



PAN Europe

Pesticides Action Network Europe

Comments on the European Commission's Communication "Towards a Thematic Strategy on the Sustainable Use of Pesticides"

Remark: in addition to this position paper, which focuses mainly on pesticides use reduction, PAN Europe and the EEB have made demands in the context of the 91/414/EEC Directive revision. They are available on the PAN Europe and the EEB's web sites.

The Pesticide Action Network (PAN) Europe and the European Environmental Bureau (EEB) take the opportunity to comment on the Commission Communication "Towards a Thematic Strategy on the Sustainable Use of Pesticides".

PAN Europe and the EEB in general welcome the initiative of the Commission, but believe that the Commission's approach falls short of introducing strong and immediate European action.

PAN Europe and the EEB have drafted a detailed pesticides use strategy in the text for a Directive on Pesticides Use Reduction in Europe (the PURE directive). We believe that such a Directive will be crucial to effectively meet the challenge of ever growing pesticides use and better protect Europe's citizens and environment from the connected risks. We are disappointed that the Commission's approach fails to propose such a European approach and delays action into the future, as it provides almost no targets or timetables for the actions it proposes.

In May 2002, the European Parliament requested the Commission to publish a proposal for a Directive establishing a programme for a reduction in the use of pesticides, before July 2003. PAN Europe and the EEB also support this timeframe for a new proposal for a Directive. The Directive should constitute an important part of the Thematic Strategy and focus on pesticide use reduction as an essential element of risk reduction.

New European legislation to reduce pesticide use is needed *inter alia* because of the building evidence that pesticide use poses threats to children's health¹ and is causing

¹ Cf., the 2002 study on *Children's health and environment: A review of evidence* carried out by the World Health Organisation (WHO) and the European Environment Agency (EEA) for the European Commission/DG Environment. According to this report, fetuses, infants and children are more vulnerable to toxic compounds than adults, as well as more exposed. Current tests and risk assessment methodologies are not adequate to fully ensure pesticide safety to fetus, infants and children. Possible health effects include immunological and endocrine-disrupting effects, neurotoxic disorders and cancer.

increased contamination of groundwater, Europe's primary source of drinking water.
2,3

These problems require immediate and European action. As highlighted in the PURE Directive, there should be, at a minimum:

- Mandatory reduction plans for all Member States with targets and timetables for use reduction and increased percentage of land in organic farming, including, for each Member State, a target reduction of 50% of the treatment frequency index within 10 years from a baseline year;
- IPM/ICM as a minimum for all EU non-agriculture and agriculture PPP uses
- Cross-compliance with ICM⁴ as a condition for CAP subsidies; more agri-environmental support under CAP to go beyond ICM, e.g. to promote organic farming;
- Full access to information on pesticides held by authorities, including information supporting specific regulatory decisions in due time to allow for response from the general public, and participation of public interest groups, as observers, in all meetings where decisions are taken related to pesticides and their use

Our specific comments (see next pages) are set forth under each of the elements for a Thematic Strategy in the Commission Communication, in the text contained within the boxes. Where appropriate, we have referred to relevant provisions in the PURE Directive.

PAN Europe
European Environmental Bureau
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² A 1995 study on environmental trends released by the EEA found increasing pesticides levels in groundwater and estimated that 75% (of EU/EFTA) agricultural land exceeds the target (maximum 0,5 µg/l for total amount of pesticides). *Environment in the EU: Environmental trends* (1995).

³ A 2001 survey carried out by EUREAU shows that a number of EU member states have relatively high levels of pesticide residues in untreated water extracted for human consumption.

⁴ Integrated Crop Management Systems in the EU, May 2002 report from the European Commission/DG Environment, shows that ICM systems are highly likely to reduce incidence of pesticide leaching and impacts of pesticides in soils, and have a positive impact on the biodiversity of non cropped species including macrofauna. It recognises that ICM can lead to reduced yields, but the reduced costs can lead to higher profitability.

From the Commission Communication “Towards a Thematic Strategy on the Sustainable Use of Pesticides”

Remark:

the text contained within the boxes below represents the opinion of PAN Europe and the EEB

VI. POSSIBLE ELEMENTS OF A EUROPEAN THEMATIC STRATEGY ON THE SUSTAINABLE USE OF PESTICIDES

1. Minimising the hazards and risks to health and environment from the use of pesticides, through:

- a. establishment of national plans to reduce hazards, risks and dependence on chemical control.

The Commission proposes that all Member States establish such plans within two years and report regularly. Reduction measures for all areas under the control of public authorities should be exemplary parts of these plans. The plans should be closely co-ordinated or integrated with similar actions under other Community legislation such as the river basin management plans under the Water Framework Directive or rural development plans under the CAP.

PAN Europe and the EEB welcome the proposal to require Member States to establish national plans, and at the same time has concerns. It is not clear whether the Commission plans to put forward a proposal for a Directive to make such plans mandatory. Also, the Communication fails to give details such as targets and timetables for the reduction measures that should be set forth in the national plans.

PAN Europe and the EEB would like to draw the attention of all stakeholders to Articles 6 and 7 of the proposed PURE Directive, as well as annex II, for a list of essential elements that should be part of such national plans. Under the PURE Directive, the national plans would be based on national studies covering the elements set forth in its annex I. Under the Communication, such national studies would be at the discretion of the Member State.

- b. reducing particular risks, such as:

1. pollution of watercourses, ditches, and water catchment areas both through diffuse and point source pollution

The Commission is fully committed to promoting the successful implementation of the Water Framework Directive, which will achieve a high level of protection of the aquatic environment from pollution by pesticides. Within the context of the Common Implementation Strategy⁵ for the WFD, the Commission proposes to introduce best practices in river basin

⁵For details please refer to: <http://europa.eu.int/comm/environment/water/water-framework/implementation.html>

management such as mandatory field margins or specific agreements between water companies and farmers.

PAN Europe and the EEB do not believe that the Common Implementation Strategy for the WFD will be an effective tool to guarantee risk reduction itself. The guidance documents produced under the Strategy are nothing more than non-legally binding recommendations and therefore the application of “best practices, such as mandatory field margins” will be in the Member States’ discretion. We believe that in the context of the WFD implementation appropriate pesticides control should be taken in the Article 16 process of identifying priority and priority hazardous pesticides and developing EU quality standards and emission controls. Further we urge for the introduction of separate mandatory legislation requiring the Member States to determine pesticide vulnerable zones according to objective criteria (see Article 7 of the proposed PURE Directive).

2. chemical control measures in environmental sensitive areas, as defined e.g. in NATURA under Directive 92/43/EEC, which requires, in Article 6(2), measures to avoid the deterioration of natural habitats as well as disturbance of species and which encourages positive measures such as environmentally friendly farming.

The Commission proposes that the Member States introduce measures to increase the protection of such areas by reducing the overall use of PPP and defining areas of zero PPP use.

3. aerial spraying

The Commission proposes a general ban. Specific derogation may be given by the national authorities of the Member States if aerial spraying presents clear advantages and also environmental benefits compared to other spraying methods.

PAN Europe and the EEB support a total ban on aerial spraying with no possibility of derogation, which could open the door to possible abuse.

c. improving knowledge of risks by

1. monitoring of the health of users at particularly high risk such as agricultural workers and more sensitive consumers (epidemiological survey). Member States should conduct long-term research into different high-risk situations (including a register of the pesticides used) and regularly publish reports on residues in food including an evaluation of the total diet of consumers with particular emphasis on the more sensitive types of consumers such as children.

Current residue monitoring programmes need to be re-inforced and enlarged in scope (to a broader range of food and feedstuff) and better co-ordinated among the Member States (all ministries and agencies concerned) with enhanced support from the Food and Veterinary Office (FVO) of the Commission. Further measures could be proposed in the framework of the strategy on Environment and Health regarding monitoring programmes and sharing of data.

The Commission proposes that the Member States, including through possible Commission funded research programmes, initiate mid to long-term epidemiological research on PPP users at risk and launch broad investigation and monitoring programmes on pesticide residue levels for consumers, with particular emphasis on groups of the population at particular risk. National monitoring efforts should be coordinated for better efficiency with enhanced support by the FVO.

PAN Europe and the EEB welcome the Commission's proposal to fund Member State research programmes to monitor the impacts of pesticides on users and on consumers, especially population groups at particular risk. The Communication fails to mention the equally urgent need for monitoring of impacts on the environment. This research should be mandatory, with the Commission playing an overall coordinating role, including compilation of EU-wide databases, annual EU-wide reports, and development of a guidance document on monitoring of impacts on human health and the environment from pesticide use (see Article 14 of the proposed PURE Directive).

2. collection of data on incidents having consequences for health and environment of workers and private users (centralised recording and analysis of incidents)

The Commission proposes that Member States create new (where needed) or modify existing reporting systems, which should then be coordinated. Information should be centralised and evaluated for the whole Community.

PAN Europe and the EEB agree that reporting systems should be mandatory. The previous comment on the need for a strategic guidance document on monitoring and surveying of impacts on human health and the environment is also valid here.

3. collection and analysis of economic data on PPP use (benefits and costs) and alternatives

Reliable figures for the actual costs of pesticide use (including external costs) and alternatives could help in the evaluation of the benefits in comparison with chemical-free methods of control.

The Commission proposes to support together with the Member States further investigation on this point at national and international level (e.g. OECD).

PAN Europe and the EEB welcome the collection and analysis of economic data on pesticides use. Under the proposed PURE Directive, such analysis by Member States would be a mandatory part of their initial national pesticide use reduction study (see Article 7, §1).

d. further research and development into:

1. less hazardous methods of application and handling of PPPs such as
 - precision spraying, improved coating and packaging technology (new soluble packaging and packaging which retains less residual product when empty)

- better adaptation and use of protective clothing
- 2. IPM techniques as part of ICM, such as early pest warning systems, disease forecasting, etc.
- 3. improved insurance schemes against potential crop losses in order to minimise preventive applications
- 4. potential synergistic and antagonistic effects of PPPs, in particular in frequently used combinations of active substances
- 5. quantification of point source pollution and practical solutions to address related hazards
- 6. improved methods to assess the chronic and acute risks from residues to infants and children when establishing MRLs to safeguard their health.

The Commission proposes to support or create together with the Member States research and development efforts and calls on industry to contribute to the activities.

Further research and development efforts into less hazardous methods of application and handling should be mandatory. In the meantime, the Commission should initiate the development of European standards for application equipment, storage of pesticides and equipment, etc. (see Article 8 of the PURE Directive). Moreover, the urgent need to introduce IPM/ICM throughout the Community calls for strong EU-wide coordination. PAN Europe and the EEB therefore call on the EU to establish a new Community agency on IPM/ICM.

For point 4, we urge that research on combination effects be mandatory. We agree about the importance of developing an overview of the quantities of pesticides released into the environment from point sources, including from farm-level activities.

2. Improved controls on the use and distribution of pesticides

- a. reporting of production and import/export quantities of PPPs by producers and distributors to national authorities. Under legal cover, national authorities would report to the Community, which would then prepare (through Eurostat) an annual report with an aggregated data analysis. The necessary protection of data of commercial value would have to be respected when using, compiling or disseminating the data. These should be as detailed as possible and would also be helpful for efficient follow-up of the Rotterdam (PIC) Convention;
- b. reinforcement of ongoing work on the collection of data concerning use (quantities of PPPs applied per crop, product, area, time of application...). In this respect, progress in keeping of logbooks to record spraying data and circumstances of treatments, types and amounts of pesticides used could also contribute to enhancing the awareness of the users and allow better controls of the real patterns of use. Knowledge of actual use patterns would help to better identify unacceptable risks;
- c. reinforcement of the system based on Article 17 of Directive 91/414/EEC (inspections / monitoring of uses and distribution of PPP by wholesalers, retailers and farmers) in a co-ordinated way;

- d. introduction of a system of regular and safe collection, possible re-use, and finally controlled destruction of PPP packaging and unused products;
- e. introduction of a system of regular technical inspection of application equipment⁶;
- f. creation of a system of mandatory education, awareness raising, training and certification for all PPP users (farmers, local authorities, workers, distributors, traders and extension services). The training should put emphasis on safe use, covering both human health and environmental aspects. It would further contribute to the free movement of workers through common and recognised training requirements. Best practice guidelines for the most essential parts of the training should be developed. This could be done against the background of the education programmes provided for in article 9 of Chapter III of Council Regulation (EC) 1257/99.

For all these points, the Commission will propose relevant mandatory requirements within two years of the adoption of the thematic strategy. Compliance needs to be assured through adequate monitoring measures. Where appropriate, support to farmers under the CAP is to be linked to compliance with the required measures.

PAN Europe and EEB welcome the above provisions and their proposed mandatory character. We especially welcome the proposal of the Commission to link support to farmers under CAP to compliance with these measures.

However, we are deeply concerned at the suggestion that the Commission will not set forth its proposals for an additional two years after adoption of the Thematic Strategy. We urge the Commission to avoid any further delay by proposing a Directive with relevant mandatory requirements as soon as possible and in any case no later than the Thematic Strategy.

We wish to draw attention to the text of the draft PURE Directive which proposes that the Commission, in consultation with EUROSTAT and a stakeholders working group, establish a system to collect, evaluate, summarise, retain and report information on the production, import, export, sales, distribution and use of pesticides. The draft PURE Directive proposes a central pesticide label database (annex VI), and gives suggestions for the minimum information to be reported by each pesticide operator (annex VII). The draft PURE Directive also provides a detailed list of minimum training requirements that should be in place for so called "PPP users" (annex V).

Concerning the introduction of a system of regular and safe collection, possible re-use and controlled destruction of PPP packaging and unused products, the position of PAN Europe and the EEB is that this should be the responsibility of pesticide producers. Any systems established to meet this responsibility must however be approved by the competent authority.

3. Reducing the levels of harmful active substances by substituting the most dangerous with safer (including non chemical) alternatives.

This goal will be achieved mainly by a quicker implementation of Directive 91/414/EEC and its amendments in the near future. Preparatory work is already in hand.

⁶Already in application in several MS. Experience has shown mandatory systems to be more efficient than voluntary ones.

In practice this would entail systematic evaluation of the possible substitution⁷ of a particular active substance for which certain concerns persist, either by another substance (on the basis of the inventory of active substances, when an alternative is available for a specific purpose) or a pesticide-free alternative. Examination of the possibility of introducing this principle at Community level is recommended in the 10-year report on the evaluation of Directive 91/414/EEC and has been emphasised by the Council and the European Parliament in their conclusions on this report.

The Commission proposes to amend Directive 91/414/EEC in order to include among other modifications the substitution principle. The Commission will study feasibility and possible methodologies for its application in practice. Member State Rapporteurs should then carry out comparative assessments under appropriate conditions (which need to be defined) when evaluating active substances, taking due account of possible resistance problems. The revision of the Directive will also take into account several other issues addressed in the Council Conclusions and the Opinion of the European Parliament on the 10-year report evaluating the functioning of Directive 91/414/EEC⁸.

The substitution principle (including pesticide free alternatives) to be included in the revision of 91/414/EEC Directive must be applied to all pesticides, and not limited just to the most dangerous pesticides. We wish to draw attention to the European Parliament's Resolution of 2 May 2002 which calls for "[implementation of] substitution principle and comparative assessment in a structured way, so that active substances that represent the lowest toxicity are chosen and no authorisation is given in respect of active substance when other less harmful agricultural techniques, methods and practices are available".

* Resolution of the European Parliament: "Evaluation of the active substances of plant protection products (submitted in accordance with article 8 (2) of the Council Directive 91/414/EEC on the placing on the market of plant protection products" (COM (2001) 444 – C5-0011/2002 – 2002/2015 (COS).

4. Encouragement of the use of low-input or pesticide-free crop farming particularly by raising user's awareness, promoting the use of codes of good practices and consideration of the possible application of financial instruments

- a. Promotion and development of alternatives to chemical control via IPM agriculture, organic farming, and biological control for specific uses, such as glasshouse crops and examining the potential of the use of Genetical Modification Technology when its application is considered as safe for health and environment.

Promoting good practices by further developing Codes of Good Farming Practice integrating IPM concepts.

Further encouraging the allocation of funds by Member State and the adoption by farmers of Rural Development measures, in particular agri-environmental schemes designed to promote low-input farming beyond Good Farming Practice with less use of pesticides (organic farming, ICM and specific measures to reduce pesticide use), but also by training and other relevant measures.

- b. Imposing penalties on users by reducing or cancelling benefits under support schemes

⁷ This concept is already included in the Biocides Directive 98/8/EC

⁸ See footnote 31

Member States should make more rigorous use of the possibility of applying penalties by cancelling or reducing benefits covered by Council Regulation 1259/1999 when environmental requirements which they have identified as appropriate in view of the situation of the agricultural land used or the product concerned have not been respected. Where not yet existing, these requirements should be defined.

For points a and b, the Commission proposes to implement the current provisions more rigorously and exploit them fully. The upcoming report on Regulation (EC) 1259/1999 will unveil what Member States have done on environmental protection requirements and indicate whether further steps will be necessary to reinforce their implementation. The Commission will include pesticides issues in the discussion on the future evolution of Good Farming Practices as a policy tool.

Point a illustrates some of the confusion that still exists in Community legislation concerning the terms IPM, ICM, Good Farming Practice, Good Agricultural Practice, Good Plant Protection Practice, Best Environmental Practice, etc. Since none of these terms have been adequately defined, it is not at all clear what exactly is meant here.

In view of the lack of common understanding of these terms, the draft PURE Directive proposes that the Commission and Member States define ICM for every crop or crop rotation system, and that ICM be made mandatory for all non-organic crops two years after such standards have been established. The draft PURE Directive proposes systems for supervision of the application of ICM, including sanctions for violations of the standards, and for establishment of a Community ICM Agency to coordinate ICM research and sharing of information on national ICM standards.

Cross compliance with ICM should become a minimum condition for CAP subsidies. The agri-environmental schemes under the Common Agriculture Policy (CAP) should be used as incentives to go beyond ICM, e.g., to promote organic farming.

The suggestions concerning the measures to be taken by Member States to promote low-input farming are very weak. PAN Europe and the EEB urge the Commission to develop targets and timetables for promotion of organic agriculture. Article 9 of the draft PURE Directive proposes that Member States achieve conversion of 30% of all cultivated land within their territory to organic farming, within 10 years.

PAN Europe and the EEB strongly oppose the idea of the Commission to examine the potential of the use of Genetical Modification Technology to encourage the use of low-input or pesticide-free crop farming practices. GM crops are not likely to reduce pesticide use and they do not represent a sustainable method of farming.

c. Special levies on PPPs

Some Member States have already introduced specific levies, while others are planning to do so. Introduction of an environmental charge would raise awareness of the detrimental effects of over-intensive PPP use and further reduce reliance on chemical inputs in modern agriculture. Such a levy would also make non-chemical methods more competitive and could contribute to the additional funds, needed to cover the external costs of PPPs, research and development work into more sustainable alternatives and further protection of sensitive areas and population groups.

The Commission carried out a study of the advantages, disadvantages and feasibility of an EU wide regulatory framework for levies on pesticides⁹.

The study concluded that an ‘ideal levy’ would have to respect the following criteria:

- discriminate effectively among the various pesticides (i.e. the levy should be proportional to the potential damage to the environment)
- be set at the correct rate (i.e. correspond to the marginal external costs)
- have an efficient collection and effective reimbursement system
- be fraud-proof
- provide a permanent incentive to farmers

According to the study, the first two of these criteria are confronted with major obstacles: there is inadequate information on the (long-term) negative environmental effects of pesticides and it is extremely difficult to summate the various effects into one single target (i.e. effects on the aquatic environment versus effects on the terrestrial environment). Furthermore, precise quantification (and costing) of the externalities is fairly impossible. Within the scope of the study it was not possible to propose a solution for an EU wide regulatory framework for levies on pesticides.

Nevertheless, the experience of two real cases of levies applied in practice (Denmark and Sweden) seems to indicate a certain impact, albeit more limited than originally expected. Demand for PPPs did decrease, indicating some price elasticity, but it was unclear whether this could be attributed to the levy alone or was due to a number of ‘accompanying measures’ taken at the same time. Instead, an important aspect has been the revenue-raising role of the levy. The funds raised were used (at least in part) to finance support programmes (such as advisory services) to optimise pesticide use. In both countries, significant organic agriculture sectors have developed as well. *In the light of experience to date, the Commission does not propose at this time to develop a fully-fledged EU-wide scheme of levies on PPPs that would reflect real marginal externalities. Further research into the full costs and benefits (including externalities) of using PPPs or alternative methods will be necessary first. The Commission considers that, if such a levy was to be introduced, Member State should be encouraged to apply tax differentiation, taking into account the general principles of the EC Treaty and their specific environmental concerns. Taxation should provide sufficient incentive to pesticide users to opt for pesticides less harmful for the environment in the particular context of the Member State concerned and contribute to internalise at least partly the external effects of the use of PPPs. It could further contribute to the financing of a number of measures under the national risk reduction plans and research and development as proposed in various earlier points.*

⁹ Final report by EIM / Haskoning, Zoetermeer, July 1999.

PAN Europe and the EEB call for the development of an EU wide regulatory framework for levies on pesticides. We do not agree with the Commission that further research into “*the full costs and benefits*” should be a precondition for an EU system. Real world examples show the effectiveness of pesticides levies. The lack of scientific certainty in applying cost-benefits assessments to long term, health and resource costs should not lead to inaction. In the proposal for a PURE Directive, we also request the Member States to assess, in their national pesticide use reduction studies, the feasibility of a levy on pesticides. Funds collected from such a levy must be used to finance measures to significantly reduce pesticides use and hence pesticides risks.

d. Harmonisation of the Value Added Tax for PPPs

The current situation with VAT on PPPs ranging between 3 and 25% puts farmers in various Member States in an unequal situation. The current Community legislation allows Member States to apply a reduced rate of VAT for PPPs. It distorts the internal market and can lead to illegal import with increased uncertainties concerning potential negative consequences for health and environment resulting from the use of those illegally imported PPPs, like for example the increased risk from a label which is in a language unknown to the user.

To ensure the smooth functioning of the internal market, the rate of VAT should be approximated in all Member States. The Commission is currently preparing a revision of VAT legislation which could integrate this harmonisation purpose and propose to apply the normal VAT-rate (minimum 15%), excluding thereby all PPPs from the exempted agricultural products, because of their overall harmfulness for the environment.

The Commission proposes that the harmonisation of VAT at the normal Community rate should be considered as the necessary first step to respect the requirements of a single market and to reduce risks of illegal imports.

PAN Europe and the EEB agree with the Commission's proposal to harmonise VAT for all Plant Protection Products.

5. A transparent system for reporting and monitoring the progress made in achieving the objectives of the strategy including the development of suitable indicators

a. Regular reporting on national risk reduction programmes

Once established, the national PPP Risk Reduction Programmes should be subject to specific and strict monitoring by the Member States. The result of this monitoring should be reported to the Commission.

b. Development of suitable indicators for monitoring and definition of quantitative targets

Most indicators currently used include quantitative change in volumes used and application frequency. But, because of the different chemical characteristics and methods of use of different PPPs, such parameters do not necessarily correlate with the decrease in risk. Therefore other types of measurement are needed, such as the percentage of certified applicators, of the area treated with PPPs and others still to be developed or a combination of all these.

Currently there are no generally accepted indicators (see chapter 2.5 for details). The development of such risk indicators is a research priority indicated in two recent Communications from the Commission to the Council and the European Parliament¹⁰.

The Commission proposes that the Member States report regularly on progress with national risk reduction programmes. Pending the development of harmonised indicators, they should report on progress by using the most suitable indicators currently available to them. Monitoring should include agricultural and, where appropriate, forest soils, the aquatic environment, and residues in food and feedstuff. The Commission and the Member States should actively contribute to the international development of indicators (in particular within the OECD) and their subsequent use.

As we stated earlier, reductions in use of PPPs are an essential element of any risk reduction programme. We therefore urge that the national risk reduction programmes set quantifiable use reduction targets. The draft PURE Directive proposes, for each Member State, a target reduction of 50% of the treatment frequency index within 10 years from a baseline year.

Point b recognises the importance of quantifiable targets by calling for the development of suitable indicators. A common indicator for monitoring and defining quantitative targets is indeed needed to ensure comparability of information and unbiased risk estimations. Until a more perfect indicator can be agreed by international bodies, PAN Europe and the EEB urge the Commission to use in the meantime the frequency of application indicator. The advantage of this parameter is that it excludes the effects of changing to lower dose pesticides and it is easy to calculate. Since it includes the effect of individual PPPs, it can express the intensity of spraying and the potential biological effect.

The draft PURE Directive proposes development of additional indicators of risk to human health and environment from pesticide use, as a further tool for determining if the measures in this Directive accomplish the intended objective of achieving a high level of protection.

Reporting by Member States on progress with national use reduction programmes must be mandatory, and frequent enough so that proposals for revisions can be put forward in a timely manner when needed to address problems and when appropriate to achieve further reductions in the use of pesticides. Monitoring of pesticides in soils, aquatic environment, air, residues in food and feedstuff must be mandatory.

6. Candidate countries

- a. The enlargement of the EU will have a major impact on the candidate countries as they will have to comply with the policies in place at the moment of accession.

¹⁰ See footnotes 43 and 44.

The management of stockpiles of obsolete pesticides in a number of candidate countries has been mentioned repeatedly as an important problem in this context. Pesticides become obsolete when they can no longer be used for their intended purpose, and therefore require disposal. The common causes of this situation are:

- use of products has been prohibited or severely restricted
- the pesticide has deteriorated because of improper or prolonged storage

Many pesticides still in use in several candidate countries might become obsolete at the moment of accession. In addition, there are already considerable stocks of obsolete pesticides at the moment. According to Directive 91/689/EEC¹¹, pesticides are considered as hazardous waste requiring specific care during disposal (incineration in specific incinerators). If no appropriate measures are taken, candidate countries might not have adequate incinerators which respect the required emission limits; this will necessitate upgrading of incineration facilities or require transport to appropriate incinerators within the current Member States. Eventually other solutions have to be found. A proportion of the obsolete pesticides will be covered by the Stockholm Convention on POPs and measures for their disposal will be eligible for the funding provided through the Convention (Proposals from 7 candidate countries for inventory work for POPs related contamination have already been accepted). However, there might be a need for further support to the Candidate Countries.

The Commission proposes that, in close co-operation with candidate countries, specific support programmes be developed, which target the handling of stocks of obsolete PPP and their safe destruction. Such programmes should start with the identification and quantification of the existing and expected stockpiles (How big is the problem?¹²) and then propose appropriate disposal measures (preferably within the national hazardous waste management plans). Member States should provide technical (and if necessary financial) support to build the necessary administrative capacity to develop and manage such disposal programmes.

The Commission also proposes continued support of candidate countries for the pilot agri-environmental schemes, as established under the SAPARD Regulation, to develop them further, in particular in view to reducing risks associated with the use of pesticide, so that these schemes will be correctly established as a part of rural development schemes once accession takes place.

PAN Europe and the EEB strongly endorse the Commission's suggestion to support programmes in candidate countries to safely destroy obsolete PPPs in accordance with national hazardous waste management plans, and urges the Commission to ensure that such programmes be drawn up via transparent and participatory procedures.

Our comments earlier in reference to agri-environmental schemes under CAP also apply to SAPARD.

¹¹ OJ L 377, 31.12.1991, p. 20.

¹² The European Parliament sent a letter in July 2001 to all candidate countries requesting the governments' estimates of the range and quantity of stocks of obsolete pesticides and the plans for disposal.

7. International aspects

The Community and the Member States should contribute to the safe use of PPPs in developing countries and NIS by better monitoring and assessing their exports or donation of chemicals, training and stewardship of the use, handling and storage of PPPs and the management of stockpiles of obsolete PPPs, by supporting capacity building and information exchange. Full implementation of the Rotterdam (PIC) and Stockholm (POPs) Conventions will be major steps in that direction. This includes financial support and technical assistance, both via the mechanisms provided in the Conventions, but also further assistance in capacity building through specific projects or in the framework of regional agreements (in particular the Cotonou Agreement). It also includes strengthening the integration of environmental objectives into Development Policy and contributing to the goals of the Intergovernmental Forum on Chemical Safety.

The Commission has already proposed to the Council the necessary legislation to ratify and implement the Rotterdam Convention on Prior Informed Consent including an amendment of Regulation 2455/92. The Commission intends to present shortly the necessary proposals for ratification and implementation of the Stockholm Convention on Persistent Organic Pollutants.

The Commission and the Member States will have to contribute to the technical and financial assistance provided for in the Conventions, as well as in specific bilateral agreements (such as with the ACP countries). In addition, they should increase their commitments under particular programmes, such as research on DDT alternatives to combat malaria (in the framework of the Community initiative on communicable diseases), capacity building for the management of chemicals, and support to enable developing countries to substitute pesticides no longer authorised in the EU and to prove compliance with Community MRLs on agricultural produce. The Commission will also seek to collaborate with the NIS on the management of chemicals¹³.

The Commission and the Member States will continue to take part in work under the Codex Alimentarius to ensure that Codex MRLs provide for adequate protection of human health and to minimise the risks of challenges of Community measures under the WTO.

PAN Europe and the EEB endorse the Commission's efforts to achieve ratification and full implementation of both the Rotterdam (PIC) and Stockholm (POPs) Conventions by the Community. We also applaud the proposals for increased commitments on such programmes as research on DDT alternatives, capacity building in the management of chemicals and support for elimination of use of pesticides no longer authorised in the EU.

The last paragraph on participation in development of Codex MRLs is disquieting. We hope that it is the Commission's intention to continue to push for a high level of protection, rather than an "adequate" protection of human health.

¹³ Commission Communication-EU-Russia Environmental Co-operation (COM (2001)772 final)

8. Aspects not covered by the Commission Communication

a. Access to information and public participation

Annex VIII of the PURE proposed Directive lists types of information on pesticides held by public authorities for which request for information cannot be refused. Confidential business information has to be redefined. It has to be demonstrated to be prejudicial to the financial or competitive interests of the persons to whom it belongs. Measures have to be taken by Commission and Member States to ensure that public interest groups have access to all meetings where decisions related to pesticides and their use are taken, including access, in due time, to all documentation related to those meetings.

b. measures to reduce PPP for non-agricultural uses

The Communication fails to adequately address non-agricultural uses of PPPs. The draft PURE Directive suggests that IPM be mandatory in all significant non-agricultural pest control situations.

VII. CONCLUSIONS AND FURTHER WORK

This Communication has presented a wide range of background information on the applicable instruments and initiatives directly or indirectly affecting pesticides use in the Community and further measures already in place in some Member States and has identified remaining concerns regarding current patterns of pesticide use.

With a view to minimising further the risks presented by PPPs for human health and the environment, the Communication has identified a range of measures, which could make up a Community Thematic Strategy on the Sustainable Use of Pesticides which would usefully complement the existing legislative framework.

The Community and the Member States, in implementing such a strategy, could use many different instruments: legally binding measures, (economic) incentives, research or voluntary measures. Combination of all types of instruments is also possible. Many measures could most effectively be integrated in already existing or currently developing related policy areas, such as water protection, health and consumer protection (in particular food safety) and the Common Agricultural Policy.

It is obvious that most of the proposed measures fall currently within the purview of the Member States. This is the case for actions concerning Codes of Good Farming Practices, the promotion of IPM, training programmes for users, further promotion of organic farming and low-input agriculture and the application of penalties including the reduction or even cancellation of benefits from the CAP. In order to achieve a higher level of harmonisation and better implementation, it might, however, be necessary to define minimum requirements at Community level. Some of the proposed measures could be most efficiently regulated at Community level (in close co-operation with Member States), such as the definition of adequate monitoring requirements, collection of use data and harmonised systems to report any incidents related to health or the environment.

In view of the increased presence of PPPs in groundwater and on food products across the Member States, and the risks to vulnerable populations such as children, mandatory Community-level action is urgently needed. We agree that the Member States are best situated to implement most of the measures proposed according to their national legislative and administrative structures. However, we do not understand why the Commission continues to hesitate to propose more ambitious legislative measures.

PAN Europe and the EEB are deeply disappointed that the Conclusion mentions only monitoring requirements, collection of use data, and harmonised systems for reporting of incidents as measures to be regulated at Community level.

We refer the Commission to the draft PURE Directive and its draft explanatory memorandum for further details concerning the mandatory measures needed at Community level, and their justification. (www.pan-europe.net and www.eeb.org go to activities, chemicals and publications)

Public consultation on a future thematic strategy for the sustainable use of pesticides is proposed on the basis of these options. The Commission hereby invites all interested parties to discuss and comment on this document. A public hearing will be organised in the 4th quarter of 2002.

Comments may be sent directly to the Commission not later than 30 November 2002. Submissions should be sent to Ms Hellsten, Head of the Chemicals Unit (DG Environment), 200 Rue de la Loi / Wetstraat 200, B-1049 Bruxelles/Brussel Belgium. Comments may alternatively be sent by e-mail to: ENV-SustainablePPP@cec.eu.int. The various language versions of this Communication, the background studies and other related documents used for its preparation can be found at: <http://europa.eu.int/comm/environment/pppshome.htm>.

On the basis of the analyses developed in this Communication and the outcome of the consultation process, the Commission will propose at the beginning of 2004 all necessary measures setting out a comprehensive Community Thematic Strategy on the Sustainable Use of Pesticides. Because of ongoing developments in other policy areas, in particular the revision of Directive 91/414/EEC and the CAP mid-term review, some of the measures envisaged will already be launched before the finalisation of the complete thematic strategy.

For further information about these comments, contact:

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