



Committee of the Regions

DEVE-IV-013

**68th plenary session
13 and 14 February 2007**

**OPINION
of the
Committee of the Regions
on**

**A THEMATIC STRATEGY ON THE SUSTAINABLE USE OF
PESTICIDES**

THE COMMITTEE OF THE REGIONS

- welcomes the Commission's thematic strategy, since it provides for an integrated and holistic approach to pesticides which promotes further, necessary environmental improvements in this field;
- regrets that existing legislation has not been able to prevent pesticide residues in foods from increasing over the years, and therefore welcomes the fact that the thematic strategy is intended to step up the monitoring of pesticide residues in foods;
- finds that the proposed system of zones, included in the proposal for a regulation concerning the placing of plant protection products on the market, does not take adequate account of geological, geographical and hydrological factors within each zone. These differences mean that the risk of dangerous pesticides filtrating and leaching varies, and this should be reflected in the legislation; regrets that the zones do not take into consideration existing standards for pesticide regulation in the Member States ;
- finds that the Commission's proposal for compulsory mutual recognition of pesticides within zones is not an ideal solution, since this could lead to an increase in pesticide contamination of surface waters;
- considers that the legal basis for the Regulation (COM(2006) 388) should be extended to include Treaty Article 175, which covers the environment;
- calls for quantitative objectives to be developed eventually for reducing pesticide use.

THE COMMITTEE OF THE REGIONS,

Having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: A Thematic Strategy on the Sustainable Use of Pesticides (COM(2006) 372 final), the Proposal for a Directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of pesticides (COM(2006) 373 final - 2006/0132 (COD)) and the Proposal for a Regulation of the European Parliament and of the Council concerning the placing of plant protection products on the market (COM(2006) 388 final – 2006/0136 (COD));

Having regard to the decision of the European Commission of 12 July 2006 to consult it on these documents, taken under Article 265, 3rd paragraph (COM(2006) 372 final), Article 175, 1st paragraph in conjunction with Article 265, 1st paragraph (COM(2006) 373 final - 2006/0132 (COD)) and Article 152, 4th paragraph in conjunction with Article 265, 1st paragraph (COM(2006) 388 final – 2006/0136 (COD)) of the Treaty establishing the European Community;

Having regard to its Bureau's decision of 25 April 2006 to instruct the Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to its opinion on the Commission Proposal for a Council Directive establishing a framework for Community action in the field of water policy (COM(1997) 49 final - CdR 171/97 fin¹);

Having regard to its opinion of 6 December 2006 on the Communication from the Commission: Halting the loss of biodiversity by 2010 – and beyond, COM (2006) 216 final - CdR 159/2006 fin;

Having regard to its draft opinion (CdR 316/2006 rev. 1) adopted on 27 November 2006 by its Commission for Sustainable Development (rapporteur: Mr Bjørn Dahl, Mayor of Roskilde, DK, ALDE);

unanimously adopted the following opinion at its 68th plenary session, held on 13 and 14 February 2007 (meeting of 13 February 2007):

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¹ [OJ C 180 of 11.6.1998, p. 38](#)

1. Views of the Committee of the Regions

The Committee of the Regions

General comments

- 1.1 **welcomes** the Commission's thematic strategy, since it provides for an integrated and holistic approach to pesticides which promotes further, necessary environmental improvements in this field;
- 1.2 **endorses** the Commission's ongoing update of procedures and functions relevant to the European Food Safety Authority, thus ensuring that EU rules in this area are in line with the latest relevant scientific findings – thereby benefiting the environment and human health;
- 1.3 **supports** the objectives of the thematic strategy to improve protection of the environment and health by restricting the use of pesticides and encouraging research on less harmful alternatives;
- 1.4 **agrees** that data protection provisions should not include data produced through animal testing. This is to ensure that tests are not repeated unnecessarily and to help restrict as much as possible the use of animal testing;
- 1.5 **welcomes the fact** that the thematic strategy is intended to provide guidelines on the use of pesticides for which current Community legislation has been inadequate;
- 1.6 **is pleased to note that** the strategy includes tools for monitoring and reporting on progress made by the Member States towards achieving its goals;
- 1.7 **recognises** that sensible use of pesticides brings substantial productivity improvements, as stated in the Commission's impact assessment (SEC(2006) 894), but also **recognises** that use of these products still has a serious impact on the environment;
- 1.8 **also recognises** that the pesticide industry is a major employer in the EU, providing a total of 26 000 jobs; **is therefore pleased to note** that according to the impact assessment the thematic strategy will create a further 3 000 jobs in the sector, provide a minimum of EUR 380 million in profits for agriculture, and is also consistent with the objectives of the Lisbon strategy;
- 1.9 **welcomes the fact** that the strategy tries to increase safety in the use of pesticides, through inspection and certification of equipment, promoting safe storage of pesticides and training measures for distributors and professional users. This will make pesticide use more effective, benefiting all those concerned;

- 1.10 **regrets** that existing legislation has not been able to prevent pesticide residues in foods from increasing over the years, **and therefore welcomes** the fact that the thematic strategy is intended to step up the monitoring of pesticide residues in foods, and **urges** the rigorous testing for pesticide residues of imported foods and feedstuffs particularly from countries where restrictions of pesticide use may be less stringent;
- 1.11 **is pleased** that the proposal for a framework directive to achieve a sustainable use of pesticides refers to the Water Framework Directive. This is intended to strengthen the coherence of the EU's efforts to protect the environment; **therefore calls for** a reference to the Water Framework Directive in the proposal for a Regulation concerning the placing of plant protection products on the market;
- 1.12 **fully understands** the Commission's wish to strengthen competition, dynamism and free trade in the European Union, but believes it is crucially important for the thematic strategy on pesticides to prioritise environmental considerations and public health;
- 1.13 **therefore believes** that the recommendation contained in the proposal for a Regulation regarding compulsory mutual recognition of pesticides within the three zones is inappropriate when set against the existing provisions. Different situations prevail in the Member States within the same zone, which means that each Member State must be able to continue to apply more rigorous pesticide standards. For example, untreated groundwater is used as drinking water in several Member States. Compulsory introduction of pesticides that were hitherto banned will threaten this practice, with economic consequences for local and regional authorities and for the Member States. **The Committee would point out** that being able to drink high-quality water direct from the tap is a quality-of-life improvement.

2. **Recommendations of the Committee of the Regions**

- 2.1 **finds** that the proposed system of zones does not take adequate account of geological, geographical and hydrological factors within each zone. These differences mean that the risk of dangerous pesticides filtrating and leaching varies, and this should be reflected in the legislation; **regrets** that the zones do not take into consideration existing standards for pesticide regulation in the Member States. If the zone-based approach is maintained, more zones should at least be created. If the zones system is adopted, a way should be found of providing for mutual recognition of plant protection product authorisations in neighbouring regions belonging to different zones, with due regard for the protection of consumers and the environment;
- 2.2 **finds** that the Commission's proposal for compulsory mutual recognition of pesticides within zones is not an ideal solution, since this could lead to an increase in pesticide contamination of surface waters, which would constitute a threat to aquatic organisms and in some cases also to regions' unique bird and vertebrate populations; **considers** the approach to be inconsistent

with the general requirement of the Water Framework Directive not to worsen the situation with respect to bodies of water;

- 2.3 **thinks** that the objectives pursued through mutual recognition could be reached through increased cooperation and data-sharing between the Member States in the zones, with a view to prompt inspection of the resources that have been approved in another country in the zone; **therefore believes** that compulsory mutual recognition of pesticides is an inappropriate tool ; **thinks** that if recognition is maintained, the consequences of the division into zones should be better elucidated with a view to adjusting the zones in any case;
- 2.4 **calls for** more rigorous environmental protection criteria, because the current criteria are not sufficient to maintain the existing high level of protection; but **supports** the introduction of exclusion criteria for the approval of active substances. Such criteria are justified on grounds of the health effects;
- 2.5 **considers** that the legal basis for the Regulation (COM(2006) 388) should be extended to include Treaty Article 175, which covers the environment. This would have implications when considering future questions of interpretation and Member States' environmental protection measures;
- 2.6 **supports** introducing the principle of substituting certain plant protection products with less hazardous products or non-chemical alternatives;
- 2.7 **urges** that the criteria for selecting alternatives be improved so that it is possible to replace more substances. The rules should also be improved so that it is possible for the Member States to substitute plant protection products based on the properties of their adjuvants;
- 2.8 **urges** that pesticides which can seep into the groundwater should consistently be included among high-risk substances in the Regulation;
- 2.9 **calls for** the authorisation of active substances in plant protection products not to be limited after the initial renewal at the end of 10 years. Failure to renew would have a negative impact on the environment and health if, for instance, new data requirements or new guidelines were introduced for the assessment;
- 2.10 **opposes** the introduction of a looser approval procedure for plant protection products containing active substances which are assessed as "low risk". All plant protection products can carry a certain risk for humans and nature, and must therefore be subject to a thorough approval procedure;
- 2.11 **recommends** that the sale and distribution of pesticides is carried out under the supervision of an accredited expert or competent medical personnel;

- 2.12 **calls for** quantitative objectives to be developed eventually for reducing pesticide use, in line with the recommendations of the 6th Framework Programme; also **calls for** the promotion of production methods that make little or no use of pesticides, as is the case with organic farming;
- 2.13 **calls for** the incorporation in Articles 21 and 43 of the Regulation of a direct reference to the Water Framework Directive Article 4(1);
- 2.14 **welcomes** the fact that there has been a comprehensive consultation process on the thematic strategy which has included local and regional authorities; **also calls for** their involvement to be stepped up by including them in the Expert Group on the Thematic Strategy, which is tasked with advising on best practice and monitoring implementation of the strategy. Local and regional authorities must also be involved in drawing up and implementing the national action plans. Their unique understanding of local situations enables them to make a useful contribution in these forums, which should involve civil society.

Recommendation 1

Article 30 of the Proposal for a Regulation of the European Parliament and of the Council concerning the placing of plant protection products on the market, COM(2006) 388 final – 2006/0136 (COD)

<i>European Commission text</i>	<i>CoR amendment</i>
<p style="text-align: center;"><i>Article 30</i> <i>Contents</i></p> <p>1. The authorisation shall define the crops on which and the purposes for which the plant protection product may be used.</p> <p>2. The authorisation shall set out the requirements relating to the placing on the market and use of the plant protection product. Those requirements shall include the conditions of use necessary to comply with the conditions and requirements provided for in the Regulation approving the active substances, safeners and synergists. The authorisation shall include a classification of the plant protection</p>	<p style="text-align: center;"><i>Article 30</i> <i>Contents</i></p> <p>1. The authorisation shall define the crops on which and the purposes for which the plant protection product may be used.</p> <p>2. The authorisation shall set out the requirements relating to the placing on the market and use of the plant protection product. Those requirements shall include the conditions of use necessary to comply with the conditions and requirements provided for in the Regulation approving the active substances, safeners and synergists. The authorisation shall include a classification of the plant protection</p>

<p>product for the purpose of Directive 1999/45/EC.</p> <p>3. The requirements referred to in paragraph 2 may include:</p> <p>(a) a restriction of the product with respect to the distribution and use of the plant protection product to protect the health of the distributors, users and workers concerned;</p> <p>(b) the obligation to inform any neighbours who could be exposed to the spray drift before the product is used and who have requested to be informed.</p>	<p>product for the purpose of Directive 1999/45/EC.</p> <p>3. The requirements referred to in paragraph 2 may include:</p> <p>(a) a restriction of the product with respect to the distribution and use of the plant protection product to protect the health of the distributors, users and workers concerned <u>and the environment</u>;</p> <p>(b) the obligation to inform any neighbours who could be exposed to the spray drift before the product is used and who have requested to be informed.</p>
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Reason

It is necessary to add "environment" to the text in Article 30(3) to ensure the protection of the environment, including groundwater. The recent adoption of the Directive of the European Parliament and the Council on the protection of groundwater sets limit values for pesticides in groundwater. The proposal for a Regulation should not interfere with Member States' obligations to comply with the Groundwater Directive. Therefore it should be possible for Member States to establish national restrictions according to national conditions when authorising plant protection products to be able to comply with the Groundwater Directive.

Recommendation 2

Article 40 of the Proposal for a Regulation of the European Parliament and of the Council concerning the placing of plant protection products on the market, COM(2006) 388 final – 2006/0136 (COD)

<i>European Commission text</i>	<i>Amendment</i>
<p><i>Article 40</i> <i>Authorisation</i></p> <p>1. The Member State to which an application under Article 39 is submitted shall authorise the plant</p>	<p><i>Article 40</i> <i>Authorisation</i></p> <p>1. The Member State to which an application under Article 39 is submitted shall authorise the plant</p>

<p>protection product concerned under the same conditions, including classification for the purpose of Directive 1999/45/EC, as the reference Member State.</p> <p>2. By way of derogation from paragraph 1 and subject to Community law, additional conditions may be imposed with respect to the requirements referred to in Article 30(3).</p>	<p>protection product concerned under the same conditions, including classification for the purpose of Directive 1999/45/EC, as the reference Member State.</p> <p>2. By way of derogation from paragraph 1 and subject to Community law, additional conditions may be imposed with respect to the requirements referred to in Article 30(3).</p> <p>3. <u>By way of derogation from paragraph 1 and subject to Community law, the Member State to which an application under Article 39 is submitted can refuse authorisation of the plant protection product concerned if there is scientific and technical knowledge that an authorisation in its territory will not comply with Article 29.</u></p>
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Reason

The recent adoption of the Directive of the European Parliament and the Council on the protection of groundwater sets limit values for pesticides in groundwater. The proposal for a Regulation should not interfere with the Member States' obligations to comply with the Groundwater Directive.

The proposal for a regulation with obligatory mutual recognition is based on the assumption that the conditions within a zone are "relatively similar". However, the conditions can vary a great deal. It is therefore important to ensure that each Member State can refuse a mutual recognition if an authorisation in its territory will not comply with the Groundwater Directive.

Brussels, 13 February 2007.

The President
of the
Committee of the Regions

The Secretary-General
of the
Committee of the Regions

Michel Delebarre

Gerhard Stahl