

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 (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Directive establishes a framework to achieve a sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of integrated pest management and of alternative approaches or techniques such as non-chemical alternatives to pesticides.

Article 2

Scope

- 1 This Directive shall apply to pesticides that are plant protection products as defined in point 10(a) of Article 3.
- 2 This Directive shall apply without prejudice to any other relevant Community legislation.
- 3 The provisions of this Directive shall not prevent Member States from applying the precautionary principle in restricting or prohibiting the use of pesticides in specific circumstances or areas.

Article 3

Definitions

For the purposes of this Directive, the following definitions shall apply:

1. 'professional user' means any person who uses pesticides in the course of their professional activities, including operators, technicians, employers and self-employed people, both in the farming and other sectors;
2. 'distributor' means any natural or legal person who makes a pesticide available on the market, including wholesalers, retailers, vendors and suppliers;
3. 'advisor' means any person who has acquired adequate knowledge and advises on pest management and the safe use of pesticides, in the context of a professional capacity or commercial service, including private self-employed and public advisory services, commercial agents, food producers and retailers where applicable;
4. 'pesticide application equipment' means any apparatus specifically intended for the application of pesticides, including accessories that are essential for the effective

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- operation of such equipment, such as nozzles, manometers, filters, strainers and cleaning devices for tanks;
5. ‘aerial spraying’ means application of pesticides from an aircraft (plane or helicopter);
 6. ‘integrated pest management’ means careful consideration of all available plant protection methods and subsequent integration of appropriate measures that discourage the development of populations of harmful organisms and keep the use of plant protection products and other forms of intervention to levels that are economically and ecologically justified and reduce or minimise risks to human health and the environment. ‘Integrated pest management’ emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms;
 7. ‘risk indicator’ means the result of a method of calculation that is used to evaluate risks of pesticides on human health and/or the environment;
 8. ‘non-chemical methods’ means alternative methods to chemical pesticides for plant protection and pest management, based on agronomic techniques such as those referred to in point 1 of Annex III, or physical, mechanical or biological pest control methods;
 9. the terms ‘surface water’ and ‘groundwater’ have the same meaning as in Directive 2000/60/EC;
 10. ‘pesticide’ means:
 - (a) a plant protection product as defined in Regulation (EC) No 1107/2009;
 - (b) a biocidal product as defined in Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products⁽¹⁾.

Article 4

National Action Plans

1 Member States shall adopt National Action Plans to set up their quantitative objectives, targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides. These targets may cover different areas of concern, for example worker protection, protection of the environment, residues, use of specific techniques or use in specific crops.

The National Action Plans shall also include indicators to monitor the use of plant protection products containing active substances of particular concern, especially if alternatives are available. Member States shall give particular attention to the plant protection products containing active substances approved in accordance with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant products on the market⁽²⁾ which, when subject to renewal of approval under Regulation (EC) No 1107/2009 will not fulfil the criteria relevant for approval laid down in Annex II, points 3.6 to 3.8 of that Regulation.

On the basis of such indicators and taking into account where applicable the risk or use reduction targets achieved already prior to the application of this Directive, timetables

and targets for the reduction of use shall also be established, in particular if the reduction of use constitutes an appropriate means to achieve risk reduction with regard to priority items identified under Article 15(2)(c). These targets may be intermediate or final. Member States shall use all necessary means designed to achieve these targets.

When drawing up and revising their National Action Plans, Member States shall take account of the health, social, economic and environmental impacts of the measures envisaged, of specific national, regional and local conditions and all relevant stakeholder groups. Member States shall describe in their National Action Plans how they will implement measures pursuant to Articles 5 to 15 in order to achieve the objectives referred to in the first subparagraph of this paragraph.

The National Action Plans shall take into account plans under other Community legislation on the use of pesticides, such as planned measures under Directive 2000/60/EC.

[^{X12}. By 26 November 2012, Member States shall communicate their National Action Plans to the Commission and to other Member States.]

National Action Plans shall be reviewed at least every five years and any substantial changes to National Action Plans shall be reported to the Commission without undue delay.

[^{X13}. By 26 November 2014, the Commission shall submit to the European Parliament and to the Council a report on the information communicated by the Member States in relation to the National Action Plans. The report shall contain methods used and the implications concerning the establishment of different types of targets to reduce the risks and use of pesticides.]

[^{X1}By 26 November 2018, the Commission shall submit] to the European Parliament and to the Council a report on the experience gained by Member States on the implementation of national targets established in accordance with paragraph 1 in order to achieve the objectives of this Directive. It may be accompanied, if necessary, by appropriate legislative proposals.

4 The Commission shall make information communicated in accordance with paragraph 2 available to the public on a website.

5 The provisions on public participation laid down in Article 2 of Directive 2003/35/EC shall apply to the preparation and the modification of the National Action Plans.

Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 309 of 24 November 2009\)](#).

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- (1) [OJ L 123, 24.4.1998, p. 1.](#)
- (2) [OJ L 230, 19.8.1991, p. 1.](#)