



**Pesticide
Action
Network**
Europe

Mr Tonio Borg
Member of the European Commission, Consumers
B-1049 Brussels
Belgium

Brussels, 27th of March 2014

Re.: National Implementation of the Directive 2009/128/EC of 21 October 2009

Dear Commissioner Borg

As you might know, we are from 20-30 March celebrating the 9th edition of the Pesticide Action Week (PAW), see <http://www.pesticideactionweek.org/>.

PAN Europe would like, on the occasion of the PAW, to raise your awareness on a report we have recently published, evaluating how Member States, through their National Action Plans (NAPs), comply with the Directive 2009/128/EC of the 21 October 2009 on Sustainable Use of Pesticides (SUDP). The report is available at <http://www.pan-europe.info/Resources/Reports/PANE - 2013 - Reducing pesticide use across the EU.pdf>

In the report we conclude that very few Member States are taking the SUDP implementation seriously.

We believe that the European Commission must take a more active role in ensuring proper implementation of the SUDP, and urge you (as you can see on page 20-22 of the report, also annexed) to undertake - at least - the following actions:

- Organise thematic expert meetings, involving stakeholders, finally proceeding with developing technical guidelines for Integrated Pest Management (IPM) and EU-harmonised indicators,
- Start infringements procedures against Cyprus, Germany, Hungary and the United Kingdom for non-compliance with the SUDP:
- Question the lack of targets, timetables and measures of the NAPs in Bulgaria, Cyprus, Estonia, Finland, Hungary, Malta, Spain and the United Kingdom
- Question that the SUDP goes beyond what is already applied in other EU laws, and
- Analyse CAP implementation; including the IPM baseline (mandatory and voluntary measures), and as part of that make Member States identify changes made to update from conventional to IPM farming practices.

We are hoping for your reactions on these requests.

Sincerely yours

François Veillerette
President of PAN Europe

Copy: Commissioner Ciolos, Commissioner Potocnik

ANNEX

Take advantage of the expert group to develop EU tools to monitor implementation

Article 18 of the SUDP specifies that *‘The Commission shall put forward as a priority for discussion in the expert group on the thematic strategy on the sustainable use of pesticides the exchange of information and best practice in the field of sustainable use of pesticides and integrated pest management.’*

The European Commission needs to proceed with discussions with stakeholders and member states in the development of harmonised risk indicators as foreseen in article 15 of the SUDP specifying *‘Harmonised risk indicators shall be established’*.

In the story behind the strategy, it is specified that this thematic Strategy Expert group will be set up consisting of Member States and other Stakeholders and *‘will serve as a consultative forum and draw up guidance on best practices. It will also monitor implementation of the Thematic Strategy through:*

- *exchange of data and information by the Member States on progress achieved and on incidents having consequences for the health of professionals, private users, or for the environment;*
- *harmonisation of technical guidelines;*
- *establishment of a set of indicators to measure progress and establish quantitative risk reduction objectives.*

However, DG SANCO has only elaborated one expert group meeting since 2009, instead SANCO has been arranged several workshops for Member States, without the involvement of stakeholders.

PAN Europe calls on DG SANCO to establish meeting on the thematic strategic expert group, involving also NGOs, to start elaborate guidance paper on best practices, solid harmonised indicators etc.

The European Commission to start legal action against Germany, Cyprus, Hungary and United Kingdom

The Commission's role is to ensure that *EU law is properly applied by individuals, national authorities, and other EU institutions. The Commission can impose sanctions on individuals or companies who break EU law. It can take formal action against national authorities if they are suspected of being non compliant, asking them to remedy the situation by a certain date. This may involve taking them to the European Court of Justice*¹.

So far, DG SANCO has ‘only’ taken legal actions against Member States to ensure that they deliver the plans. It has not taken legal action against Member States for the content presented in the NAPs.

We encourage the European Commission to start infringements procedures against DE, CY, HU and the UK:

- Germany, and Cyprus, who, in their NAPs focus on reducing excess of Maximum Residues Levels of pesticides, counteracting the compliance of EU Regulation No 396/2005 respecting compliance with maximum residue levels of pesticides in or on food and feed of plant and animal origin.
- Hungary and the United Kingdom who have still not introduced a principle ban on aerial spraying, counteract compliance of article 9.1 of the SUDP calling on *“Member States shall ensure that aerial spraying is prohibited”*.

¹ http://ec.europa.eu/eu_law/introduction/commission_role_en.htm

The European Commission to question lacking targets, timetables and measures of the NAP

It is time that the European Commission ask questions of **Bulgaria, Cyprus, Estonia, Finland, Hungary, Malta, Spain, and the United Kingdom to identify their** quantifiable their objectives, targets, (new) measures and timetables.

The European Commission must ask clarification where action is not clear

The European Commission need to ask **many Member States** where actions are unclear, and derogations are not explained and/or where derogations seem to going beyond what is defined in the SUDP.

The European Commission must identify potential data gaps making it possible for the EU to ensure compliance of the SUDP, allowing a complete revision to be done by European Parliament and Council in 2014.

The European Commission must question the Integrated Pest Management (IPM) baseline, and the stepwise move towards IPM

Questioning the IPM definition made by **Estonia**: *‘IPM is the combined use of biological, biotechnological, chemical, agronomic and plant breeding methods by which the use of chemical plant protection products is reduced to the extent that is necessary for the retention of pest population at a level that does not cause unwanted economic or crop damage.’*

Questioning the NAPs in **Hungary/Germany/Finland** about the sense of introducing promoting crop rotation in organic farming, rather than ensuring that these practices will be introduced in conventional, which are crucial according to figure 1 to ensure the needed move towards IPM?

Question **all Member States** on what specific measures they have taken, new actions on agronomic practices and nonchemical products, on voluntary and mandatory elements of the CAP to ensure the needed moves towards IPM as foreseen in the SUDP and by updating of the rural development schemes on IPM.