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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE
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COMMITTEE AND THE COMMITTEE OF THE REGIONS**

A Thematic Strategy on the Sustainable Use of Pesticides

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A Thematic Strategy on the Sustainable Use of Pesticides

(Text with EEA relevance)

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1. INTRODUCTION

1.1. Description of the environmental problem

Mainly comprised of plant protection products (PPP)¹ and biocidal products, pesticides are designed to influence fundamental processes in living organisms and thus may have the potential to kill or control harmful organisms such as pests. At the same time, they can cause unwanted adverse effects on non-target organisms, human health and the environment. The possible risks associated with their use are accepted to a certain extent by society given the related economic benefits since *inter alia* plant protection products contribute to ensuring reliable supplies of affordable and healthy agricultural products of high quality.

Pesticides have been regulated for a long time in most Member States and the Community². Over the years, a highly developed system has been established for evaluating the risks to human health and the environment from pesticide use.

Despite all the efforts that have been made to limit the risks linked to the use of pesticides and to prevent any undesirable effects, unwanted amounts of certain pesticides can still be found in environmental media (in particular soil and water)³ and residues exceeding regulatory limits still occur in agricultural produce⁴.

It is, therefore, necessary to reduce the risks from pesticides to humans and the environment as far as possible by minimising or eliminating, where possible, exposure and by encouraging the research and development of less harmful, including non-chemical, alternatives.

1.2. Current legal framework

In adopting the 6th Environment Action Programme (6thEAP)⁵, the European Parliament and the Council recognised that the impact of pesticides on human health and the environment, in particular from plant protection products, must be further reduced. They underlined the need to achieve a more sustainable use of pesticides as well as a significant overall reduction in risks and of the use of pesticides consistent with the necessary crop protection.

Therefore, the 6thEAP outlines a two-track approach:

1. Full implementation and revision of the relevant legal framework⁶
2. Development of a Thematic Strategy on the Sustainable Use of Pesticides

The Community regulatory framework concerning pesticides focuses particularly on the placing on the market and the end of the life cycle of such products.

¹ For definitions please refer to the Technical Annex to this Communication.

² Earliest Community Directives regulating plant protection products go back to 1979.

³ EUREAU Position Paper 'Keeping Raw Drinking Water Resources Safe from Pesticides', 2001.

⁴ Reports are available at:

http://europa.eu.int/comm/food/fs/inspections/fnaoi/reports/annual_eu/index_en.html

⁵ Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme (OJ L 242, 10.9.2002, p. 1).

⁶ In the 6EAP, reference is made exclusively to the legal framework concerning plant protection products

The most relevant legislative measures concerning PPP are:

1. Directive 91/414/EEC on the placing of plant protection products on the market⁷, and
2. Regulation (EC) No 396/2005 on maximum residue levels of pesticides in food and feed⁸.

The aim of Directive 91/414/EEC is to prevent risks at source through a very comprehensive risk assessment for each active substance and the products containing that substance before they can be authorised for use. Granting an authorisation to a PPP for certain uses therefore means that it has been demonstrated that, under normal conditions of use, these uses bear no unacceptable effects on human and animal health, and the environment. Regulation (EC) No 396/2005 sets maximum residue levels (MRL) of active substances in plant and animal produce, with the aim of limiting the exposure of consumers at the end of the food chain. Monitoring compliance with MRLs is also an important tool to assess whether professional users in the EU (e.g. farmers) have correctly applied the recommendations and restrictions outlined in the authorisations of plant protection products granted by the Member States.

A similar system of assessment for biocidal products has been introduced through Directive 98/8/EC⁹, which obliged many Member States to introduce legislation on biocides for the first time.

One of the shortcomings of the existing legal framework is that the actual use phase, which is a key element for the determination of the overall risks that pesticides pose, is barely addressed in the existing legislation. Therefore, the Thematic Strategy proposes measures aiming at correcting this deficiency, in order to create a coherent and consistent overall policy framework.

1.3. The process for launching the Thematic Strategy

In accordance with the 6EAP, Thematic Strategies are to be developed in a two-step process involving all stakeholders. In its Communication ‘Towards a Thematic Strategy on the Sustainable Use of Pesticides’ of July 2002, the Commission launched a wide ranging consultation exercise¹⁰.

The Communication noted, on the basis of preliminary studies, the shortcomings of the current legislative framework with regard to the use-phase in the life-cycle of pesticides. The Communication included extensive background information on the benefits and risks of using pesticides (which are discussed in the impact assessment submitted in parallel with this Communication), presented a list of essential points to be addressed and discussed possible measures to address the use-phase and to reverse negative trends.

The consultation encompassed the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions, industry, consumer and farmer

⁷ OJ L 230, 19.8.1991, p. 1.

⁸ 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 (OJ L 70, 16.3.2005, p. 1).

⁹ OJ L 123, 24. 4. 1998, p. 1.

¹⁰ COM(2002) 349.

organisations and the general public. Comments were received from more than 150 different stakeholders¹¹. In addition, the Commission held on 4 November 2002 a conference with more than 190 participants representing all stakeholder groups¹². Further consultations took place through Commission participation in various conferences on specific issues (e.g. comparative assessment/ substitution principle, application equipment, IPM/ICM¹³) and through meetings organised by the Commission (e.g. on aerial spraying). In addition, the Commission launched a further open consultation over the internet and received almost 1 800 responses¹⁴.

The objectives of the proposed strategy and many of the possible measures were broadly supported. A more detailed summary of the consultation process can be found in the impact assessment¹⁵.

2. ASSESSMENT OF THE SITUATION

Because of the direct benefits that their use generates (in particular for farmers), pesticides are employed on a large scale and generally considered as essential in modern cropping systems. Among them, plant protection products contribute to maximising agricultural yields and minimising labour input.

Despite the existing policies and legislation aimed at protecting human health and the environment, actual consumption and use of plant protection products in the EU has not decreased between 1992 and 2003, as can be seen from the available statistical information¹⁶.

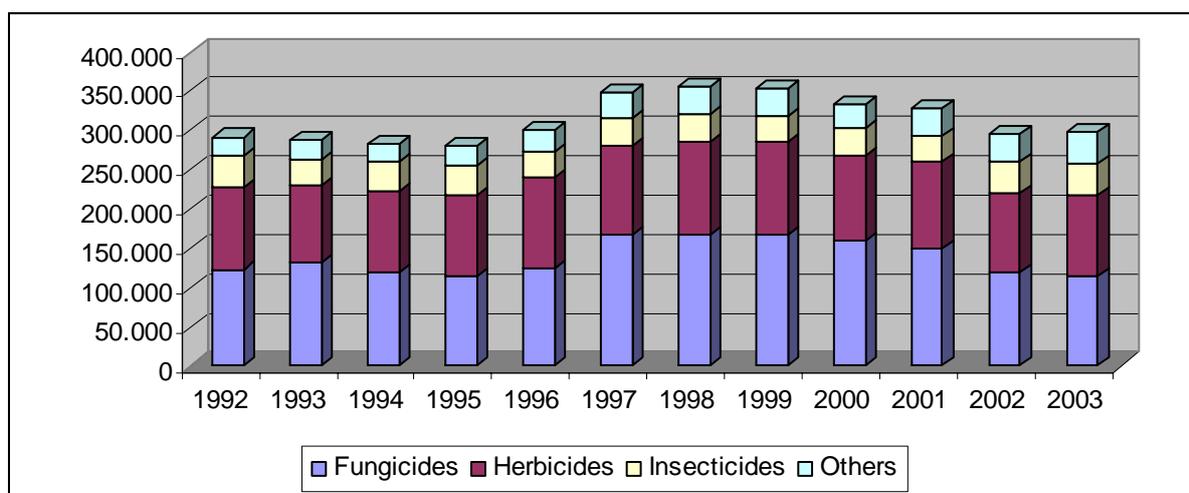


Figure 1: Sales of PPP active substances (in tonnes) in EU-15

¹¹ Opinions submitted are available at: <http://www.europa.eu.int/comm/environment/ppps/home.htm>

¹² Conference documents and proceedings available at: <http://europa.eu.int/comm/environment/ppps/home.htm>

¹³ Integrated Pest Management / Integrated Crop Management.

¹⁴ The results are available at: http://europa.eu.int/comm/environment/ppps/pdf/stats_consult.pdf

¹⁵ Report on The Impact Assessment of the Thematic Strategy on the Sustainable Use of Pesticides, Commission Staff Working Paper SEC(2006) 894.

¹⁶ Data given by Eurostat and European Crop Protection Association.

The percentage of food and feed samples, in which unwanted residues of pesticides exceed maximum regulatory limits has not declined between 1996 and 2003: it has slightly increased to remain at around 5%, as shown by the ongoing monitoring activities of the Member States and the Commission¹⁷.

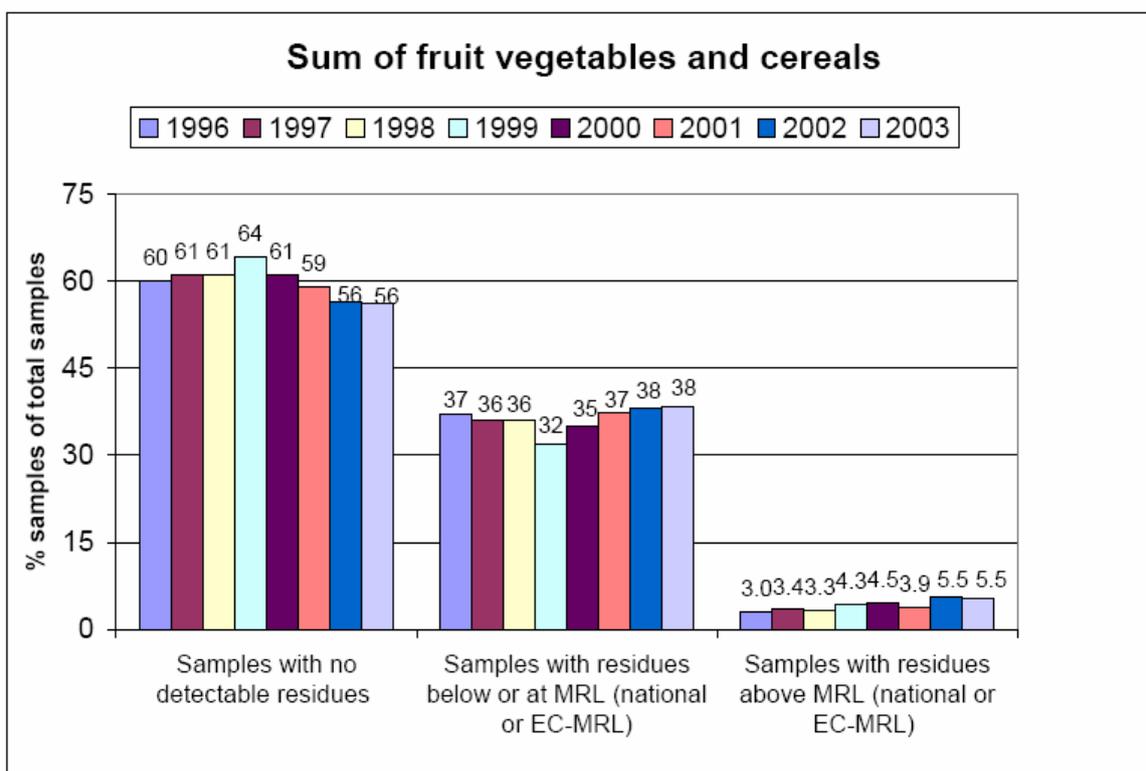


Figure 2: Results of inspections for residues of pesticides in fruits, vegetables and cereals in EU-15

3. OBJECTIVES OF THE THEMATIC STRATEGY

Increasing awareness of consumers and society at large about the possible risks from the use of pesticides has recently triggered actions by certain retailers and governments, as well as the Community, to support forms of agriculture and pest management methods that restrict or better target the use of plant protection products, such as organic farming, integrated pest management, or the use of less susceptible varieties. It is important to encourage a rational and precise pesticide use, as well as appropriate crop and soil management practices.

Furthermore, it will be important to improve the behaviour of pesticide users (in particular professional users), who are responsible for a number of misuses including overuses, by ensuring better training and education.

Improvement of the quality and efficacy of pesticide application equipment is also necessary to enable pesticide users to optimise the effectiveness of the treatments whilst minimising any adverse impact on human health and the environment.

¹⁷ Reports available at: http://europa.eu.int/comm/food/fs/inspections/fnaoi/reports/pesticides/index_en.html

Furthermore, the use of pesticides is affected – directly or indirectly – by legislation in other policy areas, such as water policy, agricultural policy, worker protection and research. The Thematic Strategy will allow the development of a horizontal and cross-cutting approach, well beyond the relatively limited scope of these specific legal instruments.

The specific objectives of the Thematic Strategy that would contribute to achieving the overall objectives are:

- (a) to minimise the hazards and risks to health and environment from the use of pesticides;
- (b) to improve controls on the use and distribution of pesticides;
- (c) to reduce the levels of harmful active substances including through substituting the most dangerous with safer (including non-chemical) alternatives;
- (d) to encourage low-input or pesticide-free cultivation, among others through raising users' awareness, promoting the use of codes of good practices and promoting consideration of the possible application of financial instruments;
- (e) to establish a transparent system for reporting and monitoring progress made in the fulfilling of the objectives of the strategy, including the development of suitable indicators.

The effects of the legislation on biocides will not become apparent until after 2006, when the first evaluations of active substances for use in biocidal products are finalised. At present, neither the Commission nor most Member States have sufficient knowledge or experience to propose further measures regarding biocides. This situation should be re-examined in the course of 2007, with a view to considering possible measures.

Therefore, based on the objectives laid down in the 6th EAP and bearing in mind that plant protection products constitute the most important group of pesticides, the Thematic Strategy on the Sustainable Use of Pesticides focuses only on such products for the time being. However, the scope of the Thematic Strategy might be expanded in the future, if similar measures were considered necessary for biocides.

4. ACTIONS AND MEANS: MEASURES CONSTITUTING THE THEMATIC STRATEGY

The Thematic Strategy on the Sustainable Use of Pesticides is composed of a number of individual measures, the impacts of which have been assessed from economic, social, health and environmental points of view. In accordance with the holistic concept of Thematic Strategies to integrate new measures as far as possible in existing instruments, this approach is proposed for several measures. The other measures are proposed in new legislation, which will be presented in parallel to this Communication.

The following chapters briefly present the measures that are part of the Thematic Strategy and those measures that were considered, but are not proposed at this stage. More details are contained in the "Technical Annex to the Communication on the Thematic Strategy on the

Sustainable Use of Pesticides”¹⁸, and in the impact assessment, which provides rationales for the measures proposed. All these documents are closely linked and should be read together.

4.1. New measures that cannot be integrated into existing instruments

The following measures of the Thematic Strategy will be included in a new Framework Directive of the European Parliament and the Council, which the Commission is proposing in parallel to this Communication:

- Establishment of *National Action Plans* by the Member States which will have to set individual objectives to reduce hazards, risks and dependence on chemical control for plant protection (National Action Plans - NAP).
- *Involvement of stakeholders* in the setting up, implementation and adaptation of the NAP. The detailed arrangements for public participation, and the level at which this will be organised, should be determined by the Member States so as to give the public early and effective opportunities to participate in the process.
- Creation of a system of *training* of professional pesticide users in order to ensure that those who regularly use pesticides are fully aware of the risks linked to this use and take all appropriate measures to find the least harmful means for solving a plant protection problem. This system will include guidance for users on the best choices to make among different products available for the same treatment (substitution at user's level).
- *Awareness raising* of the general public (with particular attention to non-professional users of pesticides) through awareness raising campaigns and information passed on through retailers to ensure that it is better informed.
- *Regular and compulsory inspection of application equipment* in order to reduce adverse impacts of pesticides on human health (in particular as regards operator exposure) and the environment during application, and to ensure the most efficient use by guaranteeing the actual quantity applied equals the preset dosage.
- *Prohibition of aerial spraying* to limit the risks of significant adverse impacts on human health and the environment, in particular from spray drift. Aerial spraying should only be used by way of derogation where it offers clear advantages and also environmental benefits compared to other spraying methods, or where there are no viable alternatives. Conditions for such derogations have to be established in order to minimise the risks of unwanted effects, e.g. through appropriate requirements for training of operators and standards of application equipment.
- *Enhanced protection of the aquatic environment* from pollution by pesticides to contribute to the achievement of the objectives of the Water Framework Directive (Articles 7(3), 11 and 16 of the Water Framework Directive¹⁹).
- *Defining areas of significantly reduced or zero pesticide use* in coherence with measures taken under other legislation (e.g. Articles 6, 10 and 12 of the Directive on Habitats²⁰ and

¹⁸ SEC(2006) 895.

¹⁹ Directive 2000/60/EC of the European Parliament and the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

Articles 3 and 4(4) of the Birds Directive²¹). Such areas should also be designated to address high risks of exposure of the general public and the specific protection needed by vulnerable groups such as children.

- ***Handling and storage of packaging and remnants of pesticides*** and other measures connected to the handling of products in order to avoid that they are stored or handled carelessly and possibly pollute the environment.
- ***Promotion of low pesticide-input farming and creation by Member States of necessary conditions for implementation of Integrated Pest Management (IPM) by farmers.*** Community-wide standards of Integrated Pest Management (IPM) will be developed and become mandatory as from 2014. Crop-specific standards for IPM will also be developed at Community level, but their implementation will remain voluntary, and Member States could support this activity under rural development.
- Measuring progress in risk reduction through ***appropriate harmonised indicators***, which will be made binding for all Member States for regular reporting. A set of possible risk indicators is currently under development in a project supported under the 6th RTD Framework Programme (HAIR²²). These indicators should become the common indicators to be used in all Member States – possibly combined with other already existing indicators.
- Establishment of a ***system of information exchange*** at Community level – a ***Thematic Strategy Expert Group*** – involving the Member States and all other relevant stakeholders in order continuously to develop and update appropriate guidance, best practices, and recommendations.

In addition, the Commission will incorporate the following measures of the Thematic Strategy into two separate proposals to be adopted at the latest by 2008:

- Improved systems for the ***collection of information on distribution and use of plant protection products***, at the level of active substances, and regular reporting to tackle the lack of reliable data in particular with a view to the calculation of risk indicators;
- Essential requirements for the protection of the environment to be satisfied by ***new pesticide application equipment to be placed on the market.***

4.2. Measures that can best be integrated in existing instruments

The following measures of the Thematic Strategy are to be integrated in existing instruments:

- ***Improved systems for monitoring compliance*** with the legal requirements concerning the distribution and use of plant protection products through a substantial amendment of the current Article 17 of Directive 91/414/EEC. This is also relevant in view of the cross-compliance requirements for direct payments under the CAP, which has included Directive

²⁰ Directive 92/43/EEC of the Council of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

²¹ Directive 79/409/EEC of the Council of 2 April 1979 on the conservation of wild birds (OJ L 103, 25.4.1979, p. 1).

²² Harmonised Environmental Indicators for Pesticide Risks (HAIR):
<http://www.rivm.nl/stoffen-risico/NL/hair.htm>

91/414/EEC (Article 3) since 2006²³. Member States will also be required to report on poisoning incidents involving pesticides for operators, bystanders, residents, consumers, and wildlife.

- Integration of ***comparative assessment and the substitution principle*** in the assessment of active substances and in decision-making for inclusion in Annex I of Directive 91/414/EEC (such a process already exists under Directive 98/8/EC for biocidal products), and in the authorisation of plant protection products at Member State level.
- ***Reinforcement of annual monitoring programmes on residues*** of pesticides in food and feed through the Regulation on setting Maximum Residue Levels²⁴ (MRLs), complemented by epidemiological exposure studies in the framework of the European Environment and Health Strategy.
- Environmental monitoring: ***determination of pesticide concentrations in environmental compartments***, as a means to verify model calculations and predictions during risk assessment and compliance of users with restrictions and label instructions. Monitoring of pesticides in water is provided for in the Water Framework Directive.
- ***Research on pesticides*** within the 6th and the 7th Community Framework Programmes for Research²⁵, with the objective of improving the health and well-being of European citizens through higher quality food and improved control of food production and related environmental factors, as well as facilitating risk assessment at farm level (e.g. identification of risky areas or practices). This includes the financing of projects that examine in particular the development of alternatives to chemical pest control. The effects of pesticides on biodiversity and how to reduce them can be investigated under the thematic activities within the Co-operation Programme of Framework Programme 7²⁶.
- Invitation to Member States to ***apply normal VAT rates*** to pesticides in order to reduce the incentive for illegal cross border exchange of non-authorized products due to price differentials.
- In the ***international arena***, the Community and the Member States have ratified and implement the Rotterdam Convention on Prior Informed Consent (PIC) and the Stockholm Convention on Persistent Organic Pollutants (POPs). They also provide financial and technical assistance (capacity building) in numerous bilateral and multilateral programmes (including the Strategic Approach for International Chemicals Management, SAICM, adopted in February 2006), which contribute to the safe handling and disposal of pesticides (including obsolete stocks of pesticides). The Community acknowledges that health and environmental risks deriving from the use of pesticides are particularly worrying in developing countries and countries in transition.

²³ Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers (OJ L 270, 21.10.2003, p. 1).

²⁴ See footnote No 8.

²⁵ Relevant information on FP6 available at: http://www.europa.eu.int/comm/research/fp6/index_en.html

²⁶ More information is available at: <http://ec.europa.eu/research/fp7/>

4.3. Measures/actions that are currently not proposed to be part of the Thematic Strategy, but could be examined again at a later stage

The following measures/actions, after having been discussed during the consultation phase and evaluated in the impact assessment, will not be proposed as part of the Thematic Strategy at this stage. They could be considered later in the light of the results of the proposed strategy, which will be examined under the review mechanism foreseen in the draft Framework Directive.

- *Definition of quantitative use reduction targets.* There is no systematic and direct link between the overall reduction of the quantities of pesticides used and the risks involved. In addition, there is no adequate information about baseline consumption, which could be used as reference, and there are a number of legal questions about enforcement and liability. The Strategy will, therefore, not propose legally binding reduction targets, thus being in line with Member States policy.
- *Setting-up of a system of taxes/levies to influence qualitatively pesticide use.* At this point in time, it will be virtually impossible to devise an efficient and manageable system of taxes/levies that would reflect adverse effects of individual pesticides. Member States could explore introducing ‘banded’ systems (flat rate systems are currently applied in some Member States), adapted to their specific situations and the protection objectives they wish to pursue.

5. EXPECTED RESULTS AND IMPACTS

The most important expected outcome of the implementation of this Thematic Strategy is a reduction of the overall risks and negative impacts on human health and the environment from the use of pesticides. Such a reduction can be achieved by reducing unwanted exposure (direct and indirect), and by reducing the intrinsic hazards of the substances used by replacing the more dangerous ones with less harmful ones (the so-called "substitution principle") or alternative protection measures. Currently, no universally accepted indicators are available to measure these risks.

Better knowledge of actual pesticide use will be the key input to calculate risk indicators – relevant information gathering systems have to be set up quickly to allow calculation of indicators and the trends in their development (also retrospectively). Overall it is expected that, as a consequence of the Thematic Strategy, knowledge about use of pesticides will greatly increase, a set of relevant risk indicators will be developed, and that these will show decreasing trends over time.

Although not directly linked to the reduction of actual risks, it is also expected that the overall use of pesticides will show a declining trend as a consequence of the implementation of low pesticide-input farming practices (*inter alia* Integrated Pest Management, organic farming) and the designation of zones with reduced or zero pesticide use. Better trained users with optimal application equipment will use pesticides more efficiently and will reduce losses into the environment (in particular the aquatic environment). The percentage of land cultivated with reduced or low pesticide-input cropping systems, such as integrated production, should increase.

It is also expected that, as a result of the Thematic Strategy, the percentage of food and feed samples monitored in the Member States where MRLs are exceeded will decline. Furthermore, poisoning incidents involving humans or wildlife should decrease.

For none of these trends is it possible to formulate quantitative targets, as often the necessary baseline information is missing or there are too many factors involved to predict quantitative effects in a reliable way. The impact assessment proves nevertheless that the net expected overall impact is clearly positive.

6. NEXT STEPS

In addition to the adoption of this Communication, the Technical Annex thereto, and the related impact assessment, the Commission has already adopted, or will in the future adopt, the following:

- a proposal for a Directive of the European Parliament and the Council establishing a framework for Community action to achieve a sustainable use of pesticides, which will contain the necessary new legislative measures described in Chapter 4.1;
- a proposal for a Regulation of the European Parliament and the Council revising Directive 91/414/EEC, which will incorporate, *inter alia*, the necessary measures regarding enhanced compliance monitoring and comparative assessment;
- a proposal for a Regulation of the European Parliament and the Council concerning statistics on plant protection products;
- a proposal for a Directive of the European Parliament and the Council laying down essential environmental protection requirements for the placing on the market of new pesticide application equipment and accessories, possibly within the framework of Directive 2006/42/EC²⁷;
- a proposal to the European Parliament and the Council on environmental quality standards in the field of water policy including such standards for certain pesticides;
- This new legislation will complement a Communication to the Council, the European Parliament and the European Economic and Social Committee on the European Environment & Health Action Plan, which, *inter alia*, contains the necessary actions to develop integrated information on exposure of humans to pesticides and the consequences thereof²⁸.

Efforts to reduce the risks from pesticides are continuously evolving and will have to be regularly reviewed. Also, as many of the measures constituting the Thematic Strategy require a sufficient degree of subsidiarity, it will be necessary (i) to exchange information among the Member States about their national action plans and the precise solutions that they have found, and (ii) to develop all necessary guidance and best practices.

²⁷ 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) (OJ L 157, 9.6.2006, p. 24).

²⁸ COM(2004) 416.

The draft framework Directive will therefore establish a consultative forum, the **Thematic Strategy Expert Group**, to develop guidance on best practices and monitor the implementation of the measures proposed in the Thematic Strategy.

In the light of the outcome of this information exchange and the deliberations of the Thematic Strategy Expert Group, the proposed measures will be regularly reviewed and adapted to technical progress.