteria** set out in **Article 13 paragraph 6**. If the Commission objects, the Member State shall amend the text based on the Commission's objections or provide reasons for not taking them into account.
9. [...] (simplified and moved to paragraph 8)
- ~~10. A Member State with significant climatic or agronomic differences between regions, shall adopt crop-specific guidelines and crop-specific rules for each of those regions.~~
11. Each Member State shall publish all of its crop **or sector**-specific guidelines and rules on a website and inform the Commission about it.
12. The Commission shall publish on a website links to the websites referred to in paragraph 11 of the Member States.



13. By ... [*OP: please insert the date = the first day of the month following 7 years after the date of entry into force of this Regulation*], the Commission shall submit a report to the European Parliament and the Council on the adoption ~~and enforcement~~ of crop **or sector-specific** guidelines and ~~crop-specific~~ rules in the Member States and the **compliance of those guidelines and rules with Article 14, and the compliance with the general principles of integrated pest management according to Article 13 in the Member States.**

**Recital 20:**

20. In order to facilitate **for professional users to compliance comply with the principles of** integrated pest management, it is necessary to lay down crop **or sector-specific** guidelines ~~or crop-specific rules~~ that a professional user should follow in relation to the specific crop **or sector** and region in which the professional user operates. **Member States may adopt legally binding crop or sector-specific rules, either instead of crop or sector-specific guidelines or to complement such guidelines.** ~~Crop-specific rules may thus be drawn from, and co-exist with, more comprehensive crop-specific guidelines.~~ Such crop **or sector-specific** guidelines or ~~crop-specific~~ rules should be based on **specify** the general principles of integrated pest management **for a specific crop or sector.** To ensure that the crop **or sector-specific** guidelines ~~or crop-specific rules~~ are in accordance with the general principles of integrated pest management, detailed rules should be laid down as to what the guidelines ~~principles~~ should entail ~~under different circumstances.~~ ~~and~~ The Commission should verify the development, implementation, **and enforcement of the rules on the ground.** **To facilitate professional users in following crop or sector-specific guidelines, it is necessary to ensure that they have information on the full range of plant protection products that apply to their crop or sector. It is therefore appropriate that Member States include reference in crop-specific guidelines to all authorised plant protection products that can be used for that crop or sector, including whether they are categorised as low-risk, chemical or more hazardous plant protection products. Such guidance might, for example, be provided through a website listing all authorised plant protection products and their authorised uses.**

It is necessary to ensure that professional users know which types of plant protection products should be considered first. However, it would hamper efficiency if there was a need to amend crop-specific rules or crop-specific guidelines every time a plant protection product has a change in its approval status or hazard category. Therefore, Member States should specify the types of plant protection products in each category. For example, a Member State might provide lists on a separate website of pesticides with a particular type of active ingredient in a particular hazard group and the crop-specific crop-specific might guide professional users to consult those lists, which could be updated more frequently.

*Article 15 (former Article 14)*

**Records of integrated pest management measures and plant protection product use  
~~preventative measures and interventions for crop protection~~ by professional users**

1. Where a professional user ~~in control of the relevant land parcel~~ takes a preventative measure or performs an intervention, the professional user ~~in control of the relevant land parcel~~ shall enter the following information in the electronic integrated pest management and plant protection product use register referred to in Article 16, which covers the area where the professional user operates:
  - a) any preventative measure or intervention according to Article 13 **and where relevant any description of compliance with crop or sector-specific guidelines** ~~and the reason for that preventative measure or intervention, including the identification and assessment of pest level, unless (a) is applicable;~~
  - b) any preventative measure or intervention and any **description evidence** of compliance with ~~the relevant crop-specific guidelines, or~~ **crop or sector-specific rules** where such ~~guidelines or rules~~ have been adopted for the relevant crop **or sector** and area by the Member State in which the professional user operates;

**The professional user shall enter the information referred to in this paragraph by 31 January of the year following when the preventative measures of interventions took place.**

2. [...]

3. A professional user ~~in control of the relevant land parcel~~ shall enter an electronic record of each ~~application~~ use of a plant protection product under Article 67 of Regulation (EC) No 1107/2009 in the electronic integrated pest management and plant protection product use register referred to in Article 16. A professional user ~~in control of the relevant land parcel~~ shall also enter an electronic record specifying whether the application was done by aerial or land-based equipment.

**3a. Recording of the information under paragraph 3 in the electronic register for integrated pest management and plant protection product use register shall be deemed to be the creation of a record of the plant protection product use under Article 67 of Regulation (EC) No 1107/2009.**

4. In order to ensure a uniform structure of the entries to be made by professional users ~~in control of the relevant land parcel~~ in the electronic integrated pest management and plant protection product use register in accordance with paragraphs 1 and 3, the Commission ~~shall~~ **may**, by means of implementing acts, adopt a standard template for such entries. Any such template shall include fields for inputting records that need to be kept in accordance with Article 67 of Regulation (EC) No 1107/2009 and shall require the use of a recognisable ID. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(2).

## New recital

**(17bis). A professional user means any person who uses a plant protection product in the course of their professional activities. This includes e.g. operators, technicians, employers and self-employed people, both in the farming and other sectors.**

## Amendment to recital 18:

18. An approach to pest control that follows integrated pest management in ensuring careful consideration of all available means that discourage the development of populations of harmful organisms, while keeping the use of chemical plant protection products to levels that are economically and ecologically justified and minimising risks to human health and the environment is necessary for the protection of human health and the environment. ‘Integrated pest management’ emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems, encourages natural pest control mechanisms and uses chemical control only when all other control means are exhausted. **The same approach should be taken to achieve other plant protection aims, such as influencing the life process of plants, specified in Article 2(1) of Regulation (EC) No 1107/2009.** To ensure that integrated pest management is implemented consistently on the ground, it is necessary to lay down clear rules in this Regulation. In order to comply with the obligation to follow integrated pest management, a professional user should consider and implement all methods and practices that avoid the use of plant protection products. Chemical plant protection products should only be used when all other control means have been **considered exhausted**. In order to ensure and monitor compliance with this requirement, it is important that professional users keep a record of ~~the reasons why they apply~~ **the use of** plant protection products or ~~the reasons for~~ any other action taken in line with integrated pest management ~~and of advice received in support of their implementation of integrated pest management from independent advisors~~. These records are also required for aerial applications.

## **Amendment to recital 19:**

19. To avoid unnecessary duplication, the Commission, **together with the Member States, may develop** ~~should establish~~ a standard template for Member States to integrate records kept by professional users of actions taken in line with integrated pest management with those kept under Article 67 of Regulation (EC) No 1107/2009.

## *Article 16*

### **Electronic integrated pest management and plant protection product use register**

1. Each Member State shall designate a competent authority or competent authorities to establish and maintain an electronic integrated pest management and plant protection product use register or registers.

**The electronic integrated pest management and plant protection product use register or registers shall at least contain the information according to Article 15(1) and 15(3), which shall be maintained for a period of at least 10 years from date of entry.**

~~The electronic integrated pest management and plant protection product use register or registers shall contain all of the following for a period of at least 10 years from date of entry:~~

- ~~a) any preventative measure or intervention and the reasons for that preventative measure or intervention or evidence of compliance with the relevant crop specific guidance or crop specific rule entered in accordance with Article 15(1);~~
- ~~e) an electronic record of each application of a plant protection product under Article 67 of Regulation (EC) No 1107/2009 and any relevant implementing acts;~~
- ~~d) a report on any aerial application carried out under Article 20, as required by Article 15(3).~~

2. The register(s) referred to in paragraph 1 shall be accessible to ~~any person that is responsible for managing the use~~ **the professional users**, so that they are able to enter the electronic records in accordance with Article 15.
3. [...]
4. [...]
5. Competent authorities referred to in paragraph 1 shall share or ~~have access to~~ **make** the data gathered in the register(s) in paragraph 1, of this Article ~~with~~ **accessible to** the national competent authorities in charge of the implementation of Directives 2000/60/EC and (EU) 2020/2184 for cross-linking that data, in anonymised form, with environmental, groundwater and water quality monitoring data, to enhance the identification, measuring and reduction of risks from the use of plant protection products.
6. Competent authorities referred to in paragraph 1 shall ensure access to the register(s) referred to in paragraph 1 to national statistical authorities for the development, production and dissemination of official statistics.
7. [...]

## Amendment to recital 21:

21. In order to verify compliance by professional users with integrated pest management, an electronic integrated pest management and plant protection product use register should be maintained with the aim of verifying compliance with the **general principles of rules on** integrated pest management set out in this Regulation and supporting the development of Union policy. Access to the register should also be granted to national statistical authorities for the development, production and dissemination of official statistics in accordance with Chapter V of Regulation (EC) No 223/2009 of the European Parliament and of the Council<sup>7</sup>. ~~This~~ **These** registers should record any preventative measure or intervention and ~~the reasons for that preventative measure or intervention such as evidence~~ **a description** of the compliance with the relevant crop **or sector**-specific guideline or rule.

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<sup>7</sup> Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (*OJ L 87, 31.3.2009, p. 164*).



*Article 3*

(13) ‘unmanned **aerial spraying system aircraft**’ means any aircraft **with a spraying equipment**, operating or designed to operate autonomously or to be piloted remotely without a pilot on board

(...)

(X) ‘**Training certificate**’ means a **proof of training that could either be provided as a certificate of training or a proof of entry in a central electronic register.**

## **CHAPTER V**

# **USE, STORAGE AND DISPOSAL OF PLANT PROTECTION PRODUCTS**

*Article 20*

### **Aerial application of plant protection products**

1. Aerial application is prohibited.

2. By way of derogation from paragraph 1, a competent authority designated by a Member State may permit aerial application by a professional user ~~if in any of the following situations:~~
- a) there is no technically feasible alternative application method to the aerial application due to inaccessible terrain **or**;
  - b) the aerial application has a less negative **or equivalent** impact on human health and the environment than any alternative application method ~~either because the aerial application equipment can be deployed on the relevant terrain in a faster timescale than land-based equipment and avoids a situation where the number of plant pests increases due to the longer time period required for land-based deployment or because it minimizes soil erosion when adverse weather conditions make the land unsuitable for land vehicles, and all of the following conditions are met:~~
    - i) ~~the application equipment installed on the aircraft is registered in the electronic register of application equipment in professional use referred to in Article 33(1);~~
    - ii) ~~the aircraft is equipped with accessories that constitute the best available technology to accurately apply the plant protection products and to reduce spray drift;~~
    - iii) ~~the plant protection product is authorised for use via aerial application under Regulation (EC) No 1107/2009.~~

- 2a. The permit for aerial application under article 20 (2) may only be granted if all of the following conditions are met:
- a) the application equipment installed on the aircraft is registered in the electronic register of application equipment in professional use referred to in Article 33(1) and complies with the requirements set out in Annex IV;
  - b) the aircraft is equipped with accessories ~~that constitute the best available and~~ technology to accurately apply the plant protection products and to reduce spray drift;
  - c) the plant protection product may be used via aerial application under Regulation (EC) No 1107/2009.
3. An application by a professional user for a permit for aerial application shall include the information necessary to demonstrate that the conditions set out in paragraphs 2 and 2(a) are met.
4. Where a permit for aerial application is granted, ~~before the first possible date of aerial application,~~ the competent authority referred to in paragraph 2 shall, **at least 2 days before the date of aerial application**, make public the following information:
- a) the location and surface area of the aerial application indicated on a map;
  - b) the validity period of the permit for aerial application, which shall be for a limited period with a precisely defined start and end date that is the shortest possible and shall not exceed **120** ~~60~~ days;
  - c) the relevant weather conditions allowing a safe application;
  - d) the name **and authorisation number** of the plant protection product or products;
  - e) the application equipment to be used and the risk mitigation measures to be taken.

5. A professional user that has been granted a permit for aerial application shall at least 2 days before the date of each specific aerial application display notices to that effect on the perimeter of the area to be treated, **or if not possible to display notices in such areas, the notices shall be displayed in places of public access.**

*Article 21*

**Use of plant protection products in a Aerial application of plant protection products by certain categories of ~~unmanned aircraft~~ unmanned aerial spraying systems**

1. Where certain categories of unmanned **aerial spraying systems** ~~aircraft~~ fulfil the criteria set out in paragraph 2, a Member State may exempt aerial application by such unmanned **aerial spraying systems** ~~aircraft~~ from the prohibition laid down in Article 20(1) ~~prior to any aerial application of plant protection products.~~

2. ~~An aerial~~Aerial application by an unmanned **aerial spraying systems aircraft** may be exempted ~~by the Member State~~ from the prohibition laid down in Article 20(1) where factors related to the use of the unmanned **aerial spraying systems aircraft** demonstrate that the risks from its use are **equal or** lower than the risks arising from other ~~aerial equipment and land-based~~ application equipment. These factors ~~may~~ **shall** include criteria relating to:
- a) the technical specifications of the unmanned **aerial spraying systems aircraft**, ~~including in relation to spray drift, number and size of rotors, payload, boom width and overall weight, operating height and speed;~~
  - b) the weather conditions, ~~including wind speed;~~
  - e) the **type of** area to be sprayed, ~~including its topography;~~
  - d) ~~the availability of plant protection products authorized for use as ultra-low volume formulations in the relevant Member State;~~
  - e) potential use of unmanned aircraft in conjunction with real time kinematic precision farming in certain cases;
  - f) the level of training required for pilots operating an unmanned aircraft;
  - g) ~~potential concurrent use of multiple unmanned aircraft in the same area.~~
3. The Commission is empowered to adopt delegated acts in accordance with Article 40 supplementing this Regulation to specify precise criteria in relation to ~~the factors set out in~~ paragraph 2 once technical progress and scientific developments allow for the development of such precise criteria.

*Article 22*

**Storage, disposal and handling**

1. By ... [*OP: please insert the date of application of this Regulation*], Member States shall have in place effective measures and ~~establish~~ the necessary structures to facilitate in a manner that does not endanger human health or the environment, the safe **storage, disposal and handling** of any ~~unused~~ plant protection products, any dilute solutions containing plant protection products and any packaging.
2. As regards professional users, the measures referred to in paragraph 1 shall include detailed requirements on:
  - a) safe storage and handling of plant protection products, and their dilution and mixing before application;
  - b) handling of packaging and remnants of plant protection products;
  - c) cleaning of the equipment used after application;
  - d) disposal of **empty packaging**, obsolete plant protection products and remnants and their packaging.
3. Member States shall take all necessary measures regarding plant protection products authorised for non-professional users to prevent and, where prevention is not possible, to limit dangerous handling operations. Those measures may include measures relating to size limits for packaging or containers. Those measures may provide that non-professional users may only use low-risk plant protection products and other plant protection products that are in the form of ready to use formulations and measures for the use of safe closure or a locking device for packaging or containers.

4. Manufacturers, distributors and professional users shall ensure that plant protection products **authorised for professional use** are stored in ~~specific~~ storage facilities ~~for plant protection products~~ that are constructed in such a way as to prevent unwanted releases.

Manufacturers, distributors and professional users shall ensure that location, size, ventilation and construction materials of the storage facility are suitable to prevent unwanted releases and to protect human health and the environment.

*[Article 23- moved to Chapter VII, Article 25bis]*

## CHAPTER VI

### SALE OF PLANT PROTECTION PRODUCTS

#### *Article 24*

##### **Requirements for the sale of plant protection products**

- ~~1.~~ A distributor ~~may shall~~ only sell a plant protection product authorised for professional use to a **professional user purchaser** or his or her representative ~~when that distributor has checked, at the time of purchase, that~~ **if the purchaser or representative, at the time of purchase is a professional user and** holds a training certificate for following courses for professional users issued in accordance with Article 25 ~~or has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5).~~
- ~~2.~~ ~~Where a purchaser is a legal person, a distributor may sell a plant protection product authorised for professional use to a representative of the purchaser of the plant protection product when that distributor has checked, at the time of purchase, that the representative is the holder of a training certificate for following courses for professional users issued in accordance with Article 25 or has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5).~~

3. A distributor shall ~~direct~~ **inform** a purchaser of a plant protection product **of the importance of proper use of plant protection products in accordance with Article 55 of Regulation (EC) No 1107/2009, including through compliance with the conditions specified on the labelling** ~~to read its label prior to use and to use the product in accordance with the instructions on the label,~~ and shall inform the purchaser of the website referred to in Article 27.
4. A distributor shall provide general information to non-professional users the risks to human health and the environment of the use of plant protection products, including the information on hazards, exposure, proper storage, handling, application and safe disposal in accordance with Directive 2008/98/EC of the European Parliament and of the Council<sup>8</sup>, and shall recommend alternative **means or measures of plant protection including** low-risk plant protection products **available on the market of the Member State** and ways in which risks can be mitigated when using plant protection products.
5. Each distributor shall ~~have ensure that it has sufficient~~ **staff available at the time of sale**, that hold a training certificate for following courses for distributors issued in accordance with Article 25 ~~or has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5) available at the time of sale~~ to provide adequate responses to purchasers of plant protection products ~~at the moment of sale~~ on their use, related health and environmental risks and the appropriate safety instructions to manage those risks.
6. ~~The distributor referred to in paragraph 5 shall inform the purchaser of a plant protection product about less hazardous control techniques before the purchaser buys a plant protection product with a higher risk for human health and the environment.~~

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<sup>8</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312 22.11.2008, p. 3).



## CHAPTER VII

### TRAINING, INFORMATION AND AWARENESS RAISING

#### *Article 25*

#### **Training and Certification**

1. A competent authority designated in accordance with paragraph 2 shall appoint one or more bodies to provide, **at least the following training as relevant for the particular groups of participants, on the subjects listed in Annex III:**
  - a) initial and follow up training to professional users, **including practical training on the use of application equipment in professional use** ~~and distributors on the subjects listed in Annex III;~~
  - b) ~~practical training for professional users on the use of application equipment in professional use;~~ **initial and follow up training to distributors;**
  - c) extensive training **and follow up training** for advisors ~~on the subjects listed in Annex III~~ with particular emphasis on the application of integrated pest management.

2. Each Member State shall designate a **one or more** competent ~~authority or~~ authorities responsible for:
  - a) the implementation of the system for the training and certification of all training referred to in paragraph 1; ~~and~~
  - b) for issuing and renewing training certificates; ~~updating the central electronic register, providing proof of entry in the central electronic register; and~~
  - c) overseeing that the **appointed body or bodies are providing the training tasks** referred to in paragraph 1 ~~are carried out by the that provided the training.~~
3. The training referred to in paragraph 1 could form part of the training interventions set up by Member States according to Article 78 of Regulation (EU) No 2021/2115.

4. A training certificate ~~or an entry in a central electronic register~~ shall contain, **at least** the following information:
- a) the name of the professional user, distributor or advisor to whom the training was provided;
  - ~~b) the employer of the professional user, distributor or advisor to whom the training was provided, where that employer is a legal person or a natural person in its professional capacity;~~
  - c) the type of training provided, where a Member State provides different types of training to different categories of professional users, distributors or advisors;
  - d) the date on which sufficient knowledge of the relevant subjects listed in Annex III was demonstrated **by exam or test**;
  - e) the name of the body that provided the training;
  - ~~f) the number of hours of training;~~
  - g) the validity period of the ~~training certificate or entry in the central electronic register~~.
- ~~5. A competent authority designated in accordance with paragraph 2 shall provide electronic proof of entry in a central electronic register to a professional user, distributor or advisor at the time the entry is made. Such electronic proof shall include a record of the period of validity of the entry in the central electronic register.~~
6. A training certificate ~~or an entry in a central electronic register~~ shall be valid for **a maximum of 5** ~~10~~ years in the case of a distributor, or professional user and for 5 years in the case of an advisor.

7. Subject to paragraph 6, a training certificate ~~or an entry in a central electronic register~~ shall only be made or renewed if the holder of the **training** certificate ~~or the person whose name has been entered in the central electronic register~~ demonstrates satisfactory completion of an ~~initial and follow up training or extensive training referred to in paragraph 1, point (a) or (e)~~ **and passes an exam or test on the subjects covered by the training.**
8. Notwithstanding paragraph 6, a training certificate may be issued to a person who can demonstrate ~~prior~~ training through formal qualifications that demonstrate ~~a more extensive~~ knowledge of the subjects listed in Annex III **equal to the knowledge that** ~~than~~ would be received in the training referred to in paragraph 1.
9. A competent authority designated in accordance with paragraph 2 or an appointed body referred to in paragraph 1 shall withdraw a training certificate if it was incorrectly issued or renewed ~~or shall correct an entry in the central electronic register if it was incorrectly~~ introduced.
10. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending Annex III in order to take into account technical progress and scientific developments.
- 10a. Training certificates issued based on the 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 pesticide, shall be valid until the end of their original validity period.**

## Recital (30)

30. It is essential that Member States establish and maintain systems of both initial and follow-up training for distributors, advisors and professional users of plant protection products and ~~certification~~ systems to record **and provide proof of** such training, in order to ensure that those operators 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. **A proof of training could either be provided as a certificate of training or a proof of entry in a central electronic register.** The training for advisors should be more extensive than that of distributors and professional users since they need to be able to support the proper implementation of integrated pest management and crop-specific rules. The use or purchase of a plant protection product authorised for professional use must be limited to persons in possession of a training certificate **and distribution of plant protection products authorised for professional use must be limited to distributors who have available staff in possession of a training certificate to provide adequate responses to purchasers of plant protection products on their use, related health and environmental risks and the appropriate safety instructions to manage those risks. In addition, advice on the use of plant protection products to a professional user may only be provided by persons in possession of a training certificate.** ~~Also~~ ~~In addition~~, in order to ensure safe use of plant protection products for human health and the environment, distributors should be required to provide both professional and non-professional purchasers of plant protection products with product specific information at point of sale.

*Article 23 25 bis*

**Advice on the use of plant protection products**

- ± Advice on the use of a plant protection product to a professional user may only be given by an advisor for whom a training certificate has been issued for following courses for advisors in accordance with Article 25 ~~or who has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5)~~. **Advisors shall provide advice that takes into account the applicable crop-specific rules and guidelines referred to in Article 14 or the general principles of integrated pest management referred to in Article 13.**  
*[last sentence - moved from Art 12(2)]*

*Article 26*

**Independent advisory system**

1. Each Member State shall designate a **one or more** competent ~~authority~~ **authorities** to establish, oversee and monitor the operation of a system of independent advisors for professional users. That system may make use of the impartial farm advisors referred to in Article 15 of Regulation (EU) No 2021/2115, who can be funded under Article 78 of the same regulation **and if the advisors are regularly trained pursuant to Article 25 of this Regulation.**
2. The competent ~~authority~~ **authorities** referred to in paragraph 1 shall **adopt provisions to** ensure that any advisor registered in the system referred to in that paragraph (~~‘independent advisor’~~) **is independent (‘independent advisor’), specifying rules for avoiding conflicts of interest.** ~~is free from any conflict of interest and,~~ In particular, **these rules shall ensure that the independent advisor** is not in a situation which, directly or indirectly, could affect their ability to carry out their professional duties in an impartial manner.

3. Each professional user shall, **in groups or individually**, consult an independent advisor at least **every third** ~~once~~ a year for the purposes of receiving the strategic advice referred to in paragraph 4.
4. ~~An~~ **The independent** advisor referred to in paragraph 3 shall provide strategic advice on **at least** ~~the following subjects~~:
- a) ~~application of relevant control techniques to prevent harmful organisms;~~
  - b) implementation of integrated pest management, **according to the general principles in article 13;**
  - c) **use of precision farming techniques, including use of space data and services and innovative application technologies, if applicable;**
  - d) ~~use of non-chemical methods;~~
  - e) ~~where chemical plant protection products are necessary,~~ measures to effectively minimise risks to human health and the environment, in particular to biodiversity, including pollinators, from such use, including risk mitigation measures and techniques.

## Recital (21)

21. In order to ensure a planned approach to harmful organism control techniques across a number of growing seasons with a view to minimising the use of chemical plant protection products as much as possible and to ensure a proper implementation of integrated pest management, professional users should be required to regularly consult trained, independent advisors on pest management, so that plant protection products are only used as a last resort. **Such consultation might, for example, take the form of a visit to a farm or a remote or in-person meeting with a group of professional users facing similar agronomic challenges. To achieve these aims, professional users should have access to the best quality strategic advice. Therefore, independent advisors should be impartial and free of any direct or indirect conflict of interest such as might arise if an advisor was engaged in commercial sales of plant protection products and directly profiting from those sales or if an advisor was regularly engaged as a consultant for a commercial operation selling plant protection products.**

### *Article 27*

#### **Information and awareness raising**

1. Each Member State shall designate a competent authority to provide **scientifically based** information to the public **and non-professional users**, in particular through awareness-raising programmes, in relation to the risks associated with the use of plant protection products.
2. The competent authority referred to in paragraph 1 shall ~~establish~~ **provide on** a website or websites ~~dedicated to providing~~ **accurate and balanced** information on risks associated with the use of plant protection products. That information may be provided directly or by providing links to relevant websites of other national or international bodies.



3. Websites **referred to** ~~established in accordance with~~ paragraph 2 shall include **scientifically based** information on the following subjects:
- a) the potential risks to human health and the environment through acute or chronic effects relating to the use of plant protection products;
  - b) the manner in which the potential risks referred to in point (a) can be mitigated;
  - c) alternatives to chemical plant protection products;
  - d) the procedure for approval of active substances and authorisation of plant protection products;
  - e) permits granted under Article 18 or Article 20;
  - f) a link to the website referred to in Article 7;
  - g) the rights of third parties to request access to information on the use of plant protection products by addressing the relevant competent authority in accordance with Article 67(1) of Regulation (EC) No 1107/2009.

*Article 28*

**Information on acute and chronic poisoning**

1. Each Member State shall designate a competent authority to maintain or put in place systems for gathering and keeping, the following information on acute and, **where possible**, chronic poisoning incidents arising from exposure of persons to plant protection products:
  - a) **where available**, the name and authorisation number of the plant protection product and the active substances involved in the acute or chronic poisoning incident;
  - b) the number of individuals poisoned;
  - c) the symptoms of poisoning;
  - d) **where available**, the duration and severity of the symptoms;
  - e) **if available**, whether a confirmed acute or chronic poisoning incident resulted from:
    - i) correct use of a plant protection product;
    - ii) misuse of a plant protection product;
    - iii) use of a plant protection product that has not been authorised; or
    - iv) deliberate ingestion or exposure.
2. By 31 August every year, each Member State shall submit to the Commission a **summary** report containing the following information:
  - a) the number of acute and, **where possible**, chronic poisoning incidents arising from exposure of persons to plant protection products during the preceding calendar year;
  - b) the information referred to in paragraph 1 as regards each poisoning incident.

3. The Commission shall adopt implementing acts to establish the format for the submission of the information and data referred to in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(2).

### ANNEX III

#### **TRAINING SUBJECTS REFERRED TO IN ARTICLE 25**

1. ~~All R~~relevant legislation regarding plant protection products and their use and risk and in particular this Regulation. While not exclusive, the following legislation **may be relevant for individual groups of training participants** ~~is relevant~~:

Regulation (EC) No 1107/2009 of the European Parliament and of the Council<sup>9</sup>

Regulation (EC) No 396/2005 of the European Parliament and of the Council<sup>10</sup>

Regulation (EU) No 528/2012 of the European Parliament and of the Council<sup>11</sup>

Regulation (EC) No 1185/2009 of the European Parliament and of the Council<sup>12</sup>

Regulation EC No 1272/2008 of the European Parliament and of the Council<sup>13</sup>

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<sup>9</sup> 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 (*OJ L 309, 24.11.2009, p. 1*).

<sup>10</sup> 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 (*OJ L 70, 16.3.2005, p. 1*).

<sup>11</sup> Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (*OJ L 167, 27.6.2012, p. 1*).

<sup>12</sup> Regulation (EC) No 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides (*OJ L 324, 10.12.2009, p. 1*).

<sup>13</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (*OJ L 353, 31.12.2008, p. 1*).

Regulation (EU) 2017/625 of the European Parliament and of the Council<sup>14</sup>

Regulation (EU) 2021/2115 of the European Parliament and of the Council<sup>15</sup>

Directive 2006/42/EC of the European Parliament and of the Council<sup>16</sup>

Directive 2009/127/EC of the European Parliament and of the Council<sup>17</sup>

Directive 2000/60/EC of the European Parliament and of the Council<sup>18</sup>

Council Directive 89/391/EEC<sup>19</sup>

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- <sup>14</sup> Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).
- <sup>15</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 OJ L 435, 6.12.2021, p. 1).
- <sup>16</sup> Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (*OJ L 157, 9.6.2006, p. 24*).
- <sup>17</sup> 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 (OJ L 310, 25.11.2009, p. 29).
- <sup>18</sup> 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 (*OJ L 327, 22.12.2000, p. 1*).
- <sup>19</sup> Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

Council Directive 89/656/EEC<sup>20</sup>

Council Directive 98/24/EC<sup>21</sup>

Directive 2004/37/EC of the European Parliament and of the Council<sup>22</sup>

Directive 2009/104/EC of the European Parliament and of the Council<sup>23</sup>

Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>24</sup>

Directive 2008/68/EC of the European Parliament and of the Council<sup>25</sup>

2. The existence and risks of illegal and counterfeit plant protection products, the methods to identify such products, and the penalties associated with sale or use of illegal plant protection products.

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<sup>20</sup> Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 393, 30.12.1989, p. 18).

<sup>21</sup> 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 work (OJ L 131, 5.5.1998, p. 11).

<sup>22</sup> 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 work (OJ L 158, 30.4.2004, p. 50).

<sup>23</sup> Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 260, 3.10.2009, p. 5).

<sup>24</sup> 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 (OJ L 396, 30.12.2006, p. 1).

<sup>25</sup> Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

3. The hazards of and risks associated with plant protection products, and how to identify and **prevent** ~~control~~ them, including the following subjects:
  - a) risks to human health;
  - b) symptoms of plant protection product poisoning and appropriate first aid measures in case of such poisoning;
  - c) risks to non-target plants and insects, wildlife, biodiversity and the environment in general.
4. Integrated pest management strategies and techniques, integrated crop management strategies and techniques, organic farming principles, biological pest control methods, harmful organism control methods, the obligation to apply integrated pest management as set out in Articles 12 and 13 of this Regulation, and the obligation to enter records in the electronic integrated pest management and plant protection product use register, as set out in Article 14 of this Regulation.
5. When plant protection products are needed, how to choose the plant protection products 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.

6. Measures to minimise risks to humans, non-target organisms and the environment, including:
  - a) safe working practices for storing, handling and mixing plant protection products;
  - b) safe working practices for disposing of empty packaging, other contaminated materials and surplus plant protection products (including tank mixes), whether in concentrate or dilute form;
  - c) the recommended way to **prevent control** operator exposure (including personal protection equipment);
  - d) information on the correct and safe disposal of plant protection products that are no longer authorised and where any grace period for their use under Article 20(2) or 46 of Regulation 1107/2009 has expired.
7. Procedures for preparing application equipment for operation, including its calibration, with minimum risks to the user, other persons, non-target animal and plant species, biodiversity and the environment, including water resources.
8. Practical training on the use of application equipment and its maintenance, and on risk mitigation measures including specific spraying techniques, use of new technology including precision farming techniques, as well as the technical check of sprayers in use and ways to improve spray quality. In this subject special attention shall be paid to the drift-reduction nozzles and the recommendations made by the manufacturers concerning optimal conditions of their use. Specific risks linked to use of handheld application equipment or knapsack sprayers and the relevant risk management measures. Practical training shall also cover the specific risks linked to the sowing of seeds treated with plant protection products.
9. Emergency action to protect human health and the environment, including water resources in case of accidental spillage and contamination and extreme weather events that would result in plant protection products leaching risks.

10. Special care in sensitive areas as defined in Article **3(16)** ~~2(15)~~ of this Regulation and protection areas established under Articles 6 and 7 of Directive 2000/60/EC and an awareness of contamination caused by particular plant protection products in their respective region.
11. Facilities providing health monitoring and access to health care to which information on acute and chronic poisoning incidents can be reported.
12. Record keeping of the sale, purchase and use of plant protection products, in accordance with the relevant legislation.
13. How to minimise or eliminate applications of certain plant protection products classified as “harmful to aquatic life with long lasting effects”, “very toxic to aquatic life with long lasting effects” or “toxic to aquatic life with long lasting effects” pursuant to Regulation (EC) 1272/2008 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.



14. The protection of the aquatic environment and drinking water supplies from the impact of plant protection products, including in relation to the following subjects:

- a) the use of plant protection products in accordance with the restrictions indicated on the label in accordance with Article 31, point (4)(a) of Regulation (EC) No 1107/2009, while giving preference to plant protection products that are not classified as “(very) persistent”, “(very) bioaccumulative”,

“very toxic to aquatic life with long lasting effects”, “toxic to aquatic life with long lasting effects” or “harmful to aquatic life with long lasting effects” pursuant to Regulation (EC) No 1272/2008<sup>26</sup> or containing priority substances included in the list adopted by the Commission in accordance with Article 16 of Directive 2000/60/EC implemented via Directives 2008/105/EC and 2013/39/EU, or pesticides having been identified as river basin specific pollutants under Annex V, point 1.2.6 of Directive 2000/60/EC, in particular those affecting water used for the abstraction of drinking water in accordance with Article 7 of Directive 2000/60/EC and Directive (EU) 2020/2184;

- b) potential hazards of and risks for human health and the environment from the use of plant protection products, as well as methods to minimise emissions to the environment and occupational exposure to more hazardous plant protection products;
- c) use of drift reducing technology in all field crops;
- d) use of other mitigation measures which minimise the risk of off-site pollution caused by spray drift, drain-flow and run-off, including in particular mandatory buffer zones adjacent to surface waters courses and groundwater and aquifers;

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<sup>26</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

e) ~~how to comply with restrictions set out in Regulation (EC) 1107/2009 for minimising or substituting uses of the plant protection products classified as “harmful to aquatic life with long lasting effects”, “very toxic to aquatic life with long lasting effects” or “toxic to aquatic life with long lasting effects” pursuant to Regulation (EC) No 1272/2008, 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.~~

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