

Subsidiary Legislation made under s.18(c).

Environment (Sustainable Use of Pesticides) Regulations 2012

LN.2012/082

<i>Commencement (except r.14(1)-(2), (5)-(6))</i>	7.6.2012
<i>r.14(1)-(2), (5)-(6)</i>	14.12.2015

Amending enactments	Relevant current provisions	Commencement date
LN. 2020/001	r. 23(1), Sch. 5	9.1.2020

EU Legislation/International Agreements involved:

Directive 98/8/EC

Directive 2009/128/EC

Regulation (EC) No 1107/2009

Directive (EU) 2019/782

2005-27

Environment

2012/082

**Environment (Sustainable Use of Pesticides) Regulations
2012**

ARRANGEMENT OF REGULATIONS

Regulation

1. Title and commencement.
2. Interpretation.
3. Application of these Regulations.
4. National Action Plans.
5. Training and certification.
6. Requirements for specified certificates.
7. Recognition of certificates.
8. Inspection of equipment in use.
9. Inspection of specified pesticide application equipment.
10. Inspection of other pesticide application equipment.
11. Inspection by professional user.
12. Use of equipment.
13. Compliance with Schedule 3.
14. Requirements for sales and purchases of pesticide.
15. Exemption for micro-distributors.
16. Specific measures to protect the aquatic environment and drinking water.
17. Risk management and alternatives to pesticides.
18. Reduction of pesticide use or risks in specific areas.
19. Information and awareness-raising.
20. Aerial spraying.
21. Handling and storage of pesticides and treatment of their packaging and remnants.
22. Integrated Pest Management.
23. Indicators.
24. Offences and penalties.
25. Fees.

SCHEDULE 1

National Action Plan

SCHEDULE 2

Training subjects

SCHEDULE 3

Health and safety and environmental requirements relating to the inspection of pesticide application equipment

SCHEDULE 4

General principles of integrated pest management

Environment

2005-27

**Environment (Sustainable Use of Pesticides) Regulations
2012**

2012/082

SCHEDULE 5

This schedule reproduces Annex IV to the Directive

2005-27

Environment

**2012/082 Environment (Sustainable Use of Pesticides) Regulations
2012**

In exercise of the powers conferred upon it by section 18(c) of the Environment Act 2005, and for the purposes of transposing into the law of Gibraltar 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, the Government has made the following Regulations—

Title and commencement.

1.(1) These Regulations may be cited as the Environment (Sustainable Use of Pesticides) Regulations 2012.

(2) Subject to subregulation (3) these Regulations come into operation on the day of publication.

(3) Regulation 14(1), (2), (5) and (6) shall come into operation on 14 December 2015.

Interpretation.

2.(1) In these Regulations—

“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;

“aerial spraying” means application of pesticides from an aircraft (plane or helicopter);

“competent authority” means such person as the Government may designate by Notice in the Gazette¹;

“Directive” means 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, as the same may be amended from time to time;

“distributor” means any natural or legal person who makes a pesticide available on the market, including wholesalers, retailers, vendors and suppliers;

“groundwater” shall have the same meaning as in rule 2(1) of the Public Health (Water Framework) Rules 2004;

¹ See LN. 2012/101.

“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 pesticides 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;

“low-risk pesticides” has the meaning given to it in Regulation (EC) No 1107/2009 of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/11/EEC and 91/414/EEC;

“Minister” means the Minister with responsibility for the environment;

“National Action Plan” shall be understood within the meaning and scope of regulation 4;

“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 paragraph (1) of Schedule 4, or physical, mechanical or biological pest control methods;

“pesticide” means—

- (a) a plant protection product as defined in Regulation (EC) No 1107/2009; or
- (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.

“pesticide application equipment” means any apparatus specifically intended for the application of pesticides, including accessories that are essential for the effective operation of such equipment, such as nozzles, manometers, filters, strainers and cleaning devices for tanks;

“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;

“risk indicator” means the result of a method of calculation that is used to evaluate risks of pesticides on human health or the environment or both;

“specified certificate” means a certificate issued by a body designated pursuant to regulation 5(2) and recognised by the competent authority by being published in a list as providing evidence of sufficient knowledge of the subjects listed in Schedule 2 acquired either by undergoing training or by other means;

“surface water” shall have the same meaning as in rule 2(1) of the Public Health (Water Framework) Rules 2004; and

“under supervision” means under the direct and personal supervision, and in the presence, of a person who holds a specified certificate, where such supervision is being provided for the purposes of training.

(2) In these Regulations any reference to an Article by number alone is to be construed as a reference to the Article so numbered in the Directive.

(3) Except where the context otherwise requires, expressions used both in these Regulations and the Directive have the same meaning in these Regulations as they have in the Directive.

Application of these Regulations.

3.(1) These Regulations shall apply to pesticides that are plant protection products as defined in Article 2(1) of Regulation (EC) No 1107/2009.

(2) These Regulations shall—

- (a) apply without prejudice to any other relevant European Union legislation; and
- (b) not prevent the competent authority from applying the precautionary principle in restricting or prohibiting the use of pesticides in specific circumstances or areas.

National Action Plans.

4.(1) The competent authority shall, in accordance with the methods and criteria set out in Schedule 1, adopt a National Action Plan for Gibraltar—

- (a) to set up the quantitative objectives, targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment; and
- (b) 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.

(2) The competent authority—

- (a) shall draw up a list of pesticides application equipment to which regulation 10(1) applies in the National Action Plan in accordance with regulation 8(9)(a); and
- (b) shall describe in the National Action Plan how the competent authority will ensure that the general principles of integrated pest management as set out in Schedule 4 are to be implemented by all professional users by 1st January 2014.

(3) The National Action Plan may include provisions on informing persons who could be exposed to spray drift.

(4) The Minister shall ensure that the National Action Plan is communicated to the European Commission and to EEA States by 14 December 2012.

(5) The competent authority shall—

- (a) review the National Action Plan at least every 5 years; and
- (b) ensure that any substantial changes to the National Action Plan are reported to the European Commission without undue delay.

(6) The Government shall use all necessary means designed to achieve such reduction targets as are included in the National Action Plan.

(7) The provisions on public participation laid down in Article 2 of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC shall apply to the preparation and the modification of the National Action Plan.

Training and certification.

5.(1) The Minister shall ensure, by 14 December 2013, that systems are established which enable distributors, advisors and professional users to have access to appropriate training by bodies approved under subregulation (3) and to obtain certificates which, as a minimum, provide evidence of sufficient knowledge of the subjects listed in Schedule 2 either by undergoing training or by other means.

(2) A specified certificate provides evidence of sufficient knowledge of the subjects listed in Schedule 2 having been acquired by professional users, distributors and advisors either by undergoing training or by other means.

(3) The Minister shall by notice published in the Gazette specify which bodies are approved for the purposes of providing the courses, training and the issue of certificates required under these Regulations.

Requirements for specified certificates.

6.(1) After 13 December 2013, no person shall use any pesticide authorised for professional use unless they—

- (a) hold a specified certificate; or
- (b) work under supervision.

(2) No person shall cause or permit any other person to use a pesticide authorised for professional use unless the person using the product—

- (a) holds a specified certificate; or
- (b) works under supervision.

Recognition of certificates.

7. For the purposes of compliance with these Regulations, the competent authority shall recognise a certificate issued by another competent authority in an EEA State if—

- (a) it complies with the requirements referred to in Article 8(4);
- (b) the time period since the last inspection carried out in that State is equal to or shorter than the time period of the inspection interval applicable in Gibraltar; and
- (c) the inspection intervals referred to in regulation 8(7)(c) are complied with.

Inspection of equipment in use.

8.(1) For the purposes of Article 8(6), the Minister must designate the bodies responsible for implementing inspection systems for pesticide application equipment for professional use (“implementing bodies”) by including their names on a list published by the Minister and the Minister shall ensure that the European Commission is informed thereof.

(2) The Minister may designate implementing bodies if the Minister is of the opinion that the bodies implement inspection systems which comply with the requirements for inspections set out in Schedule 3.

(3) The Minister may remove the name of an implementing body from the published list of implementing bodies if the Minister is of the opinion that it no longer satisfies the criterion set out in subregulation (2).

(4) Implementing bodies must keep a register of inspectors who carry out inspections of pesticides application equipment in order to ascertain whether such equipment meets the relevant requirements set out in Schedule 3 (“the register”).

(5) Where an inspector on the register (“registered inspector”) is satisfied that pesticides application equipment meets the relevant requirements listed in Schedule 3, such equipment will pass inspection and “passes inspection” in this regulation shall be construed accordingly.

(6) Implementing bodies must ensure that the systems implemented by them require registered inspectors to provide the owner or lessor of pesticides application equipment that passes inspection with evidence in writing that such equipment has met the relevant requirements set out in Schedule 3.

(7) The competent authority shall ensure that pesticide application equipment in professional use shall be subject to inspections at regular intervals as follows—

- (a) new equipment shall be inspected at least once within a period of 5 years after purchase;
- (b) by 14 December 2016 pesticide application equipment shall have been inspected at least once;
- (c) the interval between inspections shall not exceed 5 years until 2020 and shall not exceed 3 years thereafter.

(8) After 14 December 2016 a professional user shall not use any pesticide application equipment which has not successfully passed an inspection.

(9) By way of derogation from subregulations (7) and (8) and, following a risk assessment for human health and the environment including an assessment of the scale of the use of the equipment, the Minister may—

- (a) apply different timetables and inspection intervals to—

2005-27

Environment

**2012/082 Environment (Sustainable Use of Pesticides) Regulations
2012**

- (i) pesticide application equipment not used for spraying pesticides;
- (ii) handheld pesticide application equipment or knapsack sprayers; and
- (iii) additional pesticide application equipment that represent a very low scale of use,

which shall be listed in the National Action Plan;

- (b) exempt from inspection handheld pesticide application equipment or knapsack sprayers.

(10) For the purposes of subregulation (9)(a) the following additional pesticide application equipment shall never be considered as constituting a very low scale of use-

- (a) spraying equipment mounted on trains or aircraft;
- (b) boom sprayers larger than 3 metres, including boom sprayers that are mounted on sowing equipment.

(11) In the case of the equipment referred to in subregulation (9)(b), the Minister shall ensure that operators-

- (a) have been informed-
 - (i) of the need to change regularly the accessories;
 - (ii) of the specific risks linked to that equipment; and
- (b) are trained for the proper use of that application equipment in accordance with the requirements of regulation 5.

Inspection of specified pesticide application equipment.

9.(1) This regulation applies in relation to the following pesticide application equipment in professional use ("specified equipment")-

- (a) boom sprayers longer than 3 metres, including boom sprayers mounted on sowing equipment and variable geometry booms; and

(b) vehicle-mounted or drawn sprayers which broadcast spray droplets, in an air stream produced by forced air, which carry upwards and outwards from the source of the spray.

(2) A person who owns or leases specified equipment that is less than 5 years old starting with the date of first purchase must ensure that it is inspected before the fifth anniversary of the date of first purchase.

(3) A person who owns or leases specified equipment must ensure that it is inspected on or before 14 December 2016, except where subregulation (2) applies.

(4) Subject to subregulation (6), prior to 26 November 2020 a person who owns or leases specified equipment must ensure that it is inspected no less than every 5 years.

(5) From 14 December 2020 a person who owns or leases specified equipment must ensure that it is inspected no less than every 3 years, except where subregulation (2) applies.

(6) Where, by 14 December 2020 specified equipment will not have been inspected for 3 years, the person who owns or leases that equipment must ensure that it is inspected by that date, except where subregulation (2) applies.

Inspection of other pesticides application equipment.

10.(1) This regulation applies in relation to pesticide application equipment in professional use (“other equipment”).

(2) This regulation does not apply in relation to—

(a) pesticides application equipment to which regulation 9(1) applies;

(b) handheld equipment; or

(c) knapsack sprayers.

(3) A person who owns or leases other equipment that is less than 5 years old starting with the date of first purchase must ensure that it is inspected before the fifth anniversary of the date of first purchase.

(4) A person who owns or leases specified equipment must ensure that it is inspected on or before 14 December 2016, except where subregulation (3) applies.

(5) From 14 December 2016, a person who owns or leases other equipment must ensure that it is inspected no less than every 6 years, except where subregulation (3) applies.

Inspection by professional user.

11. Professional users must conduct regular calibrations and technical checks of the pesticides application equipment they use in accordance with the appropriate training received pursuant to the obligations set out in regulation 5.

Use of equipment.

12. A person who owns or leases pesticide application equipment must ensure that such equipment is not used by a professional user unless it has passed inspection conducted in accordance with the requirements of regulations 9 or 10 (as the case may be).

Compliance with Schedule 3.

13.(1) Subject to subregulation (2), the competent authority shall verify that pesticide application equipment referred to in regulation 8 satisfies the relevant requirements listed in Schedule 3, in order to achieve a high level of protection for human health and the environment.

(2) Pesticide application equipment which complies with harmonised standards developed in accordance with Article 20(1) shall be presumed to comply with the essential health and safety and environmental requirements.

Requirements for sales and purchases of pesticide.

14.(1) Subject to regulation 15, distributors of pesticides shall have sufficient staff in their employment holding a specified certificate to enable the distributors to comply with the requirement in subregulation (2).

(2) Subject to regulation 15, distributors of pesticides shall ensure that staff holding specified certificates are available at the time of the sale of pesticides to provide adequate information to customers as regards use, health and environmental risks and safety instructions to manage those risks for the products in question.

(3) This regulation does not oblige any distributor to employ staff, but any distributor to whom the exemption for micro distributors does not apply and who does not employ staff must hold a specified certificate.

(4) Distributors who sell pesticides to persons other than professional users must provide general information regarding the risks for human health and the environment of pesticides use, in particular on hazards, exposure, proper storage, handling, application and safe disposal in accordance with European Union legislation on waste, as well as regarding low-risk alternatives.

(5) A person (P) must not purchase, or cause or permit another person to purchase, a professional product for use by any individual (including P) unless–

- (a) that individual holds a certificate;
- (b) where the professional product is for use by P, he or she intends to work under supervision; or
- (c) where the professional product is for use by another individual, P reasonably believes that such an individual will use that product under supervision.

(6) In this regulation, “professional product” means a pesticide authorised for professional use.

(7) A pesticide producer who is notified by the Government shall provide the information referred to in subregulation (4).

Exemption for micro-distributors.

15.(1) Regulation 14(1) and (2) does not apply in relation to a distributor–

- (a) if the distributor was a micro-distributor in its preceding financial year and the accounts for that period are closed;
- (b) if the distributor had an annual turnover which did not exceed 2 million euros in its preceding financial year; and
- (c) the only plant protection products offered for sale by that distributor are for non-professional use and are not formulations classified as toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction pursuant to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations.

(2) A distributor is a micro-distributor in a financial year if the number of weeks when the distributor has fewer than 10 employees is greater than the number of weeks when the distributor has 10 or more employees.

(3) A distributor has fewer than 10 employees in a week if the total number of hours for which all the employees of the distributor are contracted to work that week is less than 375.

(4) In this regulation—

“employee” means an individual who has entered into or works under a contract of employment;

“annual turnover” means the amounts derived from the provision of goods and services falling within the distributor’s ordinary activities, after deduction of trade discounts and any other taxes based on the amounts so derived;

“financial year” means the period of 12 months for which the income of the distributor is computed for the purposes of the Income Tax Act 2010;

“preceding financial year” means the financial year immediately preceding the distributor’s current financial year.

(5) In this regulation, references to an amount in euros includes references to an equivalent amount in sterling, and the equivalent amount in sterling is calculated using the London closing exchange rate for sterling and the euro on the last day of the distributor’s preceding financial year.

Specific measures to protect the aquatic environment and drinking water.

16.(1) The competent authority shall adopt measures to prevent the aquatic environment and drinking water supplies from the impact of pesticides.

(2) The measures include—

- (a) giving preference to pesticides that are not classified as dangerous for the aquatic environment pursuant to Directive 1999/45/EC nor containing priority hazardous substances as set out in Article 16(3) of Directive 2000/60/EC;
- (b) giving preference to the most efficient application techniques such as the use of low-drift pesticide application equipment;

- (c) use of mitigation measures which minimise the risk of off-site pollution caused by spray drift, drain-flow and run-off, these shall include the establishment of appropriately-sized buffer zones for the protection of non-target aquatic organisms and safeguard zones for surface and groundwater used for the abstraction of drinking water, where pesticides must not be used or stored;
- (d) reducing as far as possible or eliminating applications on or along roads, 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.

(3) Measures taken pursuant to this regulation shall be compatible with the Public Health (Water Framework) Rules 2004.

(4) A Pesticide Control Notice may be issued for the attainment of any of the purposes set out in this regulation.

Risk management and alternatives to pesticides.

17. A person who intends to use a pesticide shall first consider what appropriate risk management measures need to be taken and shall also consider using of low-risk plant protection products and biological control measures shall be considered instead.

Reduction of pesticide use or risks in specific areas.

18.(1) Without prejudice to regulation 17, the competent authority, having due regard for the necessary hygiene and public health requirements and biodiversity, or the results of relevant risk assessments, shall ensure that the use of pesticides is minimised or prohibited in certain specific areas, and may issue a Pesticide Control Notice.

(2) The specific areas in question are—

- (a) areas used by the general public or by vulnerable groups as defined in Article 3 of Regulation (EC) No 1107/2009, such as public parks and gardens, sports and recreation grounds, school grounds and children's playgrounds and in the close vicinity of healthcare facilities;
- (b) protected areas as defined in Directive 2000/60/EC or other areas identified for the purposes of establishing the necessary conservation measures in accordance with the provisions of Directives 79/409/EEC and 92/43/EEC.

(3) A Pesticide Control Notice shall be in writing and shall be served on the persons concerned or, if of general application, shall be published in the Gazette.

(4) A person who without reasonable excuse contravenes the provisions of a Pesticide Control Notice is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Information and awareness-raising.

19.(1) The Government shall take measures to inform the general public and to promote and facilitate information and awareness-raising programmes and the availability of accurate and balanced information relating to pesticides for the general public, in particular regarding the risks and the potential acute and chronic effects for human health, non-target organisms and the environment arising from their use, and the use of non-chemical alternatives.

(2) The Government shall put in place systems for gathering information on pesticide acute poisoning incidents, as well as chronic poisoning developments where available, among groups that may be exposed regularly to pesticides such as operators, workers or persons living close to pesticide application areas.

Aerial spraying.

20. The aerial spraying of pesticides is prohibited.

Handling and storage of pesticides and treatment of their packaging and remnants.

21.(1) A professional user or distributor who carries out any of the operations set out in subregulation (2) shall take all reasonable precautions to ensure that such operations do not endanger human health or the environment.

(2) The operations referred to in subregulation (1) are—

- (a) storing, handling, diluting or mixing of pesticides before application;
- (b) handling of the packaging and remnants of pesticides;
- (c) the disposal of tank mixtures remaining after the application of pesticides;
- (d) cleaning of pesticides application equipment after the application of that product;
- (e) recovering or disposing of pesticides remnants and their packaging.

(3) A person who stores pesticides for professional use must ensure that such products are stored in areas that are constructed in such a way as to prevent unwanted releases.

(4) The competent authority shall take all necessary measures regarding pesticides authorised for non-professional users to avoid dangerous handling operations, these measures may include use of pesticides of low toxicity, ready to use formulations and limits on sizes of containers or packaging.

Integrated pest management.

22.(1) The competent authority shall take all necessary measures to promote low pesticide-input pest management, giving wherever possible priority to non-chemical methods, so that professional users of pesticides switch to practices and products with the lowest risk to human health and the environment among those available for the same pest problem.

(2) The Government shall establish or support the establishment of necessary conditions for the implementation of integrated pest management and shall ensure that professional users have at their disposal information and tools for pest monitoring and decision making, as well as advisory services on integrated pest management.

(3) The Government shall ensure that by 30 June 2013 the European Commission is sent a report on the implementation of subregulations (1) and (2) and, in particular, whether the necessary conditions for implementation of integrated pest management are in place.

(4) The Government shall establish appropriate incentives to encourage professional users to implement crop or sector-specific guidelines for integrated pest management on a voluntary basis.

(5) A public authority or any organisations representing particular professional users may draw up any guidelines.

(6) The competent authority shall refer to the guidelines that it considers relevant and appropriate in the National Action Plan.

(7) The general principles of integrated pest management set out in Schedule 4 must be followed for the purposes of this regulation.

Indicators.

23.(1) The harmonised risk indicators are those set out in Schedule 5 (which reproduces Annex IV to the Directive).

(2) The competent authority shall—

- (a) calculate harmonised risk indicators as referred to in subregulation (1) by using statistical data collected in accordance with the European Union legislation concerning statistics on pesticides together with other relevant data;
- (b) identify trends in the use of certain active substances; and
- (c) identify priority items, such as active substances, crops, regions or practices, that require particular attention or good practices that can be used as examples in order to achieve the objectives of the Directive to reduce the 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.

(3) The Government shall ensure the results of the evaluations carried out pursuant to subregulation (2) are communicated to the European Commission and to EEA States and shall make this information available to the public.

Offences and penalties.

24.(1) A person who contravenes or fails to comply with—

- (a) regulation 6(1) or (2);
- (b) regulation 14(1), (2), (3), (4) or (5);
- (c) regulation 9(2), (3), (4) (5) or (6);
- (d) regulation 10(3), (4) or (5),

commits an offence.

(2) A person who without reasonable excuse commits an offence under these Regulations is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Fees.

25. The Minister may by notice published in the Gazette set any fees in respect of any matter provided for under these Regulations.

SCHEDULE 1

Regulation 4(1)

National Action Plan

1. Targets set pursuant to regulation 4(1) may cover different areas of concern including worker protection, protection of the environment, residues, and use of specific techniques.
2. The National Action Plan shall also include indicators to monitor the use of pesticides containing active substances of particular concern, especially if alternatives are available.
3. Particular attention shall be given to the pesticides 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 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, to the extent that that Directive and that Regulation applies to Gibraltar.
4. 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 the 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 regulation 22(2)(c), and such targets may be intermediate or final.
5. When drawing up and revising the National Action Plan, the competent authority 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.
6. The National Action Plan shall describe what measures will be implemented pursuant to regulations 5 to 22 in order to achieve the objectives referred to in regulation 4(1).
7. The National Action Plan shall take into account plans under other European Union legislation on the use of pesticides, such as planned measures under the Public Health (Water Framework) Rules 2004 (which transpose Directive 2000/60/EC).

SCHEDULE 2

Regulation 5

Training subjects

1. All relevant legislation regarding pesticides and their use.
2. The existence and risks of illegal (counterfeit) pesticides, and the methods to identify such products.
3. The hazards and risks associated with pesticides, and how to identify and control them, in particular:
 - (a) risks to humans (operators, residents, bystanders, people entering treated areas and those handling or eating treated items) and how factors such as smoking exacerbate these risks;
 - (b) symptoms of pesticide poisoning and first aid measures;
 - (c) risks to non-target plants, beneficial insects, wildlife, biodiversity and the environment in general.
4. Notions on integrated pest management strategies and techniques, integrated crop management strategies and techniques, organic farming principles, biological pest control methods, information on the general principles and crop or sector-specific guidelines for integrated pest management.
5. Initiation to comparative assessment at user level to help professional users make the most appropriate choices on pesticides 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.
6. Measures to minimise risks to humans, non-target organisms and the environment: safe working practices for storing, handling and mixing pesticides, and disposing of empty packaging, other contaminated materials and surplus pesticides (including tank mixes), whether in concentrate or dilute form; recommended way to control operator exposure (personal protection equipment).
7. Risk-based approaches which take into account the local water extraction variables such as climate, soil and crop types, and relieves.

8. Procedures for preparing pesticide application equipment for work, including its calibration, and for its operation with minimum risks to the user, other humans, non-target animal and plant species, biodiversity and the environment, including water resources.
9. Use of pesticide application equipment and its maintenance, and specific spraying techniques (e.g. low-volume spraying and low-drift nozzles), as well as the objectives of the technical check of sprayers in use and ways to improve spray quality. Specific risks linked to use of handheld pesticide application equipment or knapsack sprayers and the relevant risk management measures.
10. Emergency action to protect human health, the environment including water resources in case of accidental spillage and contamination and extreme weather events that would result in pesticide leaching risks.
11. Special care in protection areas established under Articles 6 and 7 of Directive 2000/60/EC.
12. Health monitoring and access facilities to report on any incidents or suspected incidents.
13. Record keeping of any use of pesticides, in accordance with the relevant legislation.

SCHEDULE 3

Regulations 8 and 13

**Health and safety and environmental requirements relating to the inspection of
pesticide application equipment**

The inspection of pesticide application equipment shall cover all aspects important to achieve a high level of safety and protection of human health and the environment. Full effectiveness of the application operation should be ensured by proper performance of devices and functions of the equipment to guarantee the following objectives are met.

The pesticide application equipment must function reliably and be used properly for its intended purpose ensuring that pesticides can be accurately dosed and distributed. The equipment must be in such a condition as to be filled and emptied safely, easily and completely and prevent leakage of pesticides. It must permit easy and thorough cleaning. It must also ensure safe operations, and be controlled and capable of being immediately stopped from the operator's seat. Where necessary, adjustments must be simple, accurate and capable of being reproduced.

Particular attention should be paid to:

1. Power transmission parts

The power take-off driveshaft guard and the guard of the power input connection shall be fitted and in good condition and the protective devices and any moving or rotating power transmission parts shall not be affected in their function so as to ensure protection of the operator.

2. Pump

The pump capacity shall be suited to the needs of the equipment and the pump must function properly in order to ensure a stable and reliable application rate. There shall be no leakages from the pump.

3. Agitation

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

4. Spray liquid tank

Spray tanks including indicator of tank content, filling devices, strainers and 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.

5. Measuring systems, control and regulation systems

All devices for measuring, switching on and off and adjusting pressure and/or flow rate shall be properly calibrated and work correctly and there shall be no leakages. Control of pressure and operation of pressure adjustment devices shall be easily possible during application. 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.

6. Pipes and hoses

Pipes and hoses shall be in proper condition to avoid disturbance of liquid flow or accidental spillage in case of failure. There shall be no leakages from pipes or hoses when run with the maximum obtainable pressure for the system.

7. Filtering

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

8. Spray boom (for equipment spraying pesticides by means of a horizontally positioned boom, located close to the crop or the material to be treated).

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

9. Nozzles

Nozzles must work properly to control dripping when spraying stops. To ensure homogeneity of the spray pattern, the flow rate of each individual nozzle shall not deviate significantly from the data of the flow rate tables provided by the manufacturer.

10. Distribution

The transverse and vertical (in case of applications in vertical crops) distribution of the spray mixture in the target area must be even, where relevant.

2005-27

Environment

2012/082 Environment (Sustainable Use of Pesticides) Regulations
2012

11. Blower (for equipment distributing pesticides by air assistance)

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

SCHEDULE 4

Regulation 22(7)

General principles of integrated pest management

1. The prevention and/or suppression of harmful organisms should be achieved or supported among other options especially by-

- (a) crop rotation;
- (b) use of adequate cultivation techniques (e.g. stale seedbed technique, sowing dates and densities, under-sowing, conservation tillage, pruning and direct sowing);
- (c) use, where appropriate, of resistant/tolerant cultivars and standard/certified seed and planting material;
- (d) use of balanced fertilisation, liming and irrigation/drainage practices;
- (e) preventing the spreading of harmful organisms by hygiene measures (e.g. by regular cleansing of machinery and equipment);
- (f) protection and enhancement of important beneficial organisms, e.g. by adequate plant protection measures or the utilisation of ecological infrastructures inside and outside production sites.

2. Harmful organisms must be monitored by adequate methods and tools, where available. Such adequate tools should include observations in the field as well as scientifically sound warning, forecasting and early diagnosis systems, where feasible, as well as the use of advice from professionally qualified advisors.

3. Based on the results of the monitoring the professional user has to decide whether and when to apply plant protection measures. Robust and scientifically sound threshold values are essential components for decision making. For harmful organisms threshold levels defined for the region, specific areas, crops and particular climatic conditions must be taken into account before treatments, where feasible.

4. Sustainable biological, physical and other non-chemical methods must be preferred to chemical methods if they provide satisfactory pest control.

5. The pesticides applied shall be as specific as possible for the target and shall have the least side effects on human health, non-target organisms and the environment.

2005-27

Environment

**2012/082 Environment (Sustainable Use of Pesticides) Regulations
2012**

6. The professional user should keep the use of pesticides and other forms of intervention to levels that are necessary, e.g. by reduced doses, reduced application frequency or partial applications, considering that the level of risk in vegetation is acceptable and they do not increase the risk for development of resistance in populations of harmful organisms.

7. Where the risk of resistance against a plant protection measure is known and where the level of harmful organisms requires repeated application of pesticides to the crops, available anti-resistance strategies should be applied to maintain the effectiveness of the products. This may include the use of multiple pesticides with different modes of action.

8. Based on the records on the use of pesticides and on the monitoring of harmful organisms the professional user should check the success of the applied plant protection measures.

SCHEDULE 5

This schedule reproduces Annex IV to the Directive

Section 1**Harmonised Risk Indicators**

The harmonised risk indicators are listed in Sections 2 and 3 of this Annex.

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 Annex I (Statistics on the placing on the market of pesticides) of Regulation (EC) No 1185/2009. Those data are categorised into 4 Groups, which are divided into 7 Categories.

2. The following general rules shall apply for the calculation of Harmonised Risk Indicator 1:

- (a) the Harmonised Risk Indicator 1 shall be calculated on the basis of the categorisation of active substances into the 4 Groups and 7 Categories set out in Table 1;
- (b) the active substances in Group 1 (categories A and B) shall be those listed in Part D of the Annex to Commission Implementing Regulation (EU) No 540/2011 (1);
- (c) the active substances in Group 2 (categories C and D) 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 (categories E and F) shall be those listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011;
- (e) the active substances in Group 4 (category G) 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 (vi) in Table 1 shall apply.

3. Harmonised Risk Indicator 1 shall be calculated by multiplying the annual quantities of active substances placed on the market for each Group in Table 1 by the relevant hazard weighting set out in Row (vi), followed by the aggregation of the results of these calculations.

4. The quantities of active substances placed on the market for each Group and Category in Table 1 may be calculated.

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 approved or deemed to be approved under Article 24 of Regulation (EC) No 1107/2009, which are candidates for substitution, and which are listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011		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)	Categories						
(iii)	A	B	C	D	E	F	G
(iv)	Micro-organisms	Chemical active substances	Micro-organisms	Chemical active substances	Which are not classified as: Carcinogenic Category 1A or 1B and/or Toxic for Reproduction Category 1A or 1B and/or Endocrine disruptors	Which are classified as: Carcinogenic Category 1A or 1B and/or Toxic for Reproduction Category 1A or 1B and/or Endocrine disruptors, where exposure of humans is negligible	

(v)	Hazard Weightings applicable to quantities of active substances placed on the market in products authorised under Regulation (EC) No 1107/2009			
(vi)	1	8	16	64

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.

The result of Harmonised Risk Indicator 1 shall be expressed by reference to the baseline.

The Member States and the Commission shall calculate and publish the Harmonised Risk Indicator 1 in accordance with Article 15(2) and 15(4) of Directive 2009/128/EC for each calendar year and at the latest 20 months after the end of the year for which the 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, which are divided into 7 Categories.

2. The following general rules shall apply for the calculation of the Harmonised Risk Indicator 2:

- (a) the Harmonised Risk Indicator 2 shall be based on the number of authorisations granted under Article 53 of Regulation (EC) No 1107/2009. It shall be calculated on the basis of the categorisation of active substances into the 4 Groups and 7 Categories set out in Table 2 of this Section;
- (b) the active substances in Group 1 (categories A and B) are listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011;
- (c) the active substances in Group 2 (categories C and D) are those listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011;

2005-27

Environment

**2012/082 Environment (Sustainable Use of Pesticides) Regulations
2012**

- (d) the active substances in Group 3 (categories E and F) shall be those listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011;
- (e) the active substances in Group 4 (category G) 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 (vi) in Table 2 of this Section shall apply.

3. The 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 (vi), 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 approved or deemed to be approved under Article 24 of Regulation (EC) No 1107/2009, which are candidates for substitution, and which are listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011	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

1. 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.
2. The result of the Harmonised Risk Indicator 2 shall be expressed by reference to the baseline.
3. The Member States and the Commission shall calculate and publish the Harmonised Risk Indicator 2 in accordance with Article 15(2) and 15(4) of Directive 2009/128/EC 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.