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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

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) 2021/2115¹.

¹ 10654/22 +ADD 1-6

2. The proposal is intended to replace the current legislation (Directive 2009/128/EC, hereafter the "SUD") 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 confirmation of 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.
3. The Economic and Social Committee adopted its opinion on the proposal on 14 December 2022². The Committee of the Regions adopted its opinion on the proposal on 15 March 2023³.
4. In the European Parliament, in September 2022, Ms. Sarah Wiener (AT, Greens) was appointed as rapporteur for the proposal. The AGRI Committee and the Development Committee have provided opinions, with the AGRI Committee having exclusive competence on Article 43 of the proposal, related to the financing under CAP. Following a debate in the EP plenary on 21 November 2023, the European Parliament voted on 22 November to reject the Commission proposal and closed its first reading⁴.

² 16255/22

³ 7812/23

⁴ [Texts adopted - Sustainable use of plant protection products - Wednesday, 22 November 2023 \(europa.eu\)](https://www.europa.eu/press-room/media/press-releases/2023/11/22)

II. WORK IN THE COUNCIL

5. 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 report⁵ presented by the latter at the 12 December 2022 AGRIFISH Council.
6. On 19 December 2022, the Council adopted a Council Decision requesting the Commission to prepare a study complementing the existing impact assessment of the proposal⁶. In the December 2022 AGRIFISH Council, Ministers expressed commitment to continue the work on the parts of the proposal not covered by the above Council Decision.
7. Consequently, the examination and detailed discussions on the articles of the proposal not covered by the above Council Decision continued during the Swedish Presidency, who presented a progress report⁷ on work carried out on the proposal under their term at the 26 June 2023 AGRIFISH Council.
8. The Commission provided its response to the above Council request on 5 July 2023⁸ and presented it at the AGRIFISH Council on 25 July 2023. Following the Commission's presentation, Ministers agreed that from that moment on, discussions could continue on the remaining parts of the proposal, namely those directly linked to the Commission's study complementing the impact assessment of the proposal.

⁵ 15774/22

⁶ [EUR-Lex - 32022D2572 - EN - EUR-Lex \(europa.eu\)](#)

⁷ 9803/23

⁸ 11644/23 and WK 9761/2023

9. The work on the file has continued intensively during the Spanish Presidency, in four working party meetings and one attachés meeting. In order move the proposal forward, the Spanish Presidency's strategy was to directly address two the most controversial issues in the proposal: "the sensitive areas" and "the plant protection products (PPPs) reduction targets", while also seeking solutions to the concerns related to the administrative burden pointed out by the delegations in various provisions of the proposal. To gauge the delegations' positions on these issues, the Spanish Presidency proposed two queries. The first one invited delegations to reply to questions related to "sensitive areas" (questions on the definition of sensitive areas, on measures applicable in sensitive areas and on the possible derogations from the ban of PPPs use in sensitive areas). The second query focused on the PPPs reduction targets (questions on the level of ambition and mandatory/voluntary nature of the EU and national level targets, as well as on the recommendations made by the Commission to individual Member States if their performance or trend in pesticides reduction is not satisfactory). Both queries were discussed at length in the Working Party meetings of 14 September 2023 and 16 October 2023.
10. On the basis of the replies provided by delegations in the 14 September and 16 October Working Party meetings, and of the written contributions from the delegations, the Spanish Presidency prepared a Presidency non-paper on sensitive areas and on the PPPs reduction targets. The non-paper included a compromise proposal for sensitive areas focusing on a new definition and three categories of sensitive areas, the measures to be applied in each of them and a simplified procedure for granting derogations. On the reduction targets, the compromise proposal included a mandatory 50% reduction target at EU level for both the use and risk of chemical plant protection products (F2F1) and the use of more hazardous plant protection products (F2F2), as well as a mandatory minimum 25% reduction target for F2F1 at national level.

11. The above mentioned Presidency non-paper⁹ was discussed in the 7 November Working Party meeting, together with an alternative option proposed by the Presidency for a voluntary 25% PPPs reduction at national level. Without a clear majority either in favour or against the above Presidency non-paper and alternative option, the Spanish Presidency organised an attachés meeting on 10 November to discuss the revised Presidency non-paper where now the reference to PPPs reduction targets at national level had been turned into national contributions to be chosen by each Member State and included in its National Action Plan. The Presidency made an additional final attempt for a compromise on this issue, namely to use the wording contained in the current SUD for the national "*quantitative objectives, targets, measures and timetables*" contributing to PPPs reduction. This latest compromise proposal was not received with a clear majority support, either.
12. In parallel with the above discussions at working party/attachés levels, the Spanish Presidency prepared a Presidency compromise text for the whole proposal, seeking to bridge the divergent views and positions expressed by the delegations in the previous meetings. The latest version of this Presidency compromise text is set out in the Annex to this note.

III. MAIN ELEMENTS OF THE PRESIDENCY'S COMPROMISE TEXT

Sensitive areas

13. The Presidency compromise text proposes a modified definition of sensitive areas, establishing three categories:
1. agricultural and forestry sensitive areas;
 2. non-agricultural and non-forestry sensitive areas;
 3. non-agricultural and non-forestry sensitive areas with specific characteristics.

⁹ 14493/23

14. For each category, it would be allowed to use only:

1: biological control, low-risk PPPs, PPPs authorized in organic farming, and PPPs included in group 2 of Harmonized Risk Indicator.

2: biological control, low-risk PPPs, PPPs authorised in organic farming and PPPs authorised for non-professional use.

3: biological control, low-risk PPPs, PPPs authorized in organic farming, PPPs authorised for non-professional use and PPPs included in group 2 of Harmonized Risk Indicator.

The Presidency compromise text also proposes that derogations would be granted through a simplified system that substantially reduces administrative burden, for a maximum of 120 calendar days and for specific regions/areas.

Plant protection products reduction targets

15. The Presidency Compromise text proposes that that EU level PPPs reduction targets should be mandatory and set at 50% by 2030, for both the use and risk of chemical plant protection products (F2F1) and the use of more hazardous plant protection products (F2F2), considering 2015-2017 period as a baseline. For the national level, the text proposes to adapt the provisions of Article 4(1) of the current SUD, namely that each Member States contributes to the achievement of the EU targets by deciding its own quantitative objectives, targets, measures and timetables, which need to be included in its National Action Plan. That would mean that all measures taken individually by each Member State to reduce the use and risk of PPPs would together contribute to reaching the 50% Union reduction targets.
16. As a next step, a system of notifications to the Commission and, where appropriate, subsequent recommendations by the Commission, would support the above system of national quantitative objectives, targets, measures and timetables to contribute.

National Action Plans

17. The Presidency compromise text proposes to simplify the National Action Plans, to align them to other provisions in the proposal and to focus them on the really important information, reducing most of the administrative burden linked to the proposal.

Integrated Pest Management

18. The Presidency compromise text maintains the work previously carried out by the Swedish Presidency in Chapter IV (Integrated Pest Management), in which, as a key element, crop or sector-specific guidelines and rules were introduced, providing Member States with flexibility to take into account national specificities.

Aerial application of plant protection products

19. Although, in general, aerial applications of PPPs are prohibited, the Spanish Presidency compromise text is intended to promote the implementation of new technologies for precision farming. Therefore, the text proposes to allow the authorisation of aerial applications systems when, under certain circumstances, the risks of these applications are lower and even equivalent to other application systems. Furthermore, the text introduces an obligation for the Commission to develop, in cooperation with EFSA, a guidance document related to the authorisation of the aerial application of PPPs – including applications by certain categories of drones – to be used in the assessment of the applications for authorisation of PPPs for aerial uses. The administrative burden has also been reduced and the empowerment of the Commission has been limited.

Training, information and awareness raising

20. The Presidency compromise text proposes that the training and certification system should be defined at national level. In addition, the concept of independent advisor has been replaced with that of an impartial advisor- as already described in the CAP Regulation – and an impartial advisory system would have to be set, specifying all criteria and parameters at Member State level.

Unique identification number

21. Article 10(5) of Regulation (EU) 2023/1230 on machinery obliges the manufacturers to ensure that any machinery they place on the market or put into service bear a batch or serial number or another element allowing its identification. However, since a batch number would not allow the identification of each individual application equipment, the Presidency compromise text proposes a unique identification number to be included in the machinery documentation. The unique identification number would also contain a country code, thus facilitating cross-border recognition.

Harmonised risk indicators

22. The Presidency compromise text proposes to keep harmonised indicators 1 and 2 established under the current SUD and to delete the newly proposed harmonised indicator 2a (based on number of and areas treated under authorisations granted under Article 53 of Regulation (EC) No 1107/2009), on the argument that modifying them would not solve the problem of their quality. The Commission would have to calculate the results of both harmonized indicators and share them with each Member State. However, the Presidency compromise text maintains the provision foreseen by the Commission proposal whereby the Commission may, by means of a delegated act, modify the existing harmonised risk indicators or provide additional ones within 18 months after the data on the use of PPPs collected under Regulation (EU) 2022/2379 (*the so-called 'SAIO' Regulation*) becomes available.

23. In the Coreper meeting on 22 November, when the agenda of the upcoming AGRIFISH Council on 11 December was discussed and agreed, delegations agreed that the file should be kept on the agenda of the next AGRIFISH irrespective of the European Parliament's vote to reject the Commission proposal. However, 15 Member States indicated that, even though the text had advanced significantly at technical level, more work was still necessary at working party level before bringing it to the Council for a General Approach or a Council position at first reading.
24. Following the above Coreper meeting, in the last working party meeting during the Spanish Presidency on 23-24 November, delegations welcomed the Presidency compromise text for the whole proposal but indicated that they had questions and needed clarifications on key aspects in that compromise text and that more time was necessary to examine and reflect on them.
25. At this stage, all delegations still have a scrutiny reservation on the Presidency compromise text in the annex to this note, including on the latest changes introduced in it since the last meeting of the Working Party.

IV. CONCLUSION

26. At the AGRIFISH Council meeting on 11 November 2023, ministers will be invited to take note of this progress report and to exchange views.

¹⁰REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹¹,

Having regard to the opinion of the Committee of the Regions¹²,

Acting in accordance with the ordinary legislative procedure,

¹⁰ Changes to the previous version (14118/23 + ADD1) are marked in bold for additions and deletions are marked in strikethrough

¹¹ OJ C , , p. .

¹² OJ C [...], [...], p. [...].

Whereas:

- (1) The Treaty requires a high level of protection of human health and of the environment to be ensured in the definition and the implementation of all Union policies and activities and provides that Union policy on the environment is to aim at a high level of protection.
- (2) Directive 2009/128/EC of the European Parliament and of the Council¹³ established a framework to achieve a sustainable use of pesticides by reducing the risks and impacts of the use of pesticides on human health and the environment. The evaluation¹⁴ of that Directive found that it has not achieved its overall objectives and that the Member States did not implement it in a satisfactory manner. This conclusion was confirmed in reports from the Commission to the European Parliament and Council in 2017¹⁵ and 2020¹⁶.
- (3) The European Parliament resolution of 12 February 2019 on the implementation of Directive 2009/128/EC on the sustainable use of pesticides¹⁷ noted that the Union must act without delay to transition to a more sustainable use of pesticides and called on the Commission to propose an ambitious Union-wide binding target for the reduction of pesticide use. The European Parliament re-affirmed its call for binding reduction targets in its resolution of 20 October 2021 on a Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system¹⁸.

¹³ 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 pesticides (OJ L 309, 24.11.2009, p. 71).

¹⁴ [Reference to be inserted.]

¹⁵ Report from the Commission to the European Parliament and the Council on Member State National Action Plans and on progress in the implementation of Directive 2009/128/EC on the sustainable use of pesticides COM(2017)587 final.

¹⁶ Report from the Commission to the European Parliament and the Council on the experience gained by Member States on the implementation of national targets established in their National Action Plans and on progress in the implementation of Directive 2009/128/EC on the sustainable use of pesticides COM(2020) 204 final.

¹⁷ P8_TA(2019)0082, 12 February 2019.

¹⁸ P9_TA(2021)0425, 20 October 2021.

- (4) In 2018, a study¹⁹ by the European Parliament Research Service (EPRS) found progress in many Member States but a limited overall achievement of the objectives of Directive 2009/128/EC. A 2020 special report²⁰ from the European Court of Auditors (ECA) on the sustainable use of plant protection products found that there is limited progress in measuring and reducing the risks of plant protection product use and identified weaknesses in the current Union framework. As noted in its information report in relation to evaluation of Directive 2009/128/EC²¹, the European Economic and Social Committee also considers it essential to reassess the requirements, targets, conditions and timetables set under national action plans.
- (5) In order to ensure full attainment of the objectives of the Union legal framework on sustainable use of plant protection products, it needs to be adapted by laying down clearer and directly applicable rules for operators. In addition, a number of rules should be clarified, including the rules on the application of integrated pest management, restrictions of use of plant protection products and the inspections of equipment used to apply plant protection products. It is therefore appropriate to repeal Directive 2009/128/EC and replace it with a regulation.
- (6) The rules concerning biocidal products are laid down in Regulation (EU) No 528/2012 of the European Parliament and of the Council²², and an evaluation of that Regulation is planned. It is therefore not appropriate to introduce new rules on the use of biocidal products in this Regulation.

¹⁹ European Parliamentary Research Service, Directive 2009/128/EC on the sustainable use of pesticides –European Implementation Assessment, October 2018.

²⁰ Sustainable use of plant protection products: limited progress in measuring and reducing risks, Special Report European Court of Auditors, ISBN:978-92-847-4206-6, Publications Office of the European Union, Luxembourg, 2020.

²¹ European Economic and Social Committee, Evaluation on Directive on the Sustainable Use of Pesticides (Information report), adopted on 27 April 2021.

²² 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).

- (7) The Commission Communication entitled ‘the European Green Deal’²³ set out a roadmap of key measures, including legislative, to significantly reduce the use and risk of chemical pesticides. In the Farm to Fork Strategy²⁴, EU Biodiversity Strategy for 2030²⁵ and the Zero Pollution Action Plan²⁶, the Commission committed to take action to reduce by 50% the overall use and risk from chemical pesticides by 2030 and reduce by 50% the use of more hazardous pesticides (plant protection products containing one or more active substances approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²⁷ and listed in Part E of the Annex to Commission Implementing Regulation (EU) No 540/2011²⁸, or containing one or more active substances listed in the Annex to Commission Implementing Regulation (EU) 2015/408²⁹) by 2030.

²³ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal COM/2019/640 final.

²⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final.

²⁵ Communication from the Commission to the European Parliament the Council, the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives, COM/2020/380 final.

²⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil', COM(2021) 400 final.

²⁷ 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).

²⁸ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

²⁹ Commission Implementing Regulation (EU) 2015/408 of 11 March 2015 on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution (OJ L 67, 12.3.2015, p. 18).

The sustainable use of plant protection products is also complementary to the promotion of organic farming and achieving the Farm to Fork Strategy target of at least 25% of the Union's agricultural land under organic farming by 2030. It supports the objectives of the EU strategic framework on health and safety at work³⁰ and thereby contributes to the implementation of principle 10 of the European Pillar of Social Rights on a healthy, safe and well-adapted work environment.

- (8) Two European citizens' initiatives address the use of pesticides and call for ambitious reduction targets. The initiative 'Ban glyphosate and protect people and the environment from toxic pesticides' submitted to the Commission on 6 October 2017 called on the Commission, under its third aim, 'to set EU-wide mandatory reduction targets for pesticide use, with a view to achieving a pesticide-free future'. In its reply adopted on 12 December 2017, the Commission stated that it would re-evaluate the need for EU-wide mandatory targets for pesticides. More recently, the initiative 'Save bees and farmers! Towards a bee-friendly agriculture for a healthy environment' calls on the Commission 'to propose legal acts to phase out synthetic pesticides in EU agriculture by 80% by 2030, starting with the most hazardous, and to become free of synthetic by 2035.' The initiative has collected over 1 million statements of support by 30 September 2021 which are currently being verified by Member States authorities.

³⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *EU strategic framework on health and safety at work 2021-2027 Occupational safety and health in a changing world of work*, COM/2021/323 final.

- (9) In the final report of the Conference on the Future of Europe, published on 9 May 2022, when it comes to the proposals on agriculture, food production, biodiversity and ecosystems, pollution, citizens ask the Union in particular to significantly reduce the use of chemical pesticides and fertilizers, in line with the existing targets, while still ensuring food security, and support for research to develop more sustainable and natural-based alternatives. Citizens ask for more research and innovations, including in technological solutions for sustainable production, plant resistance, and precision farming, and more communication, advisory systems, and training for and from farmers as well as asking the Union to protect insects, in particular indigenous and pollinating insects.³¹
- (10) In its conclusions of 19 October 2020³², the Council of the European Union, when taking note of the Commission's reduction targets for the use of pesticides set out in the Farm to Fork Strategy, pointed out that achieving those targets will require efforts from Member States and all stakeholders and intensive co-operation, consultation and collaboration. The Council also requested the Commission to ensure that these targets are Union targets to which all Member States must contribute through action at national level. The Council conclusions request such targets to be set taking into account achievements to date, as well as Member States' different starting points, circumstances and conditions.

³¹ *Conference on the Future of Europe – Report on the Final Outcome*, May 2022, Proposals 1 and 2, pp. 43-44.

³² Brussels, 19 October 2020, 12099/20.

- (11) Biological control agents are a sustainable control alternative to the use of chemical products for the control of harmful organisms. As noted in Council Decision (EU) 2021/1102³³, biological control agents have a growing importance in sustainable agriculture and forestry and have an instrumental role to play in the success of integrated pest management and organic farming. Access to biological controls facilitates moving away from chemical plant protection products. It is appropriate to encourage farmers to switch to low input agricultural methods including organic farming. It is therefore appropriate to define the concept of biological control as a basis for Member States to set indicative targets to increase the percentage of crops on which biological control agents are used.
- (12) The objective of the Farm to Fork Strategy is to make substantial progress in the reduction of the use of chemical plant protection products in an economically viable way. In order to achieve that aim, it is necessary to set quantified targets at Union levels for the reduction in the use and risk of chemical plant protection products and the use of more hazardous plant protection products to monitor progress. Member States should establish their ~~contributions~~ **quantitative objectives, targets, measures and timetables to contribute** to the achievement of those targets as part of their national action plans. The reduction in the use of chemical plant protection products is expected to significantly reduce occupational safety and health risks for professional users.

³³ Council Decision (EU) 2021/1102 of 28 June 2021 requesting the Commission to submit a study on the Union's situation and options regarding the introduction, evaluation, production, marketing and use of invertebrate biological control agents within the territory of the Union and a proposal, if appropriate in view of the outcomes of the study (OJ L 238, 6.7.2021, p. 81).

12bis To help ensure coherence between national and Union policies in relation to the Union 2030 reduction targets, the Commission should be able to issue recommendations to Member States on the level of ambition in the Member States' own quantitative objectives, targets, measures and timetables. Whereas recommendations have no binding force, as set out in Article 288 of the Treaty on the Functioning of the European Union (TFEU), Member States should nevertheless take due account of such recommendations.

(13) [...]

(14) Member States should draft and publish national action plans. In order for the Member State national action plans to be effective, they should contain quantitative objectives, targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment together with an analysis of key active substances and crops that affect the achievement of the reduction targets for pesticide use at Union level. This will allow for a structured approach to ensuring those targets are met. In order to monitor compliance with the provisions of this Regulation, Member States should also be required to report annually on precise quantitative data relating to compliance with provisions on use, training, application equipment and integrated pest management.

(15) [...]

(16) Economic instruments, including those under the CAP that provide support to farmers, can play a crucial role in the achievement of objectives relating to the sustainable use of plant protection products and, in particular, reducing the use of chemical plant protection products. Member States have to show in their national CAP Strategic Plans that their implementation of the CAP contributes to and supports other relevant Union legislation and their objectives, including objectives under this Regulation.

- (17) In order to monitor the level of compliance with this Regulation in a streamlined, easily comparable manner, Member States should include quantitative data in relation to the implementation of this Regulation as regards use, training, application equipment and integrated pest management.
- (17bis) ~~A professional user means any person who uses a plant protection product in the course of their professional activities. This includes operators, technicians, employers and self-employed people, both in the farming and other sectors.~~
- (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. In order to ensure and monitor compliance with this requirement, it is important that professional users keep a record of the use of plant protection products or any other action taken in line with integrated pest management. These records are also required for aerial applications.

- (19) To avoid unnecessary duplication, the Commission, together with the Member States, may develop a standard template 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.
- (20) In order to facilitate professional users to comply with the principles of integrated pest management, it is necessary to lay down crop or sector-specific guidelines 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. Such crop or sector-specific guidelines or rules should specify the general principles of integrated pest management for a specific crop or sector. To ensure that the crop or sector-specific guidelines are in accordance with the general principles of integrated pest management, detailed rules should be laid down as to what the guidelines should entail. The Commission should verify the development, implementation, and enforcement of rules. 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.
- (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.

- (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 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 Council³⁴. These registers should record any preventative measure or intervention and a description of the compliance with the relevant crop or sector-specific guideline or rule.
- (22) In order to ensure that plant protection products and related application equipment **in professional use** are used in a manner that protects human health and the environment, it is necessary to provide for general requirements on professional users in relation to the training required to use certain plant protection products or application equipment **in professional use**, the use of more hazardous plant protection products and the need to comply with inspection requirements for application equipment in professional use.

³⁴ 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*).

- (23) Use of plant protection products may have particularly negative impacts in certain areas that are frequently used by the general public or by vulnerable groups, communities in which people live and work and ecologically sensitive areas, such as Natura 2000 sites protected in accordance with Directive 2009/147/EC of the European Parliament and of the Council³⁵ and Council Directive 92/43/EEC³⁶. If plant protection products are used in areas used by the general public, the possibility of exposure of humans to such plant protection products is high. In order to protect human health and the environment, the use of plant protection products in sensitive areas, should therefore be restricted. Derogations from any restriction should be duly justified and should only be granted due to plant health problems that cannot be controlled by other reasonable alternatives, taking into account technical, economic and environmental considerations. In specific situations, where there is a risk of spread of invasive alien species or quarantine pests, including in demarcated areas established under Regulation (EU) No 2016/2031, plant protection products that are necessary in order to protect plant health should still be permitted. The Commission may develop a technical guidance document to facilitate uniform implementation of national derogation procedures.

³⁵ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

³⁶ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

- (24) The aquatic environment and drinking water supplies are especially sensitive to plant protection products. In order to protect the aquatic environment, the use of plant protection products in and around surface waters areas should therefore be prohibited. Member States should have in place appropriate measures to avoid deterioration of surface and groundwater as well as coastal and marine waters and allow achievement of good surface and groundwater status, to protect the aquatic environment and drinking water supplies from the impact of plant protection products. In addition, it is important that professional users are trained in 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”. It is also important that professional users are trained on the importance of giving preference to low-risk plant protection products or non-chemical alternatives, use of drift reducing technology and risk mitigation measures.
- (25) Precision farming refers to agricultural management systems carefully tailoring crop management to fit localised conditions such as those found within land parcels. The application of existing technology, including the use of Union space data and services (Galileo and Copernicus), has the potential to significantly reduce pesticide usage. It is therefore necessary to provide for a legislative framework that incentivises the development of precision farming. Application of plant protection products from an aircraft, including application by planes, helicopters and drones, is usually less precise than other means of application and may therefore potentially cause adverse impacts on human health and the environment. Aerial application should therefore be prohibited, with limited derogations on a case-by-case basis where it has a less negative or equal impact on human health and the environment than any alternative application method or there is no viable alternative application method. It is also necessary to record the numbers of aerial applications carried out on the basis of permits granted for aerial application in order to have clear data on how many aerial applications for which permits were granted actually took place.

- (26) It is however likely that certain unmanned aircraft (including drones) will allow for the targeted aerial application of plant protection products. Such unmanned aircraft are likely to help reduce the use of plant protection products due to targeted application and consequently help reduce the risks to human health and the environment compared to use of land-based application equipment **in professional use**. It is therefore appropriate to set criteria in this Regulation for an exemption of certain unmanned aircraft from the prohibition of aerial application. It is also appropriate to defer the application of this exemption for 3 years given the current state of scientific uncertainty.
- (27) Handling of plant protection products, including storage, dilution and mixing of such products, cleaning of application equipment after use, recovery and disposal of tank mixtures and disposal of empty packaging and remnants of plant protection products pose particular risks of exposure to humans and to the environment. Therefore it is appropriate to provide for specific measures addressing these activities. To the extent that the use, storage and disposal of plant protection products require compliance with minimum health and safety requirements at the workplace, those requirements are laid down by, *inter alia*, Council Directive 89/391/EEC³⁷, Council Directive 89/656/EEC³⁸, Council Directive 98/24/EC³⁹, Directive 2004/37/EC of the European Parliament and of the Council⁴⁰ and Directive 2009/104/EC of the European Parliament and of the Council⁴¹.

³⁷ 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).

³⁸ 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).

³⁹ 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 (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 131, 5.5.1998, p. 11).

⁴⁰ 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 exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Article 16(1) of Council Directive 89/391/EEC) (OJ L 158, 30.4.2004, p. 50).

⁴¹ 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).

- (28) Given the importance of advice on the use of plant protection products as a means to support their use in a manner that protects human health and the environment in accordance with integrated pest management, it is important that advisors are adequately trained.
- (29) Sale of a plant protection product is an important element in the distribution chain because it allows distributors to provide the necessary information to support its proper use. In addition to the obligation of distributors to keep records of plant protection products and provide them to the relevant competent authority on request in accordance with Regulation (EC) No 1107/2009, specific advice on safety instructions for human health and the environment should be available to the purchaser or end user at the time of sale in order to allow questions to be answered that will facilitate the correct use of the relevant plant protection product. For non-professional users, general information should be available at point of sale on safe use, handling and storage of plant protection products and on disposal of the packaging of such products, since those users do not generally have the same practical knowledge as professional users.

- (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 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 valid certificate of training or a record of entry in an official 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. University degrees in agronomic and forestry sciences are *a priori* suitable training for advisors. The use or purchase of a plant protection product authorised for professional use should be limited to persons in possession of a certification of training and distribution of plant protection products authorised for professional use should be limited to distributors who have available staff in possession of a certification of training 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 should only be provided by persons in possession of a training certificate. Also, 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.
- (31) 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, where appropriate in the context of the relative expertise of the professional user compared to the advisor and considerations of availability of advisors, be required to regularly consult trained, impartial advisors on pest management, so that plant protection products are only used as a last resort.

- (32) Considering the possible risks to human health and the environment from the use of plant protection products, the public should have access to better information on the overall impacts of the use of such products through awareness-raising programmes, information passed on through distributors and other appropriate measures.
- (33) In order to better understand the trends regarding acute poisoning incidents and chronic poisoning arising from exposure of persons to plant protection products, information on such trends, where available, should be compiled by each Member State. The Commission should also monitor the overall trends at Union level.
- (34) In order to minimise the adverse impacts of plant protection products on human health and the environment, it is necessary to bring the application equipment **in professional use** for regular technical inspection. Given the potentially reduced impact of application equipment **in professional use** which represents a very low scale of use, it is also appropriate to allow Member States to lay down less stringent inspection requirements and provide for different inspection intervals in relation to such equipment. In addition, due to the relatively low cost of purchasing new handheld application equipment and knapsack sprayers compared to the costs of inspection, it is appropriate to provide for the possibility of national derogations from the mandatory inspection of such equipment, subject to the carrying out of a risk assessment covering the risks to human health and the environment posed by such equipment. That assessment should include an estimation of the scale of use of the equipment. To ensure compliance with the inspection requirements, it is necessary to require that each Member State establish a register of application equipment **in professional use** and keep that register up to date. It is necessary to make provision for the supply of a unique ID to such application equipment **in professional use** to ensure that all equipment is identified.

- (35) In order to monitor progress achieved in the reduction of risks and adverse impacts to human health and the environment from the use of plant protection products it is necessary to continue using the system of harmonised risk indicators established under Directive (EU) 2009/128/EC.
- (36) Statistical data on plant protection products collected in accordance with Regulation (EU) No 2022/2379 of the European Parliament and of the Council⁴² should be used in calculating these harmonised risk indicators and progress towards achieving binding Union targets based on the Farm to Fork Strategy. Given that plant protection product use fluctuates between years depending, in particular, on the weather, a three year baseline period is appropriate to take account of such fluctuations. The baseline period for the calculation of harmonised risk indicators 1 and 2 is 2011–2013, as this was the first three year period for which data was received by the Commission under Regulation (EC) No 1185/2009⁴³ and coincides with the entry into force of Directive 2009/128/EC. The baseline period for the calculation of progress towards the Union 2030 reduction targets is 2015–2017, as this was the three most recent years for which data was available at the time of the announcement of the Farm to Fork Strategy.
- (37) For the moment, the only robust statistical data available at Union level relating to the marketing and use of plant protection products are the statistics on the quantities of active substances in plant protection products placed on the market, and the data on the number of authorisations for emergency situations in plant protection granted under Regulation (EC) No 1107/2009. Those statistics are used in the calculation of harmonised risk indicators 1 and 2 under Directive 2009/128/EC and in calculating progress towards the binding Union 2030 reduction targets based on the Farm to Fork Strategy.

⁴² Regulation (EU) 2022/2379 of the European Parliament and of the Council of 23 November 2022 on statistics on agricultural input and output, amending Commission Regulation (EC) No 617/2008 and repealing Regulations (EC) No 1165/2008, (EC) No 543/2009 and (EC) No 1185/2009 of the European Parliament and of the Council and Council Directive 96/16/EC (OJ L 315, 7.12.2022, p. 1).

⁴³ 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).

- (38) For reasons of transparency, and to ensure uniform implementation by all Member States, the methodology for calculating progress towards achieving the Union 2030 reduction targets and the methodology for the calculation of harmonised risk indicators at Union and national level should be set out in an Annex to this Regulation.
- (39) The EU Biodiversity Strategy for 2030 recognises the need for urgent action to protect biodiversity. There is evidence of a widespread reduction of species, in particular insects and pollinators, in the Union. Biodiversity loss is, amongst other factors, driven by the use of plant protection products, while Member States actions under current Union policy instruments have not yet been able to stop this trend of biodiversity loss. It is therefore essential to ensure that plant protection products are used in such a way as to mitigate the risk of harmful effects of such products on wildlife, through a number of measures including training, inspection of application equipment in professional use and protection of the aquatic environment and sensitive areas.
- (40) In order to facilitate communication between the Commission and competent authorities responsible for the implementation of this Regulation at national level, Member States should inform the Commission of the competent authorities designated under this Regulation.
- (41) In order to enforce the obligations set out in this Regulation, Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties should be effective, proportionate and dissuasive. It is also important to provide for Member States to recover costs related to carrying out obligations under this Regulation by means of fees or charges in order to ensure that adequate financial resources are available to competent authorities.

- (42) Since the objective of this Regulation, namely to protect human health and the environment from risks and impacts associated with the use of plant protection products, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale of their use and the complexity and effects of the risk profiles associated with them, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (43) Activities performed by the competent authorities, or by other bodies or natural persons to which official control tasks have been delegated, in order to verify compliance by operators with this Regulation, are, with the exception of control tasks related to equipment used to apply plant protection products, regulated by Regulation (EU) 2017/625 of the European Parliament and of the Council.⁴⁴ Therefore, this Regulation only needs to provide for controls and audits in respect of inspection of application equipment in professional use.

⁴⁴ 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).

- (44) In order to take into account technical progress and scientific developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the provisions on obligations of professional users and advisors related to integrated pest management and inspection of application equipment in professional use, to amend the criteria for the use, by way of exemption, in relation to unmanned aircraft to adapt them to technical and scientific progress, the calculation of harmonised risk indicators, the data to be provided in annual progress and implementation reports and the notification form in relation to application equipment **in professional use** as well as Annexes II III, IV, V and VI. Likewise, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation by specifying precise criteria in relation to certain factors regarding unmanned aircraft, once technical progress and scientific developments allow for the development of such specifications. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making⁴⁵. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (45) In order to assess whether this Regulation reaches its objectives effectively and efficiently, is coherent and still relevant and provides added value at Union level the Commission should carry out an evaluation of this Regulation.

⁴⁵ OJ L 123, 12.5.2016, p. 1.

- (46) In order to ensure uniform conditions for the implementation of the provisions of this Regulation on the entries to be made by professional users in the electronic integrated pest management and plant protection product use register, for the summary and analysis by the competent authorities of the information in that register and provision of information on acute poisoning incidents and chronic poisoning, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴⁶.
- (47) The implementation of this Regulation by Member States will result in new and enhanced obligations for farmers and other pesticides users. Some of them constitute statutory management requirements and standards of good agricultural and environmental conditions of land as listed in Annex III to Regulation (EU) 2021/2115 of the European Parliament and of the Council⁴⁷, which, in accordance with that Regulation, farmers must comply with to receive CAP payments, whereas other requirements, which go beyond the baseline of mandatory requirements, may be rewarded with additional payments under voluntary regimes like eco-schemes pursuant to Article 31 of Regulation (EU) 2021/2115. Article 31(5), points (a) and (b), and Article 70(3), points (a) and (b), of Regulation (EU) 2021/2115 provide that the CAP funding is only available for practices implemented under an eco-scheme or agri-environmental-climate commitment which go beyond the relevant statutory management requirements and the standards of good agricultural and environmental conditions of land established under that Regulation and the relevant minimum requirements for the use of fertiliser and plant protection products, animal welfare, as well as other relevant mandatory requirements established by national and Union law.

⁴⁶ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁴⁷ 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.

Since farmers and other users need to be financially supported in their transition toward a more sustainable use of pesticides, Regulation (EU) 2021/2115 needs to be amended to allow the financing of requirements imposed in accordance with this Regulation during a transitional period. This exceptional option for Member States to provide additional funding for measures taken in implementing this Regulation should apply to any obligation for farmers and other users resulting from the application of this Regulation, including compulsory farming practices imposed by the crop-specific rules for integrated pest management. Further, pursuant to Article 73(5) of Regulation (EU) 2021/2115, investments by farmers to comply with new requirements imposed by Union law may be supported for a maximum of 24 months from the date on which they become mandatory for the holding. Similarly, a longer transition period should be set out for investments complying with requirements imposed on farmers in accordance with this Regulation. Regulation (EU) 2021/2115 should therefore be amended accordingly.

- (47bis) Producers, suppliers, distributors, importers, and exporters of plant protection products should keep records of the plant protection products they produce, import, export, store or place on the market for at least 5 years. Professional users of plant protection products should, for at least 3 years, keep records of the plant protection products they use, containing the name of the plant protection product, the time and the dose of application, the area and the crop where the plant protection product was used. They should make the relevant information contained in these records available to the competent authority on request.
- (48) The application of this Regulation should be deferred in order to allow competent authorities and operators to prepare for the requirements introduced by it,

HAVE ADOPTED THIS REGULATION

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules for the sustainable use of plant protection products by providing for the setting, and achievement by 2030, of Union reduction targets for the use and risk of chemical plant protection products, establishing requirements for use, storage, sale and disposal of plant protection products and for application equipment **in professional use**, providing for training and awareness raising, and providing for implementation of integrated pest management.

Article 2

Scope

This Regulation shall apply to products that fall within the scope set out in Article 2 of Regulation (EC) No 1107/2009.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘chemical plant protection product’ means a plant protection product containing a chemical active substance;
- (2) ‘low-risk plant protection product’ means a plant protection product authorised in accordance with Article 47(1) of Regulation (EC) No 1107/2009;
- (3) ‘chemical active substance’ means an active substance excluding active substances naturally occurring, active substances of natural or biological origin or substances identical to them, such as micro-organisms, a semiochemicals or extracts from plant products as defined in Article 3(6) of Regulation (EC) No 1107/2009, but including heavy metals and their salts;
- (4) ‘biodiversity’ means biodiversity as defined in Article 3(29) of Regulation (EC) No 1107/2009;
- (5) ‘more hazardous plant protection product’ means a plant protection product containing one or more active substances approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or containing one or more active substances listed in the Annex to Implementing Regulation (EU) 2015/408;

- (6) ‘utilised agricultural area’ means utilised agricultural area as defined in Article 2, point (e) of Regulation (EU) 2018/1091 of the European Parliament and of the Council⁴⁸;
- (7) ‘professional user’ means any person who ~~has been trained according to the provisions of Article 25 to handle, transport, store or~~ **makes use of** a plant protection product **in the course of their professional activities** ~~authorised according to Regulation 1107/2009~~;
- (8) ‘distributor’ means any person who places a plant protection product on the market in the course of commercial activities, including a wholesaler, a supplier or retailer;
- (9) ‘advisor’ means any person who advises on integrated pest management and the safe use of plant protection products, in the context of a professional capacity or commercial service, including private and public advisory services;
- (9bis) ‘operator’ means any natural or legal person subject to one or more of the obligations provided for in this Regulation;**
- (10) ‘application equipment **in professional use**’ means any equipment ~~that can be the~~ **used by a professional user** ~~of which~~ for the application of a plant protection product ~~is reasonably foreseeable~~ at the time of manufacture and accessories that are essential for the effective operation of such equipment, with the exception of equipment designed for the sowing or planting of propagating material treated with plant protection products;
- (11) [...]
- (12) ‘aerial application’ means application of a plant protection product from an aircraft;
- (13) ‘unmanned aircraft system’ means any aircraft with aerial application equipment, operating or designed to operate autonomously or to be piloted remotely without a pilot on board;

⁴⁸ Regulation (EU) 2018/1091 of the European Parliament and of the Council of 18 July 2018 on integrated farm statistics and repealing Regulations (EC) No 1166/2008 and (EU) No 1337/2011 (OJ L 200, 7.8.2018, p. 1).

- (14) ‘plant protection product authorised for professional use’ means a plant protection product that has been authorised for professional users only in accordance with Article 31 of Regulation (EC) No 1107/2009;
- (15) ‘integrated pest management’ means 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 minimise risks to human health and the environment;
- (16) ‘sensitive area’ means any of the following categories:
- a) Agricultural and forestry sensitive areas, which include:
 - (i) [...]
 - (ii) Any forestry or utilised agricultural area within sites of Community importance in the list referred to in Article 4(2) of Directive 92/43/EEC and the special areas of conservation designated in accordance with Article 4(4) of that Directive, and special protection areas classified pursuant to Article 4 of Directive 2009/147/EC;
 - (iii) [...]

- b) Non-agricultural and non-forestry sensitive areas, which include:
- (i) an area used by the general public, such as a public park or garden, public or private recreation areas or sports grounds where public access cannot be denied during periods of application of plant protection products and a safety period thereafter, or a public path;
 - (ii) a private park or a private garden;
 - (iii) an area used predominantly by a the following vulnerable groups: pregnant and nursing women, infants, children and the elderly;
 - (iv) sites of Community importance in the list referred to in Article 4(2) of Directive 92/43/EEC and the special areas of conservation designated in accordance with Article 4(4) of that Directive, and special protection areas classified pursuant to Article 4 of Directive 2009/147/EC, not included in point (a).
- (b bis) Roads, motorways and railroads margins, industrial ports, airports, **closed military sites**, industrial areas and overhead power line areas are excluded from the scope of points (b)(i) and (b)(iv).

c) Non-agricultural and non-forestry sensitive areas with specific characteristics, which include:

(i) sports grounds where public access can be denied during periods of application of plant protection products and a safety period thereafter;

(ii) cemeteries.

(17) ‘quarantine pest’ means quarantine pest as defined in Article 3 of Regulation (EU) 2016/2031 of the European Parliament of the Council⁴⁹;

(18) ‘invasive alien species’ means invasive alien species as defined in Article 3, point (2), of Regulation (EU) No 1143/2014 of the European Parliament and of the Council⁵⁰;

(19) ‘surface water’ means a body of surface water as defined in Article 2, point (10), of Directive 2000/60/EC;

(20) ‘groundwater’ means a body of groundwater as defined in Article 2, point (12), of Directive 2000/60/EC;

⁴⁹ Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317 23.11.2016, p. 4).

⁵⁰ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

- (21) ‘risk indicator’ means a measurement indicating the relative change in risks for human health or the environment associated with the use of plant protection products, and calculated in accordance with the methodology set out in Annex VI;
- (22) ‘non-chemical methods’ means alternatives to chemical plant protection products;
- (23) ‘biological control’ means the control of organisms harmful to plants or plant products using natural means of biological origin or substances identical to them, such as micro-organisms, semiochemicals, extracts from plant products as defined in Article 3(6) of Regulation (EC) No 1107/2009, or invertebrate macro-organisms;
- (23a) ‘certification of training’ means a proof of training that could either be provided as a valid certificate of training or a record of entry in an official electronic register, as stipulated in Article 25 of this Regulation.

CHAPTER II

REDUCTION TARGETS

Article 4

Union 2030 reduction targets

1. Member States shall collectively ensure by 2030 a 50 % Union-wide reduction of both the use and risk of chemical plant protection products ('Union 2030 reduction target 1') and the use of more hazardous plant protection products ('Union 2030 reduction target 2'), compared to the average of the years 2015, 2016 and 2017 (collectively referred to as 'the Union 2030 reduction targets').
 - 1a. Each Member States shall, through the measures taken pursuant to this Regulation, contribute to reaching the Union targets referred to in paragraph 1 by setting its own quantitative objectives, targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment.
 - 1b. Member States shall notify those **quantitative objectives, targets, measures and timetables to contribute** ~~contributions~~ to the Commission through their national action plans. If the Commission assesses that the national **quantitative objectives, targets, measures and timetables to contribute** ~~contributions~~ are insufficient for the collective achievement of the overall Union 2030 reduction targets, the Commission may issue country-specific recommendations to the Member States to increase their level of **ambition in their quantitative objectives, targets, measures and timetables** ~~national contributions~~.

- 1c. The Member State concerned shall take due account of the recommendations in a spirit of solidarity between Member States and the Union and between Member States, and may set out, in its national action plan, how it has taken due account of the recommendation.
1. Progress towards achieving the Union 2030 reduction targets shall be calculated annually by the Commission in accordance with the methodology set out in Annex I.

Article 5

Member States 2030 reduction targets for chemical plant protection products

[...]

Article 6

Initial assessment of national targets by the Commission

[...]

Article 7

Publication of trends in progress towards the Union 2030 reduction targets by the Commission

1. By 31 August of each calendar year, the Commission shall publish on a website the average trends in progress towards achieving the Union 2030 reduction targets. These trends shall be calculated as the difference between the average of the years 2015-2017 and the year ending 20 months prior to the publication. The trends shall be calculated in accordance with the methodology set out in Annex I.
2. The Commission shall update the website referred to in paragraph 1 at least once a year.
3. [...]

CHAPTER III

NATIONAL ACTION PLANS

Article 8

National Action Plans

1. By ... [*OP: please insert the date – ~~18~~ 24 months after the date of application of this Regulation*] each Member State shall draft, adopt and publish on a public website a national action plan containing at least the following information:
 - a) information on ~~the~~ **Member States' own quantitative objectives, targets, measures and timetables that contribute to reaching** ~~national contribution to~~ the Union 2030 reduction targets as referred to in Articles 4 and 9;
 - b) [...]
 - c) details of planned progress in relation to the elements relevant for the implementation of this Regulation listed in Annex II;

- d) [...]
 - e) a list of types of application equipment in professional use to which the Member State applies different inspection requirements in accordance with Article 32(1);
 - f) if available, information on the actions that have been taken against plant protection products illegally used or seized via antifraud operations during the preceding 3 years, including the amounts seized, and any planned national measures to prevent the use of counterfeit and illegal plant protection products;
 - g) national measures for encouraging the use of non-chemical methods by professional users, including, where available, through financial incentives, in accordance with Union legislation on State aid;
 - h) planned and adopted measures to support, innovation and/or development and/or training in the use of non-chemical pest control methods;
 - i) other planned and adopted measures to support the sustainable use of plant protection products in line with integrated pest management principles, including those contained in crop-specific rules or guidelines as set out in Article 15(1).

Each Member State shall notify the Commission without delay of the first publication of its national action plan.

Each Member State shall review its national action plan at least every 5 years from the first publication. As a result of the review a Member State may amend its national action plan. Member States shall publish amended versions of their national action plans and shall provide amended national action plans to the Commission without delay.

The national action plans published until and including 2030 shall contain the information listed in the first subparagraph, points (a) to (i).

The national action plans published after 2030 shall contain the information listed in the first subparagraph, points (c) to (i).

2. Each Member State shall carry out a public consultation process prior to the adoption or modification of its national action plan in accordance with the requirements of Directive 2001/42/EC of the European Parliament and of the Council⁵¹.
3. National action plans shall contain a summary of the public consultation process carried out before their adoption and list authorities responsible for their implementation.
4. National action plans shall be consistent with the plans of Member States drawn-up in accordance with Directives 91/676/EEC, 92/43/EEC, 2000/60/EC, 2008/50/EC, 2009/147/EC and (EU) 2016/2284 and Regulation xxx/xxx on nature restoration [*reference to adopted act to be inserted*], and be consistent with the CAP Strategic Plans drawn-up in accordance with Regulation (EU) 2021/2115.
5. Member States with outermost regions may take measures tailored to these regions in their national action plans taking into account the particular needs related to the specific climatic conditions and crops in these regions.

Article 9

Information on national ~~contribution~~ use of active substances ~~to reaching the Union 2030 reduction targets~~

1. National action plans published until and including 2030 shall include the following information related to the national **use of active substances** ~~contribution to~~ **that may impact on** reaching the Union 2030 reduction targets referred to in Article 4:
 - a) at least the 5 active substances that most strongly influence the trend in the reduction in the use and risk of chemical plant protection products, and the trend in the use of the more hazardous plant protection products, as determined by applying the methodology set out in Annex I, during the 3 years preceding the adoption of the national action plan;

⁵¹ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (*OJ L 197, 21.7.2001, p. 30*).

- b) the crops and/or uses for which each of the active substances referred to in point (a) are most widely used and the number of hectares of each crop **or area** treated;
- c) [...]
- d) [...]
- 2. [...]
- 3. [...]
- 4. [...]

Article 10

Annual-Implementation reports

- 1. By 31 August every **two** years, but not sooner than [*OP: please insert the date – ~~30~~ 36 months after the date of application of this Regulation*], each Member State shall submit to the Commission an ~~annual~~ implementation report containing the quantitative data listed in Annex II.
- 2. [...]
- 3. Each Member State shall publish its ~~annual~~ implementation report on a public website and inform the Commission thereof.
- 4. Where the Commission considers that the data required under Annex II is incomplete, it may request a Member State to add the missing data to its ~~annual~~ implementation report. If the ~~annual~~ implementation report is updated, the updated version shall also be published on the website referred to in paragraph 3 and the Member State shall inform the Commission thereof.
- 5. The Commission shall publish the ~~annual~~ implementation reports of the Member States on a public website.

6. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending Annex II in order to update it in light of technical progress and scientific development relevant to the sustainable use of plant protection products.

Article 11

Commission's analysis of ~~annual~~ the implementation reports

1. By ... [*OP: please insert the date – 2 3 years after the date of application of this Regulation*], and every 3 years thereafter, the Commission shall publish on its website an analysis of:
 - a) the overall trends in progress towards the Union 2030 reduction targets;
 - b) Member States' ~~trends in progress in the contributions~~ **their own quantitative objectives, targets, measures and timetables** referred to in Article 4 **paragraph 1a** ~~towards achieving the Union 2030 reduction targets~~.
2. [...]
3. Following the analysis referred to in paragraph 1, the Commission may make a recommendation to a Member State to take. The Member State concerned shall take due account of the recommendation and may set out, in its subsequent ~~annual~~ implementation report, how it has taken due account of the recommendation.
4. [...]
5. [...]
6. [...]
7. By ... [*OP: please insert the date – 5 years from the date of application of this Regulation*], the Commission shall submit a report on annual progress and implementation to the European Parliament and the Council.

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.
 - a) [...]
 - b) [...]
- 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 perform 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 perform the actions set out in Article 13(8).
2. [...] (*moved to Article 25bis*)

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 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 and certified or equivalent 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 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. 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 **trained in accordance with Article 25.**
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 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 25 bis, the professional user decides, by way of a recorded decision, to use chemical plant protection products for preventative reasons.
5. [...]

6. Professional users shall keep the use of chemical plant protection products and other forms of intervention to the levels that are necessary according to good plant protection practice as defined in Article 3 paragraph 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, 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 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 integrated pest management specified in Article 13 when undertaking any plant protection aims as specified in Article 2 paragraph 1 of Regulation (EC) No 1107/2009.

Article 14 (former Article 15)

Crop or sector-specific guidelines and rules

1. Member States shall adopt agronomic guidelines 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'). The crop or sector-specific guidelines 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 crop or sector-specific guidelines, for crops or sectors covering an area that accounts for at least 75 % of its utilised agricultural area (excluding kitchen gardens).

- 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 comply with Article 13.
4. [...] *(modified and moved to paragraph 7a)*
5. [...] *(modified and moved to paragraph 7a)*

6. The crop or sector-specific guidelines, 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 low-risk plant protection products or alternatives to chemical plant protection products which are 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 chemical plant protection products that are not low-risk plant protection products and that are 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 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 set out in Article 13. 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 set out in Article 13. 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.~~ [...]
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 of crop or sector-specific guidelines and rules in the Member States and the compliance of those guidelines and rules with this Article, and the compliance with the general principles of integrated pest management according to Article 13 in the Member States.

Article 15 (former Article 14)

Records of integrated pest management measures and plant protection product use by professional users

1. Where a professional user takes a preventative measure or performs an intervention, the professional user 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;
 - b) any preventative measure or intervention and any description of compliance with crop or sector-specific rules where such 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 **or other operator** shall enter an electronic record of each use of a plant protection product under Article 67 of Regulation (EC) No 1107/2009 in the electronic register for integrated pest management and ~~the~~ plant protection product use register referred to in Article 16. A professional user 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 the 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 the electronic integrated pest management and plant protection product use register in accordance with paragraphs 1 and 3, the Commission 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).

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.

2. The register(s) referred to in paragraph 1 shall be accessible to 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 make the data gathered in the register(s) in paragraph 1, of this Article 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. [...]

[Article 17 (moved to Chapter Vbis)]

CHAPTER IVbis

SENSITIVE AREAS

Article 18

Use of plant protection products in sensitive areas

1. The use of plant protection products in sensitive areas is restricted according to the category of each sensitive area.

2. In the agricultural and forestry sensitive areas referred to in Article 3(16)(a), only the use of biological control, low-risk plant protection products, plant protection products authorised in organic farming and any plant protection product which does not contain in its formulation any active substance categorised as group 3 or group 4 for the purpose of calculating harmonised risk indicator 1 as referred to in Table 1 of Annex VI, is allowed.
- 2a. In the non-agricultural and non-forestry sensitive areas referred to in Article 3(16)(b), only the use of biological control, low-risk plant protection products, **plant protection products authorised for non-professional use** and plant protection products authorised in organic farming, is allowed.
- 2b. In non-agricultural and non-forestry sensitive areas with specific characteristics referred to in Article 3(16)(c), only the use of biological control, low-risk plant protection products, **plant protection products authorised for non-professional use**, plant protection products authorised in organic farming and any plant protection product which does not contain in its formulation any active substance categorised as group 3 or group 4 for the purpose of calculating harmonised risk indicator 1 as referred to in Table 1 of Annex VI, is allowed.
- 2c. As an exemption, the prohibitions defined under this article do not apply in the following circumstances:
- (i) if there are risks of the spread of quarantine pests and invasive alien species, or of pests or invasive alien species that are notified in accordance with Article 29 paragraph 3 of Regulation (EU) 2016/2031 or Article 10 paragraph 2 of Regulation (EU) No 1143/2014 for which an assessment has not yet been made in accordance with Article 30 paragraph 1 of Regulation (EU) 2016/2031 or Article 10 paragraph 4 of Regulation (EU) No 1143/2014;

- (ii) a competent authority designated by a Member State may permit on its own initiative a professional users to apply in demarcated areas established in accordance with Article 18 paragraph 1, Article 28 paragraphs 1 and 2, Article 30 paragraph 1 or Article 33 paragraph 1 of Regulation (EU) 2016/2031, to use a plant protection products for the purposes of the eradication, or containment as applicable, of any relevant Union quarantine pests, protected zone quarantine pests or pests subject to the measures adopted pursuant to Article 30 paragraph 1 of that Regulation, or their vectors for the duration of the demarcation.

Article 18bis

Derogations

3. By way of derogation from Article 18, a competent authority designated by a Member State may permit a professional users to use a plant protection products in a specific, determined sensitive area.
- a) [...]
- b) [...]
4. [...]

5. [...]
- 5a. Derogations shall only be granted in a limited region or area, and shall be granted for a limited period with a precisely defined start and end date that is the shortest possible but does not exceed 120 days.
- 5b. Derogations may be granted for a single or a group of plant protection products.
- 5c. Derogations shall be duly justified and shall only be granted where such a measure appears necessary because of a danger which cannot be contained by any other reasonable means, taking into account technical, economic and environmental considerations.
6. The permit to use a plant protection product in a sensitive area shall indicate all of the following:
- a) the conditions for limited and controlled use by the applicant;
 - b) [...]
 - c) risk mitigation measures;
 - d) the duration of validity of the permit.
7. [...]

8. Where a permit for use of a plant protection product in a sensitive area is granted, before the first day of its validity, the competent authority referred to in paragraph 3 shall make publicly available the following information:
- e) the location of the use;
 - f) [...]
 - g) the start and end date of the approval period of the permit, which shall not exceed 120 consecutive days;
 - h) the relevant weather conditions allowing a safe application;
 - i) the name or formulation of the plant protection product or products;
 - j) [...]

Article 19

Measures to protect the aquatic environment and drinking water

1. The use of all plant protection products is prohibited on all surface waters and within 3 metres of such waters. This 3 metre buffer zone shall not be reduced by using alternative risk-mitigation techniques.
2. Member States may establish larger mandatory buffer zones adjacent to surface waters.
3. By ... [*OP: please insert the date of application of this Regulation*], Member States shall have in place appropriate measures to avoid deterioration of surface and groundwater status as well as coastal and marine waters and allow achievement of good surface and groundwater status, to protect the aquatic environment and drinking water supplies from the impact of plant protection products to achieve, at least, the objectives set out in Directives 2000/60/EC, 2006/118/EC, 2008/105/EC, 2008/56/EC and (EU) 2020/2184.

3a. As an exemption, the prohibitions defined under this article do not apply in the following circumstances:

- (i) if there are risks of the spread of quarantine pests and invasive alien species, or of pests or invasive alien species that are notified in accordance with Article 29 paragraph 3 of Regulation (EU) 2016/2031 or Article 10 paragraph 2 of Regulation (EU) No 1143/2014 for which an assessment has not yet been made in accordance with Article 30 paragraph 1 of Regulation (EU) 2016/2031 or Article 10 paragraph 4 of Regulation (EU) No 1143/2014;**
- ii) greenhouses that provide a close to zero pesticides run-off and rice crops.**

CHAPTER V

USE OF PLANT PROTECTION PRODUCTS IN AERIAL APPLICATIONS

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:
 - a) there is no technically feasible alternative application method to the aerial application or;
 - b) the aerial application has a less negative or equivalent impact on human health and the environment compared to any alternative application method.
 - i) [...]
 - [...]
 - [...]

- 2a. The permit for aerial application under Article 20 paragraph 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 paragraph 1 and complies with the requirements set out in Annex IV;
 - b) the aircraft is equipped with accessories and technology to accurately apply the plant protection products and to reduce spray drift;
 - c) the plant protection product ~~is authorised for use in~~ **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, 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 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 **in professional use** 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 ~~1~~ 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.
6. By ... [*OP please insert the date = first day of the month following 36 months after the date of entry into force of this Regulation*] the Commission in cooperation with EFSA shall develop a technical guidance document related to the authorisation of the aerial application of plant protection products, including application by certain categories of unmanned aircraft systems referred to in Article 21. This guidance document, when available, shall be used in the assessment of applications for authorisation of specific and adequate plant protection products for granting aerial applications permits, in accordance with paragraph 2 and paragraph 2a point (c).

Article 21

Aerial application of plant protection products by certain categories of unmanned aircraft systems

1. Where certain categories of unmanned aircraft systems fulfil the criteria set out in paragraph 2, a Member State may exempt aerial application by such **categories of** unmanned aircraft systems from the prohibition laid down in Article 20(1).
2. Aerial application by an unmanned aircraft system may be exempted from the prohibition laid down in Article 20(1) where factors related to the use of the unmanned aircraft systems demonstrate that the risks from its use are equal or lower compared to the risks arising from other application equipment **in professional use**. These factors shall include all the following criteria relating to:
 - a) the technical specifications of the unmanned aircraft systems;

- b) the weather conditions;
 - c) the type of area to be sprayed;
 - d) [...]
 - e) potential use of unmanned aircraft systems in conjunction with precision application of plant protection products in certain cases;
 - f) the level of training required for pilots operating an unmanned aircraft system;
 - g) [...]
3. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending the criteria listed in points (a) to (f) of paragraph 2 in order to adapt them to technical and scientific progress.
- 3a. The Commission is empowered to adopt delegated acts in accordance with Article 40 supplementing this Regulation with a view to specifying the assessment under the criteria set out in paragraph 2 once technical progress and scientific developments allow for the development of such specifications.

CHAPTER V bis

USE, STORAGE AND DISPOSAL OF PLANT PROTECTION PRODUCTS

Article 17

General requirements for the use of plant protection products for professional use and of application equipment in professional use

1. A plant protection product authorised for professional use may only be used by a professional user who:
 - a) holds certification of training for following courses for professional users in accordance with Article 25, and
 - b) when necessary, uses the services of an ~~independent~~ **impartial** advisor in accordance with Article 26(3).
2. More hazardous plant protection products may only be used and purchased by professional users with the level of training required according to national law and Article 25.
3. Application equipment **in professional use** may only be used by professional users that hold certification of training issued to them for following courses for professional users in accordance with Article 25.
- 3a. **By way of derogation from paragraphs 1 to 3, a student, an intern or a person carrying out research and development activities may use plant protection products or operate application equipment in professional use under the supervision of a professional user.**

4. Within 3 years starting from date of first purchase, and every 3 years thereafter, an owner of application equipment **in professional use** referred to in Article 29(0) or a professional user registered pursuant to Article 29(2a), or his or her representative shall submit his or her application equipment **in professional use** for inspection pursuant to Article 31. Where 3 years have passed from the date of first purchase of the application equipment **in professional use**, a professional user may only use it if any of the following conditions are met:
- a) the equipment has successfully passed the inspections that take place at three year intervals from the date of first purchase **or, in the case of new equipment, five years after the first purchase**, and the results have been recorded in the electronic register of application equipment in professional use in accordance with Article 31(6);
 - b) a derogation under Article 32(1), or Article 32(3) applies to that equipment.

At the time of submitting the application equipment **in professional use** for inspection, the owner or professional user of the application equipment **in professional use**, or his or her representative shall provide to the competent authority or body carrying out the inspection, the information necessary for the competent authority to comply with its record-keeping obligations pursuant to Article 30(1), point (b).

5. A professional user shall ~~inspect~~ **visually examine** and operate application equipment **in professional use** in accordance with the manufacturer's manual of instructions.

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 the necessary ~~structures~~ **systems** to facilitate in a manner that does not endanger human health or the environment, the safe storage, disposal and handling of any plant protection products, any dilute solutions containing plant protection products and any packaging of plant protection products.
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 storage facilities 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 shall only sell a plant protection product authorised for professional use to a professional user or his or her representative if the professional user ~~or representative~~, at the time of purchase holds certification of training for following courses for professional users issued in accordance with Article 25.
- ~~2.~~ [...]

3. A distributor shall 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, and shall inform the purchaser of the website referred to in Article 27.
4. A distributor shall provide, **through a website, leaflet or poster**, 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 Council⁵², 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, at the time of sale, have available staff that hold a ~~valid~~ training certificate for following courses for distributors issued in accordance with Article 25 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.
6. [...]

⁵² 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 and distributors, including practical training on the use of the application equipment referred to in Article 29(0);
 - b) [...]
 - c) extensive training, such as university degrees where applicable, and follow up training for advisors with particular emphasis on the application of integrated pest management.
2. Each Member State shall designate a one or more competent authorities responsible for:
 - a) the design and implementation of the system for the training and certification of all training referred to in paragraph 1;
 - b) for issuing and renewing certifications of training;
 - c) overseeing that the appointed body or bodies are providing the training referred to in paragraph 1.
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 certification of training shall contain, at least the following information:
- a) the name of the professional user, distributor or advisor to whom the training was provided;
 - b) [...]
 - c) the type of training provided, where a Member State provides different types of training to different categories of professional users, distributors or advisors, or the qualification obtained as referred to in paragraph 8;
 - d) the date on which sufficient knowledge of the relevant subjects listed in Annex III was demonstrated;
 - e) the name of the body that provided the training;
 - f) [...]
 - g) the validity period.
- ~~5.~~ [...]
6. A certification of training shall be valid for a maximum of 10 years.
- ~~7.~~ Subject to paragraph 6, a certification of training shall only be made or renewed if the holder of the certification of training demonstrates satisfactory completion of training referred to in paragraph 1, or passes an exam or test on the subjects covered by the training.
8. Notwithstanding paragraph 6, a certification of training may be issued to a person who can demonstrate training through formal qualifications that demonstrate knowledge of the subjects listed in Annex III equal to the knowledge that 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 certification of training if it was incorrectly issued or renewed.
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. Certifications of training issued based on the Directive 2009/128/EC shall be considered as valid certifications of training until their expiry date.

Article 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 certification of training has been issued in accordance with Article 25. Advisors shall provide advice that takes into account the applicable crop or sector-specific guidelines and rules 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

Impartial advisory system

1. Each Member State shall designate a one or more competent authorities to establish, oversee and monitor the operation of a system of impartial advisors for professional users. That system may be created specifically at Member State level or 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.

- ~~2.~~ The competent authorities referred to in paragraph 1 shall adopt provisions to ensure that any advisor registered in the system referred to in that paragraph is impartial ('impartial advisor'), specifying rules for avoiding conflicts of interest. In particular, these rules shall ensure that the impartial 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. The competent authorities of each Member State shall establish the specific parameters of the impartial advisory system for the purposes of receiving the strategic advice referred to in paragraph 4: typology, size, crops and characteristics of the farms subject to this advisory system, type of advisory system and consulting frequency.
4. The impartial advisor referred to in this Article shall provide strategic advice on at least:
- a) [...]
 - b) implementation of integrated pest management, according to the general principles in Article 13;
 - c) use of precision techniques and innovative application technologies, if applicable;
 - d) [...]
 - e) 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.

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 provide on a website 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 in 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;use of a plant protection product that has not been authorised; or
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).

CHAPTER VIII

APPLICATION EQUIPMENT IN PROFESSIONAL USE

Article 29

Registration of application equipment in professional use

0. This Article applies to application equipment **in professional use** that has not been exempted from inspection in accordance with Article 32(3), which:

is intended to be used for the application of plant protection products or

has horizontal or vertical booms or orchard blast sprayers irrespective of its use.

1. By ... [*OP please insert the date = first day of the month following 24 months after the date of entry into force of this Regulation*], an owner of application equipment in professional use, a representative of the owner, or the competent authority on his behalf, as specified in national law, shall record the fact that he or she is the owner of the application equipment **in professional use** in the electronic register of application equipment in professional use referred to in Article 33, using a form including the information set out in Annex V, unless the Member State in which the owner uses the equipment has exempted that equipment from inspection in accordance with Article 32(3).

2. If application equipment **in professional use** is sold, the seller, the buyer or his or her representative, or the competent authority on behalf of the owner, as specified in national law, shall record the fact of the sale, within 30 days after the sale in the electronic register of application equipment in professional use referred to in Article 33, using a form including the information set out in Annex V, unless the application equipment in professional use has been exempted from inspection in the relevant Member State(s) in accordance with Article 32(3). A similar obligation to enter a transfer of ownership in the electronic register applies in the case of any other changes of ownership of application equipment in professional use that has not been exempted from inspection in the relevant Member State(s) in accordance with Article 32(3).
- 2a. If the right to use application equipment **in professional use** is transferred for periods longer than one year and through a contract of assignment of use, to a professional user, an owner or a representative of the owner, shall supply that information, within 30 days.

If the use of application equipment **in professional use** is for an indefinite period, in case of the termination of this arrangement, the owner or a representative of the owner, shall supply, within 30 days after the termination of the arrangement, that information.

3. If application equipment **in professional use** is withdrawn from use and is not intended to be used for the purposes of plant protection product application again, its owner or his or her representative, or the competent authority on his or her behalf, as specified in national law, shall, within 30 days after the withdrawal from use, record the fact that the equipment has been withdrawn from use in the electronic register of application equipment **in professional use** referred to in Article 33, using a form including the information set out in Annex V.
4. If application equipment in professional use is returned to use, its owner or his or her representative, or the competent authority on his or her behalf, as specified in national law, shall, within 30 days after the return to use, record that fact in the electronic register of application equipment in professional use referred to in Article 33 using a form including the information set out in Annex V.

5. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending Annex V to update it in light of technical progress and scientific developments.

Article 30

Collection of information and controls

1. Each Member State shall designate one or more competent authorities to:
 - a) establish and maintain an electronic register to record information on all application equipment in professional use in the Member State;
 - b) use that electronic register to receive and process third party entries regarding ownership, transfer of ownership, sale, right to use, withdrawal from use and return to use of application equipment **in professional use**;
 - c) inspect application equipment **in professional use** in accordance with Article 31(1), (2), (3) and (6);
 - d) issue certificates of inspection in accordance with Article 31(7).

Where the designated competent authority does not carry out the inspection of application equipment in professional use, it may delegate to one or more bodies the task of carrying out such inspections. In such a case the competent authority oversees the inspections referred to in paragraph (c) and the issuing of certificates referred to in paragraph (d).

2. Each Member State shall carry out official controls to verify compliance by operators with the provisions of this Regulation relating to application equipment **in professional use**. Member States shall take appropriate follow-up measures to remedy any specific or systemic shortcomings identified through controls performed by the Commission experts in accordance with paragraphs 3 and 4.

3. Commission experts, in cooperation with Member States, shall perform controls, including audits, in each Member State to verify the application of the rules relating to application equipment **in professional use** laid down in this Regulation. The experts may investigate and collect information on official controls and enforcement practices in the area of application equipment **in professional use**.
4. The Commission shall:
 - a) prepare a draft report on the findings and on recommendations addressing the shortcomings identified by its experts during these controls;
 - b) send to the Member State where those controls have been performed a copy of the draft report referred to in point (a) for its comments;
 - c) take the comments of the Member State referred to in point (b) into account in preparing the final report on the findings of the controls performed by its experts in the Member States as provided for in this Article;
 - d) make publicly available the final report referred to in point (c) and the comments of the Member States referred to in point (b).

Article 31

Inspection of application equipment in professional use

1. The competent authority referred to in Article 30 shall inspect application equipment **in professional use** referred to in Article 29 paragraph 0 every three years, starting from the date of first purchase **or, in the case of new equipment, five years after the date of first purchase**. The competent authority shall ensure that there is sufficient staff, equipment and other resources necessary for the inspection of all application equipment **in professional use** due for inspection, within the three year cycle.
2. The inspection referred to in paragraph 1 shall verify whether the application equipment **in professional use** complies with the requirements set out in Annex IV.

3. The inspection shall be carried out at a location where the risk of pollution and water contamination, **as well as risks for human health** can be avoided. The influence of external conditions on the reproducibility of the results of the inspection, such as effects of wind and rain, shall be minimised by the authority or body carrying out the inspection.
4. All equipment necessary for an inspection and for testing the application equipment **in professional use** shall be accurate, in good condition and checked and, where necessary, calibrated at regular intervals.
5. The owner of the application equipment **in professional use** or professional user referred to in Article 29 paragraph 2a shall ensure that the application equipment **in professional use** is clean and safe before the inspection starts.
6. The results of each inspection shall be recorded by the competent authority referred to in Article 30 in the electronic register of application equipment in professional use referred to in Article 33.
7. A certificate of inspection shall be:
 - a) issued by the competent authority referred to in Article 30 to the owner of application equipment **in professional use** where that equipment complies with the requirements listed in Annex IV; and
 - b) recorded by that competent authority in the electronic register of application equipment in professional use referred to in Article 33.
8. A record as referred to in paragraph 6 and certificate as referred to in paragraph 7 shall be valid for three years from the date of inspection unless the Member State provides for a different inspection interval pursuant to Article 32.
9. **Each Member State shall recognise a certificate as referred to in paragraph 7 or a record as referred to in paragraph 6 for application equipment in professional use registered in another Member State.**

10. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending Annexes IV and V to update them in light of technical progress and scientific developments.
11. The application equipment **in professional use** referred to in Article 29(0) inspected in compliance with harmonised inspection standards developed in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁵³ shall be presumed to comply with the requirements listed in Annex IV.
- 11a. Certificates of inspection issued based on the Directive 2009/128/EC shall be considered as valid certificates of inspection until their expiry date.**

Article 32

Member State derogations regarding inspection of application equipment in professional use

1. A Member State may, after carrying out the risk assessment referred to in paragraph 2, lay down less stringent inspection requirements and provide for different inspection intervals than those set out in Article 31 to application equipment in professional use which represents a very low scale of use estimated by way of the risk assessment referred to in paragraph 2 and which is **specified in national legislation or** listed in the national action plan referred to in Article 8.

This paragraph shall not apply to the following application equipment in professional use:

- a) spraying equipment placed on railways or railway vehicles or aircraft;
- b) horizontal boom sprayers which are larger than 3 m, including sprayers that are mounted on sowing equipment which is larger than 3 m wide;
- c) vertical sprayer or orchard blast sprayer.

⁵³ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation (OJ L 316, 14.11.2012, p. 12).

- ~~2.~~ Before laying down less stringent inspection requirements and different inspection intervals as referred to in paragraph 1, a Member State shall carry out a risk assessment on their potential impacts on human health and the environment.
3. A Member State may exempt from inspection referred to in Article 31 handheld application equipment or knapsack sprayers, in professional use, based on a risk assessment on their potential impact on human health and the environment, which shall include an estimation of the scale of use. The competent authority referred to in Article 30 shall maintain a copy of the risk assessment for control by the Commission.
4. Application equipment **in professional use** that has been exempted from inspection in accordance with paragraph 3 shall not be subject to the requirement to make an entry in the electronic register referred to in Article 29 or the registration requirements referred to in Article 33.

Article 33

Electronic register of application equipment in professional use

1. Each competent authority designated by a Member State pursuant to Article 30 shall establish and maintain a electronic register to record:
- a) information entered by third parties pursuant to Article 20(2), point (b)(i), and Article 29;
 - b) records of inspections and certificates as set out in Article 31(6) and (7)(b);
 - c) other information as set out in paragraph 2 on application equipment in professional use in its Member State that has not been exempted from inspection under Article 32(3).

- 1a. The competent authorities referred to in Article 30 shall supply a unique identification number ("unique ID") to application equipment **in professional use**, which comprises the country code followed by a group of letters or numbers chosen using criteria set at national level, in order to identify each piece of equipment. The ~~code~~ **unique ID** should be included in the machinery documentation.
2. The competent authorities referred to in Article 30 shall, at the time of inspection, record the following information:
- a) the name of the body carrying out the inspections;
 - b) the unique ID of the application equipment **in professional use**, referred in paragraph 1a;
 - c) the date of manufacture, if available;
 - d) the name and address of the current owner;
 - e) [...]
 - f) the tank size;
 - g) the width of the horizontal spray boom, if applicable;
 - h) the nozzle type(s) present on the application equipment **in professional use** at the time of inspection;
 - i) in the case of boom sprayers, whether section and/or nozzle control through geospatial localisation technology is present or absent on the application equipment **in professional use**;

- j) for equipment older than three years, the date of each inspection carried out in accordance with Article 31;
- k) whether the application equipment **in professional use** passed or failed each inspection carried out under Article 31;
- l) the reasons for any failed inspection **and, where relevant, the actions taken to fix the application equipment.**

[...]

CHAPTER IX

METHODOLOGY FOR CALCULATING PROGRESS IN RELATION TO REDUCTION TARGETS AND HARMONISED RISK INDICATORS

Article 34

Methodology for calculating progress towards achieving the Union 2030 reduction targets

1. The methodology for calculating progress towards achieving the Union 2030 reduction targets until and including 2030 is laid down in Annex I. This methodology shall be based on statistical data collected in accordance with Regulation (EU) No 2022/2379.
2. Using the methodology set out in Annex I, the Commission shall calculate the Union trends in progress towards achieving the Union 2030 reduction targets annually until and including 2030 and publish those results on the website referred to in Article 7.

Methodology for calculating harmonised risk indicators 1 and 2

1. The methodology for calculating progress in relation to harmonised risk indicators 1 and 2 at Union **and Member State** level is laid down in Annex VI. This methodology shall be based on statistical data collected in accordance with Regulation (EU) No 2022/2379.
2. Using the methodology set out in Annex VI, the Commission shall calculate the results of harmonised risk indicators 1 and 2 annually at Union level and shall publish the results of its calculation on the website referred to in Article 7.
3. Using the methodology set out in Annex VI, the Commission shall calculate the results of harmonised risk indicators 1 and 2 on an annual basis at Member State level and share with each Member State its results.
4. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending this Article and Annex VI in order to take into account technical progress, including progress in the availability of statistical data, and scientific and agronomic developments. Such delegated acts may **modify the existing harmonised risk indicators or** provide for new additional ~~ones harmonised risk indicators~~.

5. By... [*OP please insert the date = first day of the month following 12 months after the date of entry into force of this Regulation*], the Commission shall complete an evaluation of harmonised risk indicators 1 and 2. This evaluation shall be based on scientific research from the Joint Research Centre and extensive consultation of stakeholders, including Member States, scientific experts and civil society organisations. The evaluation shall include the methodologies to be used in formulating new harmonised risk indicators in accordance with paragraph 4.
6. Taking into account the results of the evaluation provided for in paragraph 5 and no later than 18 months after the publication of the statistics on the use of plant protection products in agriculture for the first reference period as referred to in Article 9 of Regulation (EU) 2022/2379, the Commission shall, if it considers it appropriate, propose additional new harmonised risk indicators **or modify the existing ones** on the basis of statistical data related to the use of plant protection products in accordance with paragraph 4 of this Article.

Article 36

Member State evaluation of progress and harmonised risk indicators

- ~~1.~~ Each Member State shall evaluate the results of each calculation of harmonised risk indicators at Member State level, as referred to in Article 35, each time the calculations are performed.
- ~~2.~~ Evaluations of the harmonised risk indicators at Member State level shall identify priority items, such as active substances, crops, regions or practices, that require particular attention, or good practices that can be used as examples.

3. The Commission shall communicate to the Member States the results of the calculations of harmonised risk indicators at Member State level for cross-checking the data, as specified in Annex VI. Following this, the Commission shall publish those results. Member States shall communicate the associated evaluations carried out pursuant to this Article to the Commission and to the other Member States and shall publish this information and other national indicators or quantifiable objectives referred to in paragraph 4 on the websites referred to in Article 27(2).
4. Further to harmonised risk indicators specified in Annex VI and the data specified in Annex II, Member States may additionally continue to use existing, or to develop additional, national indicators or quantifiable objectives, and other data collected at a national or regional level, including future data on the use of plant protection products, that relates to the indicators and targets referred to in paragraphs 1 and 2.

CHAPTER X

ADMINISTRATIVE AND FINANCIAL PROVISIONS

Article 37

Information on designated competent authorities

By ... *[OP: please insert the date = the first day of the month following ~~six~~ **eighteen** months after the date of entry into force of this Regulation]*, each Member State shall inform the Commission of the competent authorities designated in accordance with this Regulation.

Article 38

Penalties

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take the measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Article 39

Fees and charges

Member States may recover the costs related to carrying out their obligations under this Regulation by means of fees or charges.

CHAPTER XI

DELEGATED POWERS AND COMMITTEE PROCEDURE

Article 40

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 10(6), 13(9), 21(3), 25(10), 29(5), 31(10) and 35(4) shall be conferred on the Commission for an indeterminate period.
3. The delegation of power referred to in Articles 10(6), 13(9), 21(3), 25(10), 29(5), 31(10) and 35(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 10(6), 13(9), 21(3), 25(10), 29(5), 31(10) and 35(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 41

Committee procedure

1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council⁵⁴. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.

⁵⁴ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS

Article 42

Commission evaluation

1. By ... [OP: please insert the date = *five years after the date of application of this Regulation*], the Commission shall carry out an evaluation of this Regulation based on the following:
- a) the trends in progress towards reaching the Union 2030 reduction targets;
 - b) the analysis of the annual trends and data published by the Commission every three years in accordance with Article 11;
 - c) the report on annual implementation reports previously submitted by the Commission to the European Parliament and Council in accordance with Article 11(3);
 - d) any other information necessary for the preparation of the evaluation.

Member States shall provide the Commission with the information necessary for the preparation of that evaluation.

2. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.

Amendments to Regulation (EU) 2021/2115

Regulation (EU) 2021/2115 is amended as follows:

- (1) in Article 31(5), the following subparagraph is added:

‘By way of derogation from points (a) and (b) of the first subparagraph of this paragraph, where in accordance with Regulation (EU) .../... of the European Parliament and of the Council^{*+} requirements are imposed on farmers, support may be granted to comply with those requirements for a maximum period ending on the later one of the two dates – ... *[OP: insert the date = 5 years from the date of application of this Regulation]* or 5 years from the date on which they become mandatory for the holding.

* Regulation (EU) .../... of the European Parliament and of the Council ... on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 (OJ ...).’;

- (2) In Article 70(3), the following subparagraph is added:

‘By way of derogation from points (a) and (b) of the first subparagraph of this paragraph, where in accordance with Regulation (EU) .../...⁺⁺ requirements are imposed on beneficiaries, support may be granted to comply with those requirements for a maximum period ending on the later one of the two dates – ... *[OP: insert the date = 5 years from the date of application of this Regulation]* or 5 years from the date on which they become mandatory for the holding.’;

⁺ OJ: Please insert in the text the number of the Regulation contained in document ... and insert the number, date and the OJ reference of that Regulation in the footnote.

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document

(3) in Article 73(5), the following subparagraph is added:

‘By way of derogation from the first subparagraph of this paragraph, where in accordance with Regulation (EU) .../...⁺⁺ requirements are imposed on farmers, support may be granted to comply with those requirements for a maximum period ending on the later one of the two dates –... *[OP: insert the date = 5 years from the date of application of this Regulation]* or 5 years from the date on which they become mandatory for the holding. ’.

Article 44

Repeal of Directive 2009/128/EC

1. Directive 2009/128/EC is repealed.
2. References to Directive 2009/128/EC shall be construed as references to this Regulation and read in accordance with the correlation table set out in Annex VII.

Article 45

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from ... [*OP: please insert the date = the first day of the month following ~~6~~ 12 months after the date of entry into force of this Regulation*].

However, Article 15 paragraph 4 **shall apply from** [*OP: please insert the date = 15 months after the date of entry into force of this Regulation*], **Article 15(1)-(3) and Article 16** shall apply from [*OP: please insert the date = ~~15~~ 30 months after the date of entry into force of this Regulation*], Article 29 paragraph ~~21~~ shall apply from [*OP: please insert the date = ~~9~~ 24 months after the date of entry into force of this Regulation*] and Article 21(1) **and (2)** shall apply from [*OP: please insert the date = ~~3 years~~ 30 months after the date of entry into force of this Regulation*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I
referred to in Article 4

**METHODOLOGY FOR CALCULATING PROGRESS TOWARDS ACHIEVING THE
UNION 2030 REDUCTION TARGETS**

This Regulation is the instrument used to achieve, by 2030, a 50% Union-wide reduction of both the use and risk of chemical plant protection products ('Union 2030 reduction target 1') and the use of more hazardous plant protection products ('Union 2030 reduction target 2'). The methodology for calculating progress towards achieving these targets is set out below.

SECTION 1

**UNION 2030 REDUCTION TARGET 1: METHODOLOGY FOR ESTIMATING PROGRESS
TOWARDS THE REDUCTION IN USE AND RISK OF CHEMICAL PLANT PROTECTION
PRODUCTS**

1. The methodology shall be based on Union statistics on the quantities of chemical active substances placed on the market in plant protection products under Regulation (EC) No 1107/2009, provided to the Commission (Eurostat) under Annex I to Regulation (EU) No 2022/2379 of the European Parliament and of the Council¹.

¹ Regulation (EU) 2022/2379 of the European Parliament and of the Council of 23 November 2022 on statistics on agricultural input and output, amending Commission Regulation (EC) No 617/2008 and repealing Regulations (EC) No 1165/2008, (EC) No 543/2009 and (EC) No 1185/2009 of the European Parliament and of the Council and Council Directive 96/16/EC (OJ L 315, 7.12.2022, p. 1)

2. The following general rules shall apply for the calculation of trends in progress towards achieving reduction target 1:
- a) progress shall be calculated on the basis of the categorisation of chemical active substances into the 4 groups set out in the Table in this Annex;
 - b) the chemical active substances in group 1 shall be those listed in Part D of the Annex to Commission Implementing Regulation (EU) No 540/2011¹;
 - c) the chemical active substances in group 2 shall be those listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011;
 - d) the chemical active substances in group 3 shall be chemical active substances that are approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and are listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or that are listed in the Annex to Implementing Regulation (EU) 2015/408;
 - e) the chemical active substances in group 4 shall be those not approved under Regulation (EC) No 1107/2009, and therefore not listed in the Annex to Implementing Regulation (EU) No 540/2011;
 - f) the weightings in row (iii) in the Table in this Annex shall apply.
3. Progress towards achieving Union 2030 reduction target 1 shall be calculated by multiplying the annual quantities of chemical active substances in plant protection products placed on the market for each group in the Table in this Annex by the relevant hazard weighting set out in row (iii), followed by the aggregation of the results of these calculations.

¹ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

Table

Categorisation of active substances and hazard weightings for the purpose of calculating progress towards Union 2030 reduction target 1

Row	Groups			
	1	2	3	4
(i)	Low-risk chemical active substances which are approved or deemed to be approved under Article 22 of Regulation (EC) No 1107/2009, and which are listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011	Chemical active substances approved or deemed to be approved under Regulation (EC) No 1107/2009, and not falling in other categories, and which are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011	Chemical active substances that are approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or that are listed in the Annex to Implementing Regulation (EU) 2015/408.	Chemical active substances which are not approved under Regulation (EC) No 1107/2009, and therefore which are not listed in the Annex to Implementing Regulation (EU) No 540/2011
(ii)	Hazard Weightings applicable to quantities of chemical active substances placed on the market in products authorised under Regulation (EC) No 1107/2009			
(iii)	1	8	16	64

4. The baseline for Union 2030 reduction target 1 shall be set at 100, and is equal to the average result of the above calculation for the period 2015-2017.
5. The progress towards achieving Union 2030 reduction target 1 shall be expressed by reference to the baseline.
6. The Commission shall calculate the progress towards achieving Union 2030 reduction target 1 in accordance with Article 34(2) of this Regulation for each calendar year and at the latest 20 months after the end of the year for which progress towards the Union 2030 reduction target 1 is being calculated.

SECTION 2

UNION 2030 REDUCTION TARGET 2: METHODOLOGY FOR ESTIMATING PROGRESS TOWARDS REDUCTION IN THE USE THE MORE HAZARDOUS PLANT PROTECTION PRODUCTS

1. The methodology shall be based on Union statistics on the quantities of active substances placed on the market in plant protection products under Regulation (EC) No 1107/2009, provided to the Commission under Article 4(5)(a) and point (e) of the Annex to Regulation (EU) 2022/2379.
2. Trends in progress towards achieving Union 2030 reduction target 2 shall be calculated by adding together the annual quantities of chemical active substances contained in more hazardous plant protection products placed on the market each year.
3. The baseline for trends in progress towards Union 2030 reduction target 2 shall be set at 100, and is equal to the average result of the above calculation for the period 2015-2017.
4. Trends in progress towards achieving reduction Union 2030 target 2 shall be expressed by reference to the baseline.
5. The Commission shall calculate progress towards achieving Union 2030 reduction target 2 in accordance with Article 34(2) of this Regulation for each calendar year and at the latest 20 months after the end of the year for which progress towards Union 2030 reduction target 2 is being calculated.

SECTION 3

UNION REDUCTION TARGETS

[...]

ANNEX II

DATA TO BE PROVIDED IN ANNUAL PROGRESS AND IMPLEMENTATION REPORTS BY 31 AUGUST OF EACH CALENDAR YEAR

Part 1: [...]

Part 2: Quantitative data relevant to implementation of this Regulation and level of compliance with it

Use of plant protection products:

1. the percentage of professional users controlled for integrated pest management implementation;
2. the percentage of professional users failing to comply with the obligation to keep electronic records on integrated pest management implementation;
3. the percentage of professional users that failed to comply with the obligation to keep pesticide use data electronically;
4. the number of aerial application permits, the validity period of the permit, as well as the size and the location of the areas concerned, and reasons for the permit granted;
5. the percentage of utilised agricultural areas and other areas covered by aerial application permits;

6. the number of permits for use of plant protection products non-authorized in sensitive areas;
7. the percentage of utilised agricultural area and other areas covered by permits for use of plant protection products non-authorized in sensitive areas;
8. the estimated quantities of illegal plant protection products used and the quantities of illegal plant protection products detected;
9. whether Member States have applied derogations allowing for
 - a) different inspection requirements to application equipment that represents a very low scale of use, or
 - b) exemptions from inspection for handheld application equipment or knapsack sprayers.

Training:

10. the percentage of professional users, advisors and distributors trained in the subjects listed in Annex III and holding a certification of training in accordance with Article 25;
11. [...]

Application equipment:

12. the estimated percentage of application equipment registered on the electronic register of application equipment;
13. the percentage of registered application equipment and due for inspection that has been inspected;
14. the percentage, at time of inspection, of application equipment fitted with risk mitigation devices.

Member State further measures to implement integrated pest management:

15. the percentage of utilised agricultural area in each Member State that is covered by crop or sector-specific guidelines or rules.

ANNEX III

TRAINING SUBJECTS REFERRED TO IN ARTICLE 25

1. Relevant legislation regarding plant protection products and their use and risk and in particular this Regulation. While not exclusive, the following legislation is relevant:

Regulation (EC) No 1107/2009 of the European Parliament and of the Council¹

Regulation (EC) No 396/2005 of the European Parliament and of the Council²

Regulation (EU) No 528/2012 of the European Parliament and of the Council³

Regulation (EC) No 1185/2009 of the European Parliament and of the Council⁴

Regulation EC No 1272/2008 of the European Parliament and of the Council⁵

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- ¹ 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).
 - ² 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).
 - ³ 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).
 - ⁴ 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).
 - ⁵ 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 Council¹

Regulation (EU) 2021/2115 of the European Parliament and of the Council²

Directive 2006/42/EC of the European Parliament and of the Council³

Directive 2009/127/EC of the European Parliament and of the Council⁴

Directive 2000/60/EC of the European Parliament and of the Council⁵

Council Directive 89/391/EEC⁶

-
- ¹ 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).
- ² 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).
- ³ 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).
- ⁴ 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).
- ⁵ 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).
- ⁶ 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/EEC¹

Council Directive 98/24/EC²

Directive 2004/37/EC of the European Parliament and of the Council³

Directive 2009/104/EC of the European Parliament and of the Council⁴

Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁵

Directive 2008/68/EC of the European Parliament and of the Council⁶

3. 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.

¹ 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).

² 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).

³ 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).

⁴ 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).

⁵ 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).

⁶ 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).

4. The hazards of and risks associated with plant protection products, and how to identify and prevent 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.
5. 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.
6. 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.

7. 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 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.
8. 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.
9. 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 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.
10. 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.

11. Special care in sensitive areas as defined in Article 3(16) 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.
12. Facilities providing health monitoring and access to health care to which information on acute and chronic poisoning incidents can be reported.
13. Record keeping of the sale, purchase and use of plant protection products, in accordance with the relevant legislation.
14. 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.

15. 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 1272/2008¹ 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;

¹ 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).

- 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;
- e) how to comply with restrictions set out in Regulation (EC) 1107/2009.

ANNEX IV

INSPECTION OF APPLICATION EQUIPMENT IN PROFESSIONAL USE

The inspection of application equipment in professional use shall cover all aspects important to ensure a high level of safety and protection of human health and the environment. Full effectiveness and safety of the application operation shall be ensured by proper performance of any device or apparatus of the equipment to guarantee the following objectives are met.

The application equipment in professional use shall function reliably and be used only in accordance with its manual of operation for its intended purpose ensuring that plant protection products can be accurately applied in line with good agricultural practice (GAP) as defined in Article 3(2), point (a), of Regulation (EC) 396/2005 of the European Parliament and the Council¹.

The equipment shall be in such a condition to allow it to be filled and emptied safely, easily and completely and to prevent any leakage of either spray solution or concentrated product. It shall permit easy and thorough cleaning. It shall also allow for safe operation, and be capable of being immediately stopped from the position of the operator. It shall be simple to perform any necessary adjustments. Such adjustments shall be accurate and capable of being reproduced.

During inspection, compliance with the following requirements shall be checked:

1. Safety

The equipment shall be clean and safe before the inspection starts. The following shall be checked:

¹ 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).

- the power take off driveshaft guard and all protective devices for the power take off and other rotating power transmission parts,
- leakage from the hydraulic system and general condition of hydraulic cylinders and pipes,
- safety and functioning of all electrical parts, including solenoid switches,
- functioning of safety valves,
- condition of structural parts, framework, and booms/nozzle holders,
- locking of foldable parts, and
- in the case of any equipment that uses air assistance, the guards and condition of the blower, including the physical condition of the blower unit, fan and sleeves.

2. Leakage

Both in stationary and working conditions there shall be no leakage or dripping from any part of the equipment. There shall be no dripping or unintended application after the equipment has been switched off. For equipment to apply liquid products there shall be no leakages from pipes or hoses when running at the maximum obtainable pressure for the system and no liquid shall have been applied directly to the sprayer itself.

3. Pump (for equipment used to apply liquid products)

The pump capacity shall be suited to the needs of the application equipment and the pump shall function properly in order to ensure a stable and reliable application rate.

4. Agitation or mixing (for equipment to apply liquid products)

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

5. Spray liquid tank/hopper

Spray tanks and hoppers including filling level indicators, filling devices, filters, emptying and rinsing systems and mixing devices shall operate in such a way as to minimise accidental spillage, uneven concentration distribution, operator exposure and residual content.

6. Measuring systems, control and regulation systems

All devices for measuring, switching on and off and adjusting pressure or flow rate shall be properly calibrated and work correctly. The controls to be operated during the application operation shall be operable from the operator's position, the necessary instruments to control the operation shall be present and accurate and the instrument displays shall be readable from the operator's position. For equipment to apply liquid products, pressure adjustment devices shall maintain a constant working pressure at constant revolutions of the pump, in order to ensure that a stable volume application rate is applied. Additional equipment to dose or inject plant protection products shall function accurately and correctly.

7. Pipes and hoses

Pipes and hoses shall be in properly functioning condition to avoid disturbance of product flow or accidental spillage in case of failure. Pipes and hoses shall not be kinked, excessively worn or in a position which would allow stretching.

8. Filtering (for equipment to apply liquid products)

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

9. Spray boom (for equipment applying plant protection products by means of a horizontally or vertically positioned boom, located close to the crop or the material to be treated)

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

10. Nozzles (for equipment to distribute liquid products)/ outlets (for solid products)

Nozzles and outlets shall work properly. The flow rate of each individual nozzle and outlet shall not deviate significantly from the data of the flow rate tables provided by the manufacturer.

11. Distribution

Where relevant, the longitudinal, transversal and vertical (in case of applications in vertical crops) distribution of the product in the target area shall be even.

12. Blower (for equipment distributing plant protection products by air assistance)

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

13. Cleaning

If present, the rinsing/cleaning systems for emptied containers, e.g. fitted on induction hoppers of application equipment, shall work reliably. Moreover, if provided, tank cleaning devices, devices for external cleaning, devices for cleaning of induction hoppers and devices for the internal cleaning of the complete application equipment shall function correctly.

ANNEX V

NOTIFICATION FORM

Reason for notification (Please tick)			
New equipment or first registration of used equipment	<input type="checkbox"/>	Withdrawal from use or use for purposes other than plant protection product application ¹	<input type="checkbox"/>
Change of ownership or transfer of the right to use	<input type="checkbox"/>	Return to use	<input type="checkbox"/>
Current owner			
Name:		Unique personal / company identifier: (Tax Number)	
Address 1:			
Address 2:		Occupation: (Farmer, Landscaper, Contractor, other please specify)	
Address 3:			
Address 4:			
Country:			
Previous owner if applicable			
Name:			
Address 1:			
Address 2:			

¹ This box should not be ticked in the case of orchard blast sprayers horizontal or vertical boom sprayers to reflect Article 29(0).

Address 3:							
Address 4:							
Country:							
Professional user to whom the right to use the equipment was transferred							
Name:		Unique personal / company identifier: (Tax Number)					
Address:							
Duration of use	From:			To:			
Pesticide application equipment type (Please tick most appropriate)							
Boom sprayer		PPP application equipment which produces droplets and which uses a fan to distribute these droplets vertically and/or laterally		Fogger (cold & hot)		Seed dresser	
Granule applicator				Vapour generator		Vertical sprayer	
Aircraft (winged)		Aircraft (rotor)		Unmanned aircraft (e.g. drone)		Handheld application equipment	
Other		Please describe:					
Is equipment air assisted?							
Is equipment fitted with GNSS based nozzle or section shut off?							

Pesticide application equipment			
Make:		Model:	
ID No.:		Tank/hopper capacity:	
Manufacture year or year of first registration:		Working width:	
Other information:			

ANNEX VI
referred to in Article 35

**METHODOLOGY FOR CALCULATING HARMONISED RISK INDICATORS AT
UNION AND NATIONAL LEVEL**

SECTION 1

HARMONISED RISK INDICATORS

The methodology for calculating harmonised risk indicators at both Union and national level, is listed in Sections 2 to 4 of this Annex and is based on national or Union wide statistics. These indicators shall be calculated annually.

SECTION 2

**HARMONISED RISK INDICATOR 1: HAZARD-BASED HARMONISED RISK INDICATOR
BASED ON THE QUANTITIES OF ACTIVE SUBSTANCES PLACED ON THE MARKET IN
PLANT PROTECTION PRODUCTS UNDER REGULATION (EC) No 1107/2009**

1. This indicator shall be based on statistics on the quantities of active substances placed on the market in plant protection products under Regulation (EC) No 1107/2009, provided to the Commission (Eurostat) under Article 4(5)(a) and point (e) of the Annex to Regulation (EU) 2022/2379. Those data are categorised into 4 groups.
2. The following general rules shall apply for the calculation of harmonised risk indicator 1:
 - (a) harmonised risk indicator 1 shall be calculated on the basis of the categorisation of all active substances into the 4 groups set out in Table 1;

- (b) the active substances in group 1 shall be those listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011;
- (c) the active substances in group 2 shall be those listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011;
- (d) the active substances in group 3 shall be chemical active substances that are approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and are listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or that are listed in the Annex to Implementing Regulation (EU) 2015/408;
- (e) the active substances in group 4 shall be those not approved under Regulation (EC) No 1107/2009, and therefore not listed in the Annex to Implementing Regulation (EU) No 540/2011;
- (f) the weightings in row (iii) in Table 1 shall apply.

3. Harmonised risk indicator 1 shall be calculated by multiplying the annual quantities of active substances in plant protection products placed on the market for each group in Table 1 by the relevant hazard weighting set out in row (iii), followed by the aggregation of the results of these calculations.

Table 1

Categorisation of active substances and hazard weightings for the purpose of calculating harmonised risk indicator 1

Row	Groups			
	1	2	3	4
(i)	Low-risk active substances which are approved or deemed to be approved under Article 22 of Regulation (EC) No 1107/2009, and which are listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011	Active substances approved or deemed to be approved under Regulation (EC) No 1107/2009, and not falling in other categories, and which are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011	Active substances that are approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and listed in Part E of the Annex to the Annex to Implementing Regulation (EU) No 540/2011, or that are listed in the Annex to Implementing Regulation (EU) 2015/408.	Active substances which are not approved under Regulation (EC) No 1107/2009, and therefore which are not listed in the Annex to Implementing Regulation (EU) No 540/2011
(ii)	Hazard weightings applicable to quantities of active substances placed on the market in products authorised under Regulation (EC) No 1107/2009			
(iii)	1	8	16	64

4. The baseline for harmonised risk indicator 1 shall be set at 100, and is equal to the average result of the above calculation for the period 2011-2013.
5. The result of harmonised risk indicator 1 shall be expressed by reference to the baseline.
6. The Commission shall calculate and publish the results of harmonised risk indicator 1 at Union level in accordance with Article 35(2) of this Regulation for each calendar year and at the latest 20 months after the end of the year for which harmonised risk indicator 1 is being calculated.

7. The Commission shall calculate and publish the results of harmonised risk indicator 1 at Member State level in accordance with Article 35(3) of this Regulation for each calendar year and at the latest 20 months after the end of the year for which harmonised risk indicator 1 is being calculated.

SECTION 3

HARMONISED RISK INDICATOR 2: HARMONISED RISK INDICATOR BASED ON THE NUMBER OF AUTHORISATIONS GRANTED UNDER ARTICLE 53 OF REGULATION (EC) No 1107/2009

1. This indicator shall be based on the number of authorisations granted for plant protection products under Article 53 of Regulation (EC) No 1107/2009 as communicated to the Commission in accordance with Article 53(1) of that Regulation. Those data are categorised into 4 groups.
2. The following general rules shall apply for the calculation of harmonised risk indicator 2:
 - (a) harmonised risk indicator 2 shall be based on the number of authorisations granted under Article 53 of Regulation (EC) No 1107/2009, and it shall be calculated on the basis of the categorisation of active substances into the 4 groups set out in Table 2 of this Section;
 - (b) the active substances in group 1 shall be those listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011;
 - (c) the active substances in group 2 shall be those listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011;
 - (d) the active substances in group 3 shall be chemical active substances that are approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and are listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or that are listed in the Annex to Implementing Regulation (EU) 2015/408;

- (e) the active substances in group 4 shall be those not approved under Regulation (EC) No 1107/2009, and therefore not listed in the Annex to Implementing Regulation (EU) No 540/2011;
- (f) The weightings in row (iii) in Table 2 of this Section shall apply.
3. Harmonised risk indicator 2 shall be calculated by multiplying the number of authorisations granted for plant protection products under Article 53 of Regulation (EC) No 1107/2009 for each group in Table 2 by the relevant hazard weighting set out in row (iii), followed by the aggregation of the results of these calculations.

Table 2

Categorisation of active substances and hazard weightings for the purpose of calculating harmonised risk indicator 2

Row	Groups			
	1	2	3	4
(i)	Low-risk active substances which are approved or deemed to be approved under Article 22 of Regulation (EC) No 1107/2009, and which are listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011	Active substances approved or deemed to be approved under Regulation (EC) No 1107/2009, and not falling in other categories, and which are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011	Active substances that are approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009 and listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011, or that are listed in the Annex to Implementing Regulation (EU) 2015/408.	Active substances which are not approved under Regulation (EC) No 1107/2009, and therefore which are not listed in the Annex to Implementing Regulation (EU) No 540/2011
(ii)	Hazard weightings applicable to quantities of active substances placed on the market in products authorised under Regulation (EC) No 1107/2009			
(iii)	1	8	16	64

4. The baseline for harmonised risk indicator 2 shall be set at 100, and is equal to the average result of the above calculation for the period 2011-2013.
5. The result of harmonised risk indicator 2 shall be expressed by reference to the baseline.
6. The Commission shall calculate and publish the results of harmonised risk indicator 2 at Union level in accordance with Article 35(2) of this Regulation for each calendar year and at the latest 20 months after the end of the year for which harmonised risk indicator 2 is being calculated.
7. The Commission shall calculate and publish the results of harmonised risk indicator 2 at Member State level in accordance with Article 35(3) of this Regulation for each calendar year and at the latest 20 months after the end of the year for which harmonised risk indicator 2 is being calculated.
8. [...]

SECTION 4

HARMONISED RISK INDICATOR 2A: HARMONISED RISK INDICATOR BASED ON THE NUMBER OF AND AREAS TREATED UNDER AUTHORISATIONS GRANTED UNDER ARTICLE 53 OF REGULATION (EC) No 1107/2009

[...]

Table 3

**Categorisation of active substances and hazard weightings for the purpose of calculating
harmonised risk indicator 2a**

[...]

ANNEX VII

CORRELATION TABLE REFERRED TO IN ARTICLE 43(2)

<i>Directive 2009/128/EC</i>	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Articles 8 to 9
Article 5	Articles 17(1), 23 and 25
Article 6	Article 24
Article 7	Article 27
Article 8	Article 17(3) to (5) and Articles 29 to 33
Article 9	Articles 20 to 21
Article 10	
Article 11	Article 19
Article 12	Article 18
Article 13	Article 22
Article 14	Articles 12 to 16

Article 15	Articles 35 and 36
Article 16	Articles 11(7), 15(13) and 42(2)
Article 17	Article 38
Article 18	
Article 19	Article 39
Article 20	Article 31(11)
Article 21	Article 41
Article 22	—
Article 23	—
Article 24	Article 44
Article 25	—
Annex I	Annex III
Annex II	Annex IV
Annex III	
Annex IV	Annex VI
