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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the sustainable use of plant protection products and repealing Directive 2009/128/EC

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• **Reasons for and objectives of the proposal**

Pesticides¹, used synonymously with the term plant protection products for the purpose of this proposal, are mixtures of one or more formulated active substances and other co-formulants that are widely used to protect plants by repelling, mitigating or destroying harmful organisms, mainly in agriculture but also in forestry and green urban areas. Since pesticides can have harmful effects on the environment and on human health they are strictly regulated at EU level.

Audits, fact-finding missions and implementation reports by the Commission, the European Parliamentary Research Service study on the implementation of the Sustainable Use of Pesticides Directive (SUD)², and a recent report of the European Court of Auditors on plant protection products point to weaknesses in the implementation, application and enforcement of the SUD and a failure to sufficiently achieve its overall objective. In addition, numerous petitions, European Citizens' Initiatives and European Parliamentary questions concerning the use of pesticides show growing societal concerns.

Feedback received during the public consultation on the Commission's evaluation roadmap and inception impact assessment pointed to serious deficiencies in the implementation of the SUD in some Member States and urged the Commission to introduce stricter rules, for example in the form of a regulation at EU level to increase coherence and have more binding effects on policies in individual Member States. The harmonisation of national pesticide use policies could contribute to a better functioning of the internal market and a reduction of trade imbalances between Member States.

As part of the European Green Deal³, the Commission's Farm-to-Fork⁴ strategy highlights the need to shift to a fair, healthy and environmentally-friendly food system, while also stressing the importance of improving the position of farmers (who are key to managing the transition) in the value chain. It proposes specific targets to reduce the use and risk of chemical pesticides and of more hazardous pesticides by 2030. EU regulation in this area is seen as a crucial tool to achieve the targets outlined in the Farm to Fork Strategy and, as such, should be strengthened.

As explained in the accompanying impact assessment and taking account of the supporting evaluation, the proposal has the objectives of:

- reducing the use and risk of chemical pesticides, in particular those containing more hazardous active substances, increasing the application and enforcement

¹ The legal definition of pesticides laid down in Article 3(10) of the Sustainable Use Directive includes plant protection products and biocides, but since the scope of the Sustainable Use Directive was never extended to biocides, this proposal is restricted to plant protection products only.

² Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).

³ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal COM/2019/640 final, [EUR-Lex - 52019DC0640 - EN - EUR-Lex \(europa.eu\)](#)

⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee Of The Regions [A Farm to Fork Strategy](#) for a fair, healthy and environmentally-friendly food system, COM/2020/381 final.

of integrated pest management (IPM) and increasing the use of less hazardous and non-chemical alternatives to chemical pesticides for pest control;

- improving the availability of monitoring data, including on the application, use and risk of pesticides, and health and environmental monitoring, to ensure a better framework to measure progress;
- improving the implementation, application and enforcement of legal provisions across all Member States with a view to improving policy effectiveness and efficiency;
- promoting the adoption of new technologies, such as precision farming, with the aim of reducing the overall use and risk of pesticides.

Given the long-standing difficulties identified in the application, implementation and enforcement of the SUD, as confirmed by its evaluation, this proposal for a Regulation on the Sustainable Use of Plant Protection Products (SUR) aims to replace the SUD in regulating the use of pesticides and better align with the objectives of the European Green Deal and Farm to Fork Strategy. It aims to reduce the risks and impacts of pesticide use on human health and the environment through the achievement of pesticide reduction targets contained in the Farm to Fork strategy, to promote the use of IPM and alternatives to chemical pesticides. A Regulation is needed in order to ensure that the level of ambition in the Farm to Fork strategy is met and to remedy the problems identified with the implementation of the SUD by providing clear, uniform binding rules.

- **Consistency with existing policy provisions in the policy area**

The proposal is consistent with the European Green Deal objective that all EU policies should contribute to preserving and restoring Europe's natural capital and the aim of reducing the use and risk of chemical pesticides and the use of more hazardous pesticides included in the Farm to Fork Strategy, Biodiversity Strategy⁵ and the Zero Pollution⁶ Action Plan, and the Soil Strategy⁷. This aim is also consistent with meeting the objectives of the EU Pollinators initiative⁸ and the EU Chemicals Strategy⁹ for sustainability.¹⁰

The SUD was adopted in 2009 as one of the follow-up actions of the [Commission thematic strategy on the sustainable use of pesticides](#)¹¹. Member States were required to bring into force the national provisions of transposing the SUD by 26 November

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee Of The Regions [EU Biodiversity Strategy for 2030 Bringing nature back into our lives](#), COM/2020/380 final

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee Of The Regions, [Pathway to a Healthy Planet for All](#) EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil', COM(2021) 400 final.

⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee Of The Regions, [EU Soil Strategy for 2030](#) Reaping the benefits of healthy soils for people, food, nature and climate, COM(2021) 699 final.

⁸ [EU Pollinators Initiative - Environment - European Commission \(europa.eu\)](#)

⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee Of The Regions [Chemicals Strategy for Sustainability](#) Towards a Toxic-Free Environment COM/2020/667 final.

¹⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee Of The Regions [A Farm to Fork Strategy](#) for a fair, healthy and environmentally-friendly food system, COM/2020/381 final.

¹¹ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A thematic strategy on the sustainable use of pesticides, COM(2006) 373 final, Document 52006DC0372, [www.eur-lex.europa.eu](#)

environmental objectives of the Green Deal, while improving the incomes of primary producers and reinforcing the EU's competitiveness. This planned initiative is based on a horizontal approach that will introduce sustainability objectives and principles on the basis of an integrated food system approach. It will also ensure a sustainable food labelling framework to empower consumers to make sustainable food choices. This planned initiative should support the reduction of the use and risk of pesticides, *inter alia* through providing additional incentives for professional users to place sustainable food on the EU market, reducing market distortion favourable to unsustainable food products and the reduction of food loss and waste.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis for action in this area is Article 192(1) of the Treaty on the Functioning of the European Union (TFEU), which empowers the European Union to take action in order to preserve, protect and improve the quality of the environment and to protect human health. EU action in this area is justified by the environmental, public health issues at stake.

• Subsidiarity

The SUD established a framework to achieve a sustainable use of pesticides. A continued divergence of measures taken in Member States and varying and incomplete implementation of the SUD (as outlined in the evaluation accompanying this proposal) would lead to different levels of protection of health and environment and diverging conditions for the main users of pesticides, contrary to the objectives of the Treaties¹⁹. The threat to biodiversity and ecosystems linked to the use of pesticides crosses boundaries and necessitates a strong action at EU-level. A level playing field across the internal market is hampered by current varying levels of action in different Member States.

Coordinated EU action can effectively supplement and reinforce national and local actions on the sustainable use of pesticides. The EU also possesses other key instruments in agricultural and food policies with which synergies exist. Linked to incentives and possible mitigation measures, it is expected that stronger action at EU level, including in association with related policies such as the CAP, can help to reduce currently varying national approaches and contribute to a more homogenous approach in the future. These objectives cannot be set by the Member States acting in isolation: the scale of the action required means that this is better achieved at Union level. Uniform EU action is therefore justified and necessary.

• Proportionality

This proposal complies with the proportionality principle because it does not go beyond what is necessary in order to ensure an adequate level of ambition and improved policy efficiency and effectiveness, taking into account the findings of the evaluation accompanying this proposal. The proposal provides for improved data, monitoring and implementation of measures to reduce the use and risk of pesticides.

In relation to Member State targets, this proposal avoids fixing uniform mandatory targets on Member States given that the baseline of current use of pesticides varies

¹⁹ Proposal for a Directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of pesticides, COM(2006) 373 final, p. 8.

widely between Member States and the differences between the agricultural sectors in the Member States. The proportionality of the target-setting process has been ensured by providing for a legislative formula that allows differences between Member States to be taken into account.

- **Choice of the instrument**

The available evidence on deficiencies in implementing the SUD in Member States shows that the previous approach of leaving the detailed rules to national transposition under a Directive has not worked to the extent envisaged by the original SUD proposal. The findings of the SUD evaluation confirm the divergent and uneven implementation, application and enforcement of the SUD across Member States (as confirmed by a Commission compliance monitoring index described in the evaluation). In addition, the European Court of Auditors found a need for clearer criteria and more specific requirements in relation to IPM to help ensure enforcement and assess compliance²⁰. With so many complex agricultural variables in pest management, clear, uniform rules should simplify compliance and improve enforcement. The coherent application of the policy across Member States is better achieved by means of a Regulation, as opposed to a Directive. In addition, a Regulation would ensure a level-playing field among producers as different rules on pesticide use across Member States tend to create unfair competition and undermine the proper functioning of the Single Market.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The evaluation accompanying this proposal found that the internal and external coherence of the SUD with other EU policies and instruments is generally strong with no major inconsistencies or overlaps. The objectives of the SUD were, and still are, highly relevant to address the risks posed by pesticide use to the environment and human health. However, the SUD has only been moderately effective. Weaknesses identified concern the implementation and enforcement of IPM and the limited effectiveness of Member State national action plans (NAPs). Many Member States do not set quantitative targets or indicators in their NAPs to promote the sustainable use of pesticides or better protect human health and the environment. Due to the lack of an effective monitoring system and resulting data limitations on the use of pesticides, it is difficult to conclude on the extent to which the SUD has better protected human health from the adverse effects of pesticides. Measures under the CAP were not able to incentivise farmers to achieve the more sustainable use of pesticides.

The Commission's Regulatory Scrutiny Board (RSB) gave a negative opinion on the Commission's draft impact assessment staff working document on 26 November 2021, requesting that the document be revised to be clearer on the available data and evidence for the initiative, provide a more robust analysis or narrative for the pesticide use and risk reduction targets, be clearer on the availability and affordability of precision farming techniques and less hazardous alternatives to

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[Special Report 05/2020: Sustainable use of plant protection products: limited progress in measuring and reducing risks \(europa.eu\)](https://ec.europa.eu/eip/agriculture/publications/special-report-05-2020-sustainable-use-of-plant-protection-products-limited-progress-in-measuring-and-reducing-risks)

chemical pesticides identify and better analyse the impacts and trade-offs of the initiative for the environment, health and the economy.

The RSB gave a second positive with reservations opinion on 26 January 2022 on the revised impact staff working document. The document was further amended to address the RSB's reservations to explain clearly the lack of evidence on pesticide sales and use and the corresponding limitations for the problem definition, option formulation and impact analysis, better justify the choice for the twin 50% binding reduction targets and how they articulate with each other, specify the level of progress from individual Member States to be compliant with the twin binding EU reduction targets, how this will be measured or allocated or result in a fair burden sharing, clarify the flanking initiatives included in the baseline for the impact assessment and set out a more credible basis and timeframe for the future evaluation of the initiative.

The final impact assessment Commission staff working document has been revised in line with these RSB opinions, comments and identified points for improvement.

- **Stakeholder consultations**

A combined evaluation roadmap-inception impact assessment was published and was open for public feedback from 29 May to 7 August 2020. In total, 360 responses were received. The public consultation ran from 18 January to 12 April 2021 and received a total of 1699 responses. Feedback received represented a wide spectrum of views, as outlined in the stakeholder consultation synopsis report annexed to the impact assessment. Professional users emphasized the need for protection of crop yield and quality. Stakeholders emphasized the need to stimulate the application of IPM, increase availability of alternatives to chemical pesticides, and better assess the health and environmental impacts of chemical pesticides use. The Commission organised remote stakeholder events on this initiative on 19 January, 25 June and 5 October 2021. A number of issues emerged at these stakeholder events, including pesticide user concerns regarding a possibly reduced number of pesticides on the market, limited financial support under the CAP for the implementation of IPM, the need to protect farmer incomes, promoting the role of new technologies and the protection of human health and the environment and whether to continue a prohibition on aerial spraying of pesticides. NGOs stressed the importance of achieving the European Green Deal ambitions and related targets. Also emphasized were the need to improve implementation of national action plans.

Targeted surveys, workshops and case studies were also carried out in a Commission-contracted external study supporting the evaluation and impact assessment and a supplementary foresight study on future vision scenarios on the sustainable use of pesticides.

Details of the stakeholder consultations carried out have been published on the Commission's website²¹ and Better Regulation Portal²². Stakeholders who were involved and contributed to these consultation activities included farmers and contractors applying pesticides, non-agricultural users of pesticides, health and environmental NGOs, professional associations representing industry and economic actors in relevant sectors (e.g. beekeepers, chemical, pesticide application equipment and seed industries etc.), consumer associations, private citizens, EU and non-EU

²¹ [Evaluation and Impact Assessment \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/infographic_evaluation-impact-assessment-pesticides-2022.pdf)

²² [Pesticides – sustainable use \(updated EU rules\) \(europa.eu\)](https://better-regulation.europa.eu/pesticides-sustainable-use)

national and regional competent authorities and scientific experts. Responses to the different activities showed that the stakeholder views were largely divided across two broad points of view: [1] pesticide use should be reduced in line with risk reduction in a manner which works with plant protection product users, and [2] pesticide use should be reduced significantly if not completely. The proposal has been developed as a proportionate, realistic yet ambitious approach to addressing societal concerns around the use and risk of pesticides while still allowing pesticides to be used when necessary and appropriate and in a safe manner, while promoting training and advisory systems to alternative pest control techniques and the better implementation of IPM. As described in the impact assessment, a number of policy options were discarded based on stakeholder feedback received and the level of ambition of the finally selected policy options also took into account the feedback received from stakeholders.

- **Collection and use of expertise**

The initiative was supported by two Commission-contracted external studies which included an in-depth literature review, organisation of workshops, case-studies, and surveys.

The impact assessment drew additional information from a number of other studies that used economic modelling to estimate the potential impact of achieving the Farm to Fork Strategy targets, including the pesticide use and risk reduction targets.

- **Impact assessment**

The executive summary sheet for the impact assessment is available [here](#). The positive opinion of the Regulatory Scrutiny Board is available [here](#).

The proposal's aim of reducing the use and risk of pesticides, to protect health, biodiversity and the environment, is relevant to the Commission's ambition to deliver on the UN Sustainable Development Goals (SDGs), in particular goals 3 (health and wellbeing), 6 (clean water), 8 (decent work and economic growth), 11 (sustainable cities), 12 (sustainable consumption and production), 14 (life below water) and 15 (life on land).

In line with the European Green Deal objectives, the proposal also complies with the 'do no significant harm' (DNSH) principle, according to which activities should not do significant harm to any of the six environmental objectives, within the meaning of Article 17, on the establishment of a framework to facilitate sustainable investment (EU Taxonomy Regulation). The six objectives are: climate change mitigation; climate change adaptation; sustainable use and protection of water and marine resources; transition to a circular economy; pollution prevention and control; and protection and restoration of biodiversity and ecosystems.

The following main policy options were assessed against a likely baseline scenario where the Directive remains unchanged:

Option 1: The 50% pesticide use and risk reduction targets for the EU would remain non-legally binding. Advisory systems and guidance for pesticide users would be improved. Precision farming techniques to cut chemical pesticide use and risk would be promoted.

Option 2: The 50% reduction targets would become legally binding at EU level. Member States would set their own national reduction targets using established criteria. These national targets would then be legally binding and subject to

governance mechanisms linked to regular annual reporting by Member States. The use of more hazardous pesticides would be prohibited in sensitive areas such as urban green areas. Professional pesticide users would need to keep electronic records on pesticide use and on IPM to help curb use. National authorities would collect and analyse those records to monitor progress and devise corrective measures at national level if necessary. Independent advisory services would advise pesticide users on alternative techniques and IPM.

Option 3 would be similar to option 2; however, the 50% reduction targets would become legally binding at EU and national level alike. The use of all chemical pesticides would be prohibited in sensitive areas such as urban green areas.

The preferred option is option 3, except as regards the targets, where option 2 is preferred. In this case, the 50% pesticide use and risk reduction targets would become legally binding at EU level, with Member States setting their own national reduction targets. The options have been assessed against a likely baseline scenario where the Directive remains unchanged.

The preferred option is consistent with the ambitions of the European Green Deal, Farm to Fork Strategy, Biodiversity Strategy and Zero Pollution Action Plan and will provide a range of benefits to society, biodiversity and ecosystems, resulting from lower risks to human health and the environment from pesticide use. The protection of biodiversity will contribute to the removal of emissions. This is consistent with the Union-wide 2050 carbon-neutrality objective and the intermediate target of 55% emissions reduction by 2030, set out in Articles 2(1) and 4(1) of the European Climate Law.²³ Pesticide users will be better informed about effective alternatives to chemical pesticides, enabling them to reduce their pesticide use and related expenses, while still producing food products that are competitive on the market. Thanks to more detailed data on pesticide use and IPM, Member State authorities can ensure that national measures benefit farmers, citizens, other stakeholders and the environment as much as possible, and Member State actions would be more transparent and clear.

Stricter and more detailed reporting requirements, expected reduction of yields due to lower pesticide use, and the inclusion of an additional cost layer (advisors) will increase the production costs per unit. EU consumers could see increasing food prices, which might lead to increased imports from third countries with less strict regulation of pesticide use. Potential off-setting and mitigation measures would be needed to counter any undesired negative consequences for such non-EU countries, especially developing countries. Such EU policies could support the FAO's work towards achieving pesticide risk reduction through a sound lifecycle management approach and to build capacities to adopt ecosystem-based practices and improve the management of pesticides in agriculture globally.

The SMEs affected will include: farmers and other SMEs using and selling pesticides and pesticide application equipment; handlers of agricultural produce and pesticides; food processors and intermediaries; agricultural contractors; and agricultural advisers.

²³

Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).

Different costs and benefits will accrue to SMEs under the preferred policy option. Member States may apply financial incentives or mitigation under the EU Common Agricultural Policy to offset some impacts. Furthermore, more consistent and uniform application of the rules on pesticide use will reduce market imbalances between pesticide users across Member States, which apply the current rules to varying degrees.

There will be control and administration costs for Member States in implementing and enforcing the updated rules and in collecting and analysing the relevant monitoring data. This is especially true as regards any initial set-up costs to introduce a data collection system.

Any economic impacts of meeting the pesticide targets will occur along the food value chain, potentially increasing consumer food prices, unless farmers are compensated for any extra costs they incur.

- **Regulatory fitness and simplification**

In line with the Commission commitment to Better Regulation, the proposal has been prepared inclusively, based on transparency and continuous engagement with stakeholders. The evaluation did not identify possible legislative simplifications or reductions of regulatory burden which would not undermine achieving the objectives of sustainable pesticide use. Micro-enterprises are not exempted from this proposal given the importance of uniform implementation of measures to reduce the use and risk of pesticides to human health and the environment.

This proposal is in line with a digital-ready policy by promoting electronic record-keeping and online publication of trends in progress towards meeting pesticide reduction targets; national action plans; annual progress and implementation reports; Commission recommendations; and Member State responses. Relevant provisions for cost-efficient, user-centric and interoperable digital services will be considered in implementing rules for the electronic registers to be established.

- **Fundamental rights**

The proposal respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union²⁴. In particular, it contributes to the objective of a high level of environmental protection in accordance with the principle of sustainable development as laid down in Article 37 of the Charter of Fundamental Rights of the European Union. Better policy enforcement to reduce the risk of pesticides use and protect health could contribute to the fundamental right of ‘fair and just working conditions’ (article 31, Charter of fundamental rights of the EU). In particular, it could contribute to the right to working conditions that respect workers’ health, safety and dignity.

4. **BUDGETARY IMPLICATIONS**

This proposal does not have an impact on the EU budget.

²⁴ OJ C 202, 7.6.2016, p. 389.

5. OTHER ELEMENTS

• **Implementation plans and monitoring, evaluation and reporting arrangements**

The existing indicator to measure the achievement of the two Farm to Fork Strategy pesticide targets will form the basis of the annual central monitoring of progress towards these targets at EU and Member State levels. It should be noted that data indicating whether the 2030 pesticide use and risk reduction targets have been achieved will likely only become available in 2032.

Member States will need to monitor the establishment and use of independent advisory services, the implementation of IPM rules at farm level through the IPM register, the inspection of pesticide application equipment through specific registers, the training of professional pesticide users, distributors and advisors, as well as the use of pesticides through the IPM register. Member states will report information gathered through this monitoring annually to the Commission. The Commission will assess the information and complement with own audits.

To supplement this annual monitoring, the initiative is proposed to be formally evaluated at the earliest 5 years after the planned legal proposal becomes applicable.

Moreover, the monitoring data as described here and in the accompanying impact assessment can also be used directly in the monitoring of the overall policy objectives set out under the European Green Deal and the 8th Environment Action Programme, including the Farm to Fork Strategy, the Biodiversity Strategy and the Zero Pollution Monitoring and Outlook.

• **Detailed explanation of the specific provisions of the proposal**

Chapter 1 sets out the Subject matter and definition.

Chapter 2 sets out the Union 50% pesticide use and risk reduction targets in line with the Farm to Fork Strategy. It provides for binding Member State targets that may deviate from the 50% level of Union targets within the parameters of a binding formula. This formula permits Member States to justify taking account of changes or expected changes in national circumstances since 2011 and historical progress in setting national targets. Provision is made for the Commission to justify increasing targets in certain cases and to publish 2030 Union reduction target trends.

Chapter 3 describes what National Action Plans should contain as well as the requirements for public consultation and coherence with CAP Strategic Plans. It sets out the details to be included in relation to indicative targets for alternatives to chemical pesticides. It provides for Member States to include in annual progress and implementation reports the trends in progress in relation to all targets as well as other quantitative data and for the Commission to analyse such reports and make recommendations.

Chapter 4 sets out the requirements on professional users in relation to IPM in cases where crop-specific rules have or have not been developed. It provides for record-keeping by professional users in relation to IPM and use of independent advisors. It sets out general requirements for the use of pesticide and application equipment. It also contains provisions relating to the use of pesticides in sensitive areas, the protection of the aquatic environment and drinking water, aerial application, storage, disposal and handling, and advice on the use of pesticides.

Chapter 5 sets out requirements for the sale of plant protection products. It requires professional users, distributors and advisors to hold a training certificate in certain

circumstances and sets out the type of information relating to pesticides to be provided at time of sale.

Chapter 6 requires Member States to establish a system for training and certification of professional users, advisors and distributors. It provides for the establishment of an independent advisory system. It requires Member States to raise awareness of issues relating to pesticides and publish key information online. It also requires Member States to gather information on acute and chronic poisoning incidents relating to pesticides.

Chapter 7 relates to pesticide application equipment. It lays down requirements and standards in relation to the inspection of application equipment in professional use. It provides for an electronic register to record information on all application equipment in professional use. It sets out notification requirements in relation to transfer of ownership or removal from use. It requires inspections at three-year intervals, with the possibility of derogating from those inspection requirements in the case of certain application equipment.

Chapter 8 provides for the creation and oversight of crop-specific rules relating to IPM that must be followed by professional users once adopted. It provides for the creation of an electronic IPM register. It sets out the methodology for calculating harmonised risk indicators and for calculating the two national 2030 reduction targets.

Chapter 9 sets out administrative and financial provisions relating to notification of relevant competent authorities to the Commission, penalties, and fees and charges.

Chapter 10 provides for delegated and implementing acts under the SUR.

Chapter 11 repeals the SUD and provides for the entry into force and into application of the SUR.

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the sustainable use of plant protection products and repealing Directive 2009/128/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,
Having regard to the proposal from the European Commission,
After transmission of the draft legislative act to the national parliaments,
Having regard to the opinion of the European Economic and Social Committee¹ ,
Having regard to the opinion of the Committee of the Regions²,
Acting in accordance with the ordinary legislative procedure, Whereas:

- (1) The Treaty requires a high level of protection of human health and of the environment to be ensured in the definition and the implementation of Union policies and activities.
- (2) Directive 2009/128/EC of the European Parliament and of the Council³ was adopted with the aim of reducing the risks and impacts of the use of pesticides on human health and the environment.
- (3) The evaluation⁴ of Directive 2009/128/EC found that the Directive has not achieved its overall objectives and that the Member States did not implement it satisfactorily.
- (4) Reports from the Commission to the European Parliament and Council in 2017⁵ and 2020⁶ identified significant shortcomings in the implementation, application and enforcement of Directive 2009/128/EC. These reports demonstrate that deficiencies persist in the implementation of numerous aspects of Directive 2009/128/EC, such as National Action Plans, integrated pest management and pesticide application equipment.

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).

⁴ [Reference to be inserted.]

⁵ Report from the Commission to the European Parliament and the Council on Member State National Action Plans and on progress in the implementation of Directive 2009/128/EC on the sustainable use of pesticides [COM\(2017\)587 final](#).

⁶ Report from the Commission to the European Parliament and the Council on the experience gained by Member States on the implementation of national targets established in their National Action Plans and on progress in the implementation of Directive 2009/128/EC on the sustainable use of pesticides [COM\(2020\) 204 final](#).

- (5) The European Parliament resolution of 12 February 2019 on the implementation of Directive 2009/128/EC on the sustainable use of pesticides⁷ noted that the Union must act without delay to transition to a more sustainable use of pesticides and called on the Commission to propose an ambitious Union-wide binding target for the reduction of pesticide use. The European Parliament re-affirmed its call for binding reduction targets in its resolution of 20 October 2021 on a Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system⁸.
- (6) In 2018, a [study](#)⁹ by the European Parliament Research Service (EPRS) found progress in many Member States but a limited overall achievement of the objectives of Directive 2009/128/EC. A 2020 [special report](#)¹⁰ from the European Court of Auditors (ECA) on the sustainable use of plant protection products found that there is limited progress in measuring and reducing the risks of plant protection product use and identified weaknesses in the current Union framework. As noted in its information report in relation to evaluation of Directive 2009/128/EC¹¹, the European Economic and Social Committee also considers it essential to reassess the requirements, targets, conditions and timetables set under national action plans.
- (7) There is a need to improve and adapt the Union legal framework on sustainable use of plant protection products to ensure full attainment of its objectives and its enforcement. Arising from the weaknesses identified in the evaluation and reports mentioned above there is a need for clearer and directly applicable rules for economic operators. Also, in order to ensure legal certainty for all users, the scope of the rules should be set out in a clearer manner and the concepts relating to its application should be defined as precisely as possible. This requires clarification of a number of rules, including those on the application of the general principles of integrated pest management, use restrictions, and the inspection of equipment used to apply plant protection products. It is therefore appropriate to repeal Directive 2009/128/EC and replace it with a regulation.
- (8) Biocidal products are covered by Regulation (EU) No 528/2012 of the European Parliament and of the Council¹² and an evaluation of that Regulation is planned. Therefore, this Regulation should apply only to plant protection products falling within the scope of Article 2(1) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council¹³.

⁷ P8_TA(2019)0082, 12 February 2019.

⁸ P9_TA(2021)0425, 20 October 2021.

⁹ European Parliamentary Research Service, Directive 2009/128/EC on the sustainable use of pesticides – European Implementation Assessment, October 2018.

¹⁰ Sustainable use of plant protection products: limited progress in measuring and reducing risks, Special Report European Court of Auditors, ISBN:978-92-847-4206-6, Publications Office of the European Union, Luxembourg, 2020.

¹¹ European Economic and Social Committee, Evaluation on Directive on the Sustainable Use of Pesticides (Information report), adopted on 27 April 2021.

¹² OJ L 167, 27.6.2012, p. 1. OJ L 167, 27.6.2012, p. 1. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

¹³ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

- (9) In 2019, the European Green Deal¹⁴ set out a roadmap of key measures, including legislative, to significantly reduce the use and risk of chemical pesticides. In 2020, in the Farm to Fork Strategy¹⁵, EU Biodiversity Strategy for 2030¹⁶ and the Zero Pollution Action Plan¹⁷, the Commission committed to take action to reduce by 50% the overall use and risk from chemical pesticides by 2030 and reduce by 50% the use of more hazardous pesticides by 2030. The sustainable use of plant protection products is also complementary to the promotion of organic farming and achieving the Farm to Fork Strategy target of at least 25% of the Union's agricultural land under organic farming by 2030.
- (10) In its conclusions of 19 October 2020¹⁸, the Council of the European Union, when taking note of the Commission's reduction targets for pesticides set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee Of The Regions, *A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system* ('Farm to Fork Strategy'), pointed out that achieving those targets will require efforts from Member States and all stakeholders and intensive co-operation, consultation and collaboration. The Council of the European Union also requested the Commission to ensure that these targets are Union targets to which all Member States must contribute through action at national level. Such targets should be set taking into account achievements to date, as well as Member States' different starting points, circumstances and conditions.
- (11) Biological control agents are a sustainable harmful organism control alternative to the use of chemical products. As noted in Council Decision (EU) 2021/1102¹⁹, biological control agents have a growing importance in sustainable agriculture and forestry, namely in the implementation of integrated pest management and organic farming. Access to biological controls facilitates moving away from chemical plant protection products. It is therefore appropriate to define the concept of biological control.
- (12) The objective of the Farm to Fork Strategy is to make substantial progress in the reduction of the use of chemical plant protection products in an economically viable way. In order to achieve that aim, it is necessary to set quantified targets at Union and Member State levels. These targets should enable each Member State to monitor progress towards the sustainable use of plant protection products. National targets should be made binding in order to ensure adequate progress and accountability in relation to them. Progress towards targets should be measured against a baseline.

¹⁴ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal COM/2019/640 final, [EUR-Lex - 52019DC0640 - EN - EUR-Lex \(europa.eu\)](#)

¹⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee Of The Regions [A Farm to Fork Strategy](#) for a fair, healthy and environmentally-friendly food system, COM/2020/381 final.

¹⁶ Communication from the Commission to the European Parliament the Council, the European Economic and Social Committee and The Committee Of The Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives, COM/2020/380 final.

¹⁷ [Communication from the Commission to the European Parliament](#), the Council, the European Economic and Social Committee and The Committee Of The Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil', COM(2021) 400 final.

¹⁸ Brussels, 19 October 2020, 12099/20.

¹⁹ Council Decision (EU) 2021/1102 of 28 June 2021 requesting the Commission to submit a study on the Union's situation and options regarding the introduction, evaluation, production, marketing and use of invertebrate biological control agents within the territory of the Union and a proposal, if appropriate in view of the outcomes of the study (OJ L 238, 6.7.2021, p. 81).

Given that pesticide use fluctuates between years largely influenced by weather and other environmental conditions that impact the level of pests, a three year baseline period is appropriate to take account of these annual variations. The years 2015, 2016 and 2017 were chosen as the baseline period as these were the three most recent years for which data was available at the time of announcing the Farm to Fork Strategy. A three-year baseline was chosen in order to take account of annual fluctuations in the level of pests. It is appropriate to set out the detailed methodology for the calculation of progress towards the achievement of targets set in response to the Farm to Fork Strategy.

- (13) Given the different levels of historical progress and differences in agronomic and climatic conditions between Member States, it is necessary to allow Member States flexibility to set their own national targets (“national 2030 reduction targets”). However, in order to ensure a collective effort towards the achievement of Union-wide targets and an adequate level of ambition, national 2030 reduction targets should be set within the parameters of a legislative formula, taking account of national circumstances. Historical progress prior to the adoption of the Farm to Fork Strategy should be taken into consideration. In the interests of transparency, Member State responses to any Commission recommendations in relation to the level of ambition of national targets and the annual progress made towards them should be publicly accessible.
- (14) In order to achieve the national 2030 reduction targets, it is necessary to increase the availability of biological control and other non-chemical alternatives.
- (15) In order for the Member State National Action Plans to be effective, they should contain quantitative objectives, binding national 2030 reduction targets and related indicative targets, measures, timetables and indicators to reduce risks and impacts of pesticide use on human health and the environment. This will allow for a more structured approach to the setting of quantitative objectives and targets than occurred under the SUD, with a clearer link to the two national 2030 reduction targets. In order to monitor compliance, provision should also be made for more detailed, uniform, annual reporting requirements.
- (16) The implementation of policies and measures in the areas of sustainable use of plant protection products has an impact on the environment. Member States should therefore ensure that the public is given early and effective opportunities to participate in and to be consulted on the preparation of Member State National Action Plans in accordance, where applicable, with Directive 2003/35/EC of the European Parliament and of the Council²⁰ and Regulation (EC) No 1367/2006 of the European Parliament and of the Council²¹.
- (17) With the objective of ensuring consistency and complementarity, Member State National Action plans should take into account related legislation concerning the

²⁰ 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 (OJ L 156, 25.6.2003, p. 17).

²¹ Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

protection of health and the environment and should be consistent with the with the Common Agricultural Policy (“CAP”) Strategic Plans²².

- (18) Economic instruments, including those under the CAP that provide support to farmers, can play a crucial role in the achievement of objectives relating to the sustainable use of plant protection products and, in particular, reducing the use of chemical plant protection products. Member States have to show in their national CAP Strategic Plans that their implementation of the CAP contribute and support the other relevant EU legislation and their objectives and this includes objectives under this Regulation. In this regard, it should be stressed that individual Member States can decide on their use without prejudice to the applicability of State Aid rules.
- (19) In order to comply with the general principles of integrated pest management, which requires careful consideration of all available plant protection methods in order to minimize the use of chemical plant protection products, a professional user should implement practices that avoid the use of plant protection products and in particular that of chemical plant protection products. In order to ensure and monitor compliance with this requirement it is important that professional users keep an electronic record of the reasons why they apply plant protection products or the reasons for any other action taken in line with integrated pest management and of advice received in support of their implementation of integrated pest management by independent advisors. To avoid unnecessary duplication, the Commission should establish a standard template for Member States to integrate records kept by professional users of actions taken in line with integrated pest management with those kept under Article 67 of Regulation (EC) No 1107/2009.
- (20) Use of plant protection products can have particularly negative impacts in areas used by vulnerable groups and in sensitive areas, such as Natura 2000 sites protected in accordance with Directive 2009/147/EC of the European Parliament and of the Council²³ and Council Directive 92/43/EEC²⁴. If plant protection products are used in areas used by the general public, the possibility of exposure of humans to such plant protection products can be high. In these areas, in order to protect human health and the environment, the use of chemical plant protection products should be prohibited. Derogations from the prohibition to use chemical plant protection products in sensitive areas should only be allowed in limited cases.
- (21) The aquatic environment is especially sensitive to plant protection products. The measures laid down in this Regulation should be complementary to measures laid down in Directive 2000/60/EC of the European Parliament and of the Council²⁵. Moreover, it is important that professional users be trained how to minimise or eliminate applications of certain plant protection products classified as “harmful to aquatic life with long lasting effects”, “very toxic to aquatic life with long lasting effects” or “toxic to aquatic life with long lasting effects” on or along roads, railway

²² Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

²³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

²⁴ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

²⁵ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

lines, very permeable surfaces or other infrastructure close to surface water or groundwater or on sealed surfaces with a high risk of run-off into surface water or sewage systems. It is also important that professional users are trained in relation to the importance of giving preference to low risk plant protection products or non-chemical alternatives, use of drift reducing technology and mitigation measures.

- (22) Precision farming refers to agricultural management systems carefully tailoring crop management to fit localised conditions such as those found between and within adjacent land parcels. The application of existing technology has the potential to significantly reduce pesticide usage. It is therefore necessary to provide for a legislative framework that incentivises the development of precision farming. Aerial application has, by its nature, potential to cause adverse impacts on human health and the environment because generally it implies a less targeted application. Aerial application should therefore be prohibited, with limited derogations in cases where it reduces the risk of pesticide use compared to alternative approaches. This may occur where there is no viable alternative, such as where terrain is difficult to access with land-based equipment (for example, steeply sloping vineyards or dense forestry plantations) or where where adverse weather conditions mean that land-based equipment cannot operate effectively on the area to be treated. Resultant delays might require the use of more plant protection products due to an increased number of plant pests during the period of delay or aerial application may minimize soil erosion when land is not trafficable due to adverse weather conditions.
- (23) It is however anticipated that certain aircraft (e.g. drones) will be developed which allow for the targeted application of plant protection products. These drones are likely to assist in the reduction of the level of use of plant protection products by providing for targeted application. They may also help to reduce the risks to human health and the environment compared to conventional use of land-based application equipment. It is therefore appropriate to empower the Commission to adopt a delegated act supplementing this Regulation by setting out the criteria exempting certain aircraft such as drones from the prohibition of aerial spraying.
- (24) Handling of plant protection products, including storage, dilution and mixing, cleaning of application equipment after use, recovery and disposal of tank mixtures, disposal of empty packaging and remnants of plant protection products pose particular risks of exposure to humans and to the environment. Therefore, it is important that professional users are trained on the risks to human health and the environment and the measures necessary to minimise those risks during handling, storage and disposal. Measures should also apply to non-professional users, since inappropriate handling is very likely to occur in this group of users due to their lack of practical knowledge.
- (25) To the extent that the handling and application of plant protection products require the setting of minimum health and safety requirements at the workplace, covering the risks arising from exposure of workers to such products, as well as general and specific preventive measures to reduce those risks, those measures are covered by Council Directive 98/24/EC²⁶ and Directive 2004/37/EC²⁷.

²⁶ Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (OJ L 131, 5.5.1998, p. 11.)

²⁷ Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to their exposure to carcinogens or mutagens at work (OJ L 158, 30.4.2004, p. 50.)

- (26) Sales of plant protection products are an important element in the distribution chain. Specific advice on safety instructions for human health and the environment should be available to the end user at the time of sale. For non-professional users, who in general do not have the same level of training as professional users, recommendations should be given, in particular on safe handling and storage of plant protection products as well as on disposal of the packaging.
- (27) It is essential that Member States maintain systems of both initial and additional training for distributors, advisors and professional users of plant protection products and certification systems to record such training, so that those operators are fully aware of the potential risks to human health and the environment and of the appropriate measures to reduce those risks as much as possible. It is appropriate that the training for advisors be more extensive in order for them to be able to support the proper implementation of integrated pest management. It is appropriate to coordinate training activities for professional users with those organised in accordance with Regulation (EU) No 1305/2013 of the European Parliament and of the Council²⁸. The use or purchase of a plant protection product authorised for professional use must be limited to those in possession of a training certificate. In addition, distributors should ensure that professional and non-professional purchasers of plant protection products are provided with product specific information to ensure safe use.
- (28) Regular engagement by professional users with trained, independent advisors is essential for the proper implementation of integrated pest management. This should ensure a planned approach to harmful organism control techniques across a number of growing seasons with a view to minimising the use of chemical plant protection products as much as possible.
- (29) Considering the possible risks from the use of plant protection products, the public should be better informed of the overall impacts of the use of plant protection products through awareness-raising programmes, information passed on through retailers and other appropriate measures.
- (30) It is appropriate, in order to minimise the adverse impacts of plant protection products on human and animal health and the environment caused by poorly maintained plant protection application equipment, to provide for systems for regular technical inspection of plant protection application equipment in use. For a number of reasons, including the comparatively low cost of purchasing new handheld application equipment and knapsack sprayers compared to the costs of inspection, it is appropriate to provide for possible national derogations from mandatory inspection of such equipment, subject to the carrying out of a risk assessment for human health and the environment, including an estimation of the scale of use of these devices. To ensure compliance with inspection requirements it is necessary to establish a register in each Member State of application equipment in professional use and to keep that register up to date.
- (31) It is necessary to measure the progress achieved in the reduction of risks and adverse impacts from plant protection product use for human health and the environment. Appropriate means are harmonised risk indicators established at Union level. Such indicators should also form the basis for setting binding Union and national targets based on the two targets set under the Farm to Fork Strategy for reducing the use and

²⁸ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

risk of chemical pesticides. Member States should use the results of these indicators to measure progress at national level, while the Commission should use the results to evaluate progress at Union level. In order to accurately calculate trends, statistical data collected in accordance with Union legislation concerning statistics on plant protection products should be used. Given that pesticide use fluctuates between years largely influenced by weather, a three year baseline period is appropriate to take account of these annual variations. The baseline period for the calculation of Harmonised Risk Indicators 1 and 2 is 2011-2013, the period when data was first received by the Commission. Member States should be entitled to use, in addition to Union harmonised risk indicators, their national indicators.

- (32) For the moment the only robust statistical data available at Union level relating to the marketing and use of plant protection products are the statistics on the placing on the market of plant protection products, and data on the number of emergency authorisations granted under Regulation (EC) No 1107/2009. These statistics have informed the development of Harmonised Risk Indicators 1 and 2 under Directive 2009/128/EC. For reasons of transparency, the methodology of these harmonised risk indicators should be set out in an Annex to this Regulation. More robust statistics on, inter alia, the use of plant protection products will in future allow additional harmonised risk indicators to be developed.
- (33) Biodiversity underpins the functioning of ecosystems and ecosystem services indispensable for human wellbeing. The EU Biodiversity Strategy for 2030 recognises the need for urgent action to protect biodiversity. In the Union, a reduction of species, in particular insects and pollinators has been established in several studies²⁹. Reports³⁰ show that biodiversity loss is, amongst other factors, driven by the use of plant protection products, while Member States actions under current Union policy instruments have not yet been able to stop this trend of biodiversity loss. It is therefore essential to ensure that plant protection products are used in such a way as to mitigate the risk of harmful effects of plant protection products on wildlife including pollinating insects through a number of measures including training, inspection of application equipment in professional use and the protection of the aquatic environment and sensitive areas.
- (34) In order to enforce the obligations set out in this Regulation, Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties should be effective, proportionate and dissuasive.
- (35) Since the objective of this Regulation, namely the better protection of human health and the environment from risks and impacts associated with the use of plant protection products and achievement of the targets set out in the Farm to Fork Strategy and Biodiversity Strategy, cannot be sufficiently achieved by the Member States, but can rather, by reason of their scale, complexity and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

²⁹ Ramboll, Study supporting the Evaluation of Directive 2009/128/EC on the sustainable use of pesticides and impact assessment of its possible revision, Final Evaluation Report, p. 32.

³⁰ Ramboll, Study supporting the Evaluation of Directive 2009/128/EC on the sustainable use of pesticides and impact assessment of its possible revision, Final Evaluation Report, p. 32, 80.

- (36) Activities performed by the competent authorities, or by bodies or natural persons to which official control tasks have been delegated, in order to verify compliance by operators with this Regulation, are, with the exception of equipment used to apply plant protection products, to be regulated by the Official Controls Regulation.³¹ Therefore, this Regulation only needs to provide for controls and audits in respect of inspection of application equipment in professional use.
- (37) In order to take into account technical progress and scientific developments in drone technology, training, inspection of application equipment, the general principles of integrated pest management and the methodology for calculation of harmonised risk indicators, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing the rules contained in this Regulation by setting out the criteria for drones to be generally exempted from the prohibition on aerial spraying, and amending technical annexes in relation to (a) the subjects to be covered in the training of professional users, distributors and advisors, (b) requirements for inspection of application equipment, (c) the general principles of integrated pest management, and (d) setting out the methodology for the calculation of further harmonised risk indicators. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³². In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (38) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016³³, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.
- (39) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁴.

³¹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

³² OJ L 123, 12.5.2016, p. 1.

³³ OJ L123, 12.5. 2016, p. 1.

³⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (40) The application of the requirements in this Regulation should be deferred in order to allow competent authorities and market participants to assimilate and plan for the application of the new measures,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules for the sustainable use of plant protection products and for setting reduction targets relating to chemical plant protection products, laying down requirements for use, storage, sale, disposal of plant protection products, for inspection of application equipment, providing for training and awareness raising and establishing measures for integrated pest management.

Article 2

Definitions

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

1. 'plant protection product' means a product as referred to in Article 2(1) of Regulation (EC) No 1107/2009;
2. 'chemical plant protection product' means a plant protection product containing a chemical active substance with the exception of those included under the definition of biological control;
3. 'non-chemical plant protection product' means all plant protection products with the exception of chemical plant protection product;
4. 'low-risk plant protection product' means a plant protection product authorised under Article 47(1) of Regulation (EC) No 1107/2009;
5. 'chemical active substance' means an active substance with the exception of micro-organisms, naturally occurring semiochemicals, extracts from plant products as defined in Article 3(6) of Regulation (EC) No 1107/2009;
6. 'non-chemical active substance' means all active substances with the exception of chemical active substances;
7. 'biodiversity' means biodiversity as defined in Article 3(29) of Regulation (EC) No 1107/2009;
8. 'more hazardous plant protection product' means a plant protection product containing one or more active substances approved as candidates for substitution in accordance with the criteria in point 4 of Annex II to Regulation (EC) No 1107/2009, which includes active substance that meet the criteria set out in points 3.6.3 to 3.6.5 of that Annex;
9. 'professional user' means any person who uses a plant protection product in the course of their professional activities;

10. 'distributor' means any natural or legal person who makes a plant protection product available on the market, including wholesalers, retailers, vendors and suppliers;
11. 'advisor' means any person who advises on pest management and the safe use of plant protection products, 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;
12. 'application equipment' means any equipment whose use in the application of a plant protection product is reasonably foreseeable at time of manufacture, including accessories that are essential for the effective operation of such equipment, such as nozzles, manometers, filters, strainers, cleaning devices for tanks and closed transfer systems, with the exception of equipment designed for the sowing or planting of propagating material treated with plant protection products;
13. 'application equipment in professional use' means:
 - (a) equipment which is used in the course of professional activities for the application of plant protection products; and
 - (b) equipment with horizontal or vertical boom sprayers or orchard or blast sprayers, irrespective of use;
14. 'application' means all forms of application of plant protection products, including spraying;
15. 'aerial application' means application of a plant protection product from an aircraft (including planes, helicopters and drones);
16. 'plant protection product authorised for professional use' means a plant protection product that has only been authorised for professional users, in accordance with Article 31(4)(d) of Regulation (EC) No 1107/2009;
17. 'integrated pest management' means careful consideration of all available means such as plant protection methods and subsequent integration of appropriate measures that discourage the development of populations of harmful organisms and keep the use of chemical plant protection products to levels that are economically and ecologically justified and minimise risks to human health and the environment;
18. 'sensitive area' means any of the following:
 - (a) an area used by the general public, such as a public park or garden, recreation or sports grounds, or a public path;
 - (b) an area used predominantly by a vulnerable group as defined in Article 3(14) of Regulation (EC) No 1107/ 2009;
 - (c) an urban green area and an urban blue space; or
 - (d) an ecologically sensitive area designated in accordance with [awaiting details from DG ENV], including any protected area under Directive 2000/60/EC, Natura 2000 sites and any other national, regional, or local protected area reported by the Member States to the Common Database of Designated Areas, including areas where pollinator and other species threatened with extinction are located;
19. 'designation' in relation to a competent authority or body, with the exclusion of the designation of a competent authority responsible for inspection of application

equipment under Chapter VI, means designation within the meaning of Article 4 of Regulation 2017/625;

20. 'urban green area' means urban land that is partially or completely covered with grass, trees, shrubbery or other vegetation;
21. 'urban blue space' means an urban area covered by a watercourse or water feature;
22. 'surface water' means a surface water body as described in Annex II to Directive 2000/60/EC;
23. 'groundwater' means a groundwater body as described in Annex II to Directive 2000/60/EC;
24. 'risk indicator' means a method of calculation that is used to estimate the relative change in risks associated with the use of plant protection products on human health or the environment;
25. 'non-chemical methods' means alternatives to the use of 'chemical plant protection products' as defined in paragraph 2;
26. 'biological control' means the control of organisms harmful to plants or plant products using micro-organisms, naturally occurring semiochemicals, extracts from plant products as defined in Article 3(6) of Regulation (EC) No 1107/2009, or invertebrate macro-organisms;
27. 'threshold value' means the number of economically significant harmful organisms affecting a crop under particular conditions that justifies the use of an intervention in the relevant crop-specific rules, in accordance with Article 30(6)(e) of this Regulation.

CHAPTER II

CHEMICAL PLANT PROTECTION PRODUCT REDUCTION TARGETS

Article 3

Union 2030 targets for chemical plant protection products reduction

1. Each Member State shall contribute, through the adoption of the national targets referred to in Article 4, to achieving by 2030 a 50% Union-wide reduction, compared to a baseline period of the average of the years 2015, 2016 and 2017, of the following:
 - (a) the use and risk of chemical plant protection products as referred to in Annex I;
 - (b) the use of more hazardous plant protection products.These two Union-wide reduction targets are hereafter referred to as 'two Union 2030 reduction targets'.
2. Progress towards achieving the two Union 2030 reduction targets shall be calculated in accordance with the methodology set out in Annex I.

Article 4

Member States 2030 targets for chemical plant protection products reduction

1. By ... [*OP: please insert the date – 6 months after the date of application of this Regulation*] each Member State shall adopt national targets in its national legislation to achieve by 2030 a reduction set in accordance with this Article, from a baseline period of the average of the years 2015, 2016 and 2017, of the following:

- (a) the use and risk of chemical plant protection products;
- (b) the use of more hazardous plant protection products.

These two national reduction targets are hereafter referred to as ‘two national 2030 reduction targets’.

2. Progress by Member States towards achieving the two national 2030 reduction targets shall be calculated in accordance with the methodology set out in Annex I.

3. Member States shall reach the targets referred to in paragraph 1 by 2030.

4. The two national 2030 reduction targets shall become binding on Member States on the earliest of the following dates: on ... [*OP: please insert the date – 18 months after the date of application of this Regulation*] or on the day of their publication in the first National Action Plan of the Member State.

5. Subject to paragraphs 6 and 7, each of the two national 2030 reduction targets shall be set at such level so as to achieve a reduction between the baseline period of the average of the years 2015, 2016 and 2017 and the year 2030 in the relevant Member State that is at least equal to the corresponding Union 2030 reduction target of a 50% reduction.

6. A Member State may set national targets that are lower than 50%, but not lower than 45%, where it can demonstrate that the chosen level is justified by one or more of the following factors:

- (a) change or expected change between 2017 and 2030 in the profile of pests, such as new pests, or changing pest resistance status;
- (b) increase or expected increase between 2017 and 2030 in the use of chemical plant protection products to comply with requirements relating to control of invasive species.

7. A Member State that can demonstrate to have reduced:

- (a) the use and risk of chemical plant protection products, or
- (b) the use of the more hazardous pesticides

during the historical period between the average of the years 2011 to 2013 and the baseline period for the two Union and national 2030 reduction targets, the average of the years 2015-2017, may reduce its national targets by a figure representing the difference between the reduction achieved by that Member State and the Union average reduction during the same period may be subtracted from the reduction percentage under paragraph 6.

8. The reductions in paragraphs 6 (5% reduction) and 7 (reduction due to historical progress) may be cumulated. However, in no case can either of the two 2030 national reduction targets be lower than 25%.

9. If a Member State fails to adopt a target within twelve months of the date of application of this Regulation, a 50% reduction target shall be deemed to apply to that Member State for its two national 2030 reduction targets.

10. A Member State is free to set a national 2030 reductions target going beyond those set out in this Regulation.
11. By ... [*OP: please insert the date – 7 months after the date of application of this Regulation*], each Member State shall communicate its two national 2030 reduction targets to the Commission, accompanied by detailed data that allow a verification that the conditions referred to in paras 6 and 7 have been met.

Article 5

Initial assessment of national targets by the Commission

1. The Commission shall review the two national 2030 reduction targets communicated in accordance with Article 4(11) and the justifications for any derogations made under Article 4(6) or (7).
2. Where the Commission concludes, on the basis of the information made available to it, that the national targets communicated by the Member States ought to be set at a higher level, it shall, by ... [*OP: please insert the date – by 1 year after the date of application of this Regulation*], communicate a recommendation to that Member State to increase the percentage level of its two national 2030 reduction targets. The Commission shall make that recommendation public.
3. A Member State that receives a recommendation from the Commission in accordance with paragraph 2, shall include in its National Action Plan:
 - (a) the text of the Commission's recommendation, and
 - (b) the national 2030 reduction targets adjusted in line with the recommendation;
or
 - (c) the justifications for not following the Commission's recommendation.
4. A Member State shall communicate the information set out in paragraph 3 to the Commission by... [*OP: please insert the date – by 18 months after the date of application of this Regulation*].

Article 6

Publication of Union 2030 reduction target trends by the Commission

1. By year N + 18 months, whereas year N may be prior to the date of application of this Regulation, the Commission shall publish on a website the average trends in progress towards achieving the two Union 2030 reduction targets between the baseline period of the average of the years 2015-2017 and year N, calculated in accordance with the methodology set out in Annex I.
2. The Commission shall update the website referred to in paragraph 1 on an annual basis.
3. The Commission shall also publish information for each Member State on trends in progress in relation to national 2030 reduction targets on that website.

CHAPTER III

NATIONAL ACTIONS PLANS

Article 7

National Action Plans

1. By ... [*OP: please insert the date – 18 months after the date of application of this Regulation*] each Member State shall prepare and publish on a website, and review, update and publish amended versions every 5 years thereafter, a national action plan containing the following information:
 - (a) the national 2030 reduction targets set in accordance with Chapter II in the case of any National Action Plan published prior to 2030;
 - (b) other information related to national 2030 reduction targets as set out in Article 8;
 - (c) details of planned progress in relation to other elements relevant to the implementation of this Regulation as listed in Part 2 of Annex II;
 - (d) a list of application equipment to which the Member State plans to apply different inspection requirements in accordance with Article 28(1);
 - (e) other planned measures to encourage the sustainable use of plant protection products.
2. Each Member State shall carry out a public consultation process prior to the adoption or modification of its national action plan in accordance with the requirements of Directive 2003/35/EC of the European Parliament and of the Council³⁵.
3. A national action plan shall contain a summary of the public consultation process in relation to it and list authorities responsible for its implementation.
4. A national action plan shall specify any links to Member State plans made in accordance with related legislation concerning the protection of health and the environment and should be consistent with the CAP Strategic Plans laid down in Regulation (EU) 2021/2115 and explain how the national action plan is coherent with plans made under that related legislation.

Article 8

Description of targets in National Action Plans

1. A National Action Plan shall include the following information in relation to the national 2030 reduction targets for the use and risk of chemical plant protection products and for the use of more hazardous plant protection products:
 - (a) a list of at least the five active substances that most affected the achievement of the national 2030 reduction targets in the three years preceding the adoption of the National Action Plan;

³⁵ 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 (OJ L 156, 25.6.2003, p. 17).

- (b) a list of the key crops on which each of the active substances referred to in point (a) are used and the number of hectares of utilisable agricultural area on which they grow;
 - (c) a list of the pests against which the active substances referred to in point (a) are used on the key crops referred to in point (b); and
 - (d) for each of the pests referred to in point (c), a list of alternatives to chemical plant protection products.
2. For each non-chemical method listed in accordance with paragraph (1), point (d), the national action plan shall specify:
 - (a) a national indicative target for an increased percentage in its use by 2030, a list of the potential obstacles to achieving the increased percentage and the measures that may be taken to address those potential obstacles;
 - (b) a list of actions to be taken by the Member State and by other actors with a detailed timeline of intermediary steps and the authorities responsible for each of the steps.
 3. In relation to at least the three crops that most affected the achievement of the national 2030 reduction targets in the three years preceding the adoption of the National Action Plan, the National Action Plan shall list:
 - (a) the percentage of all plant protection products used on those crops which were biological control plant protection products in the three years preceding the adoption of the National Action Plan, together with the national indicative targets for increasing that percentage by 2030, a list of the potential obstacles to achieving that increased percentage and the measures that can be taken to address those potential obstacles;
 - (b) a list of actions to be taken by the Member State and by other actors, the detailed timeline of intermediary steps and the authorities responsible for each step.
 4. A National Action Plan shall also include a national indicative target for increasing the percentage of overall sales of non-chemical plant protection products.
 5. National measures for encouraging the use of non-chemical methods by professional users under this Article may include financial incentives.

Article 9

Annual progress and implementation reports

1. By ...*[OP: please insert the date –30 months after the date of application of this Regulation]*, and each year thereafter, each Member State shall submit to the Commission an annual progress and implementation report containing the information listed in Annex II.
2. Each year, the Annual Progress and Implementation report shall include:
 - (a) all trends in progress towards achievement of the national 2030 reduction targets from the baseline period of the average of the years 2015-2017 required for the relevant year;

- (b) all trends in progress towards achievement of other national indicative targets from their publication in a National Action Plan required for the relevant year as set out;
 - (c) all other quantitative data in relation to implementation of this Regulation as required as set out in Part 2 of Annex II;
 - (d) an evaluation of the results of each harmonised risk indicator as set out in Article 32(4).
3. Each Member State shall publish its annual progress and implementation reports on a website or websites.
 4. The Commission may request a Member State to provide further details in its annual progress and implementation report.
 5. Within two months of receipt of the Commission's request the Member State shall respond to the request and shall publish its response on the website referred in paragraph 3.
 6. The Commission shall publish annual progress and implementation reports of the Member States on a single website.

Article 10

Commission analysis of annual progress and implementation reports

1. By ... [*OP: please insert the date – 3 years after the date of application of this Regulation*], and every 2 years thereafter up until 2030, the Commission shall publish on a website an analysis of:
 - (a) the trends in progress towards the Union 2030 reduction targets;
 - (b) Member States progress in relation to national 2030 reduction targets, all other national indicative targets set out in Article 8, and other data set out in the annual progress and implementation reports in accordance with Annex II.
2. As part of the analysis referred to in paragraph 1, the Commission may publish on the website referred in paragraph 1 recommendations to each Member State for any of the following:
 - (a) additional measures to be taken by Member States;
 - (b) increasing the level of ambition of any national indicative target set out in Article 8.
3. A Member State that has received a recommendation from the Commission to take additional measures under paragraph 2 shall provide either of the following pieces of information in its subsequent annual progress and implementation report:
 - (a) a description of measures taken as a response to the recommendation; or
 - (b) the reasons for not addressing the Commission's recommendation.
4. A Member State that has received a recommendation from the Commission under paragraph 2 to increase the level of ambition of a national indicative target shall take one of the following actions:

- (a) change the percentage level of the relevant target as set out in the recommendation by amending its national action plan within 6 months of receipt of the recommendation;
 - (b) provide reasons for not addressing the Commission's recommendation in its following annual progress and implementation report.
5. Where, on the basis of its analysis of the annual progress and implementation reports, the Commission concludes that the progress achieved is insufficient for the collective achievement of the overall Union 2030 reduction targets, it shall propose measures and exercise its other powers at Union level in order to ensure the collective achievement of those targets. Such measures shall take into consideration the level of ambition of contributions to the two Union 2030 reduction targets by Member States set out in the two national 2030 reduction targets under national legislation.
6. By ... [*OP: please insert the date – 3 years from the date of application of this Regulation*], the Commission shall submit a report on annual progress and implementation reports to the European Parliament and the Council.

CHAPTER IV

USE, STORAGE AND DISPOSAL OF PLANT PROTECTION PRODUCTS

Article 11

Integrated pest management

1. Professional users and advisors shall apply the general principles of integrated pest management as set out in Annex III or as further elaborated in crop-specific rules.
2. Where crop-specific rules have been developed for the relevant crop in accordance with Article 30, the professional user shall apply those rules in accordance with that Article.
3. Where a crop-specific rule has not been developed for the relevant crop, the professional user shall apply the general principles of integrated pest management set out in Annex III.
4. A professional user who complies with all crop-specific rules applicable to a particular crop shall be deemed to comply with the general principles of integrated pest management set out in Annex III.

Article 12

Records of intervention and preventative measures and related advice

1. In the case of any intervention or preventative measure including (chemical, biological, physical or cultural controls), a professional user shall enter in the electronic integrated pest management register, referred to in Article 31:
 - (a) the reasons for any actions taken in line with integrated pest management under Annex III and in particular those specified in point 8 of that Annex;
 - (b) the reasons for any actions taken by reference to measurable criteria set out in the relevant crop-specific rules.

2. The professional user shall keep a record of the name of its advisor and the dates and details of advice received by that professional user in accordance with Article 21(3) and shall maintain such records for a period of at least 3 years available for inspection.
3. In order to ensure a uniform structure in relation to the entries to be made by professional users in the electronic integrated pest management register in accordance with paragraph 1, the Commission may, by means of implementing acts, adopt a standard template for the entries in the electronic integrated pest management register, taking account of records required to be kept under Article 67 of Regulation (EC) No 1107/2009. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (2).

Article 13

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

1. A plant protection product authorised for professional use may only be used by professional users holding a training certificate issued in accordance with Article 20 and retaining the services of a nominated independent advisor on at least an annual basis as referred to in Article 21(3).
2. Member States shall not authorise more hazardous products for non-professional users.
3. Application equipment in professional use may only be used by a professional user holding a training certificate issued in accordance with Article 20.
4. Three years after the date of its first purchase, a professional user may only operate application equipment in professional use provided that the equipment meets any of the following conditions:
 - (a) the equipment is covered by of a valid certificate of inspection issued in accordance with Article 27(3);
 - (b) a derogation issued under Article 28 applies to that equipment.
5. A professional user shall check and operate application equipment in accordance with the manufacturer's manual of instructions.

Article 14

Use of plant protection products in sensitive areas

1. A chemical plant protection product shall not be used in a sensitive area.
2. Each Member State shall designate a competent authority or competent authorities to receive applications for and grant derogations under this Article.
3. By way of derogation from paragraph 1, the competent authority referred to in paragraph 2 may permit a professional user to use a chemical plant protection product in a sensitive area under the conditions set out in paragraphs 4 to 8 of this Article.
4. The competent authority referred to in paragraph 2 may permit a professional user to use for a limited period of time never exceeding 120 days, a chemical plant

protection product in a sensitive area provided that all of the following conditions are met:

- (a) there is a proven serious risk of the spread of harmful organisms or alien invasive species; and
 - (b) there is no viable lower risk alternative control technique;
5. The request for the permit to use a chemical plant protection product in a sensitive area shall be submitted by the professional user in writing; it shall include the data and information necessary to demonstrate that the conditions set out in paragraph 3 are met.
 6. The competent authority shall decide on the application submitted in accordance with paragraph 5 by 2 weeks after the submission of the application.
 7. The permit to use a chemical plant protection product in a sensitive area shall indicate:
 - (a) specific conditions for limited and controlled use by the applicant;
 - (b) the obligation to display notices on the perimeter of the area to be treated, and any specific form such display should take;
 - (c) appropriate risk mitigation measures;
 - (d) the duration of validity of the permit.
 8. A professional user that has been granted a permit to use a chemical plant protection product in a sensitive area shall display notices to that regard on the perimeter of the area to be treated.
 9. Where a derogation is granted to allow for the use of a chemical plant protection product in a sensitive area, a shall not be used in a sensitive area, the competent authority referred to in paragraph 2 shall publish before the start of the approval period referred to in point (b) during which the chemical plant protection product may be used in that sensitive area under the derogation:
 - (a) the location of the use;
 - (b) the approval period (which shall not exceed one growing season) of the derogation;
 - (c) the relevant weather conditions allowing a safe application (e.g. wind speed and orientation, emergency treatment after hails);
 - (d) the name of the plant protection product or products;
 - (e) the equipment to be used and the risk mitigation measures to be respected.

Article 15

Specific measures to protect the aquatic environment and drinking water

1. Member States shall adopt appropriate measures to protect the aquatic environment and drinking water supplies from the impact of plant protection products.
2. The measures provided for in paragraph 1 shall include training of professional users in accordance with Article 20 on:

- (a) giving preference to plant protection products that are not classified as “harmful to aquatic life with long lasting effects”, “very toxic to aquatic life with long lasting effects” or “toxic to aquatic life with long lasting effects” pursuant to Regulation (EC) No 1272/2008 of the European Parliament and of the Council³⁶ or containing priority substances identified in accordance with Article 16 of Directive 2000/60/EC;
- (b) use of drift reducing technology in all field crops;
- (c) use of other mitigation measures which minimise the risk of off-site pollution caused by spray drift, drain-flow and run-off, including in particular no-spray buffer strips or vegetative buffers along surface water; and
- (d) minimising or substituting uses of the plant protection products classified as “harmful to aquatic life with long lasting effects”, “very toxic to aquatic life with long lasting effects” or “toxic to aquatic life with long lasting effects” on or along roads, railway lines, very permeable surfaces or other infrastructure close to surface water or groundwater or on sealed surfaces with a high risk of run-off into surface water or sewage systems.

Article 16

Use of plant protection products in aerial application

1. Aerial application is prohibited except under the conditions set out in this Article.
2. Each Member State may designate a competent authority or competent authorities to receive applications for and grant derogations under this Article.
3. A competent authority referred to in paragraph 2 may grant a derogation where:
 - (a) there is no viable alternative application method to the aerial application; or
 - (b) the aerial application has a less negative impact on human health and the environment than any alternative application method, and the following conditions are met:
 - (i) the application equipment installed on the aircraft is entered in the electronic register of application equipment in professional use referred to in Article 26(1)(a);
 - (ii) the aircraft is equipped with accessories that constitute the best available technology to accurately apply the plant protection products and to reduce spray drift;
 - (iii) the plant protection product is authorised for use via aerial application under Regulation (EC) No 1107/2009.
4. A professional user may apply for a derogation under this Article by submitting a written application to the competent authority referred to in paragraph 2. The application shall demonstrate that the conditions set out in paragraph 3 are met.

³⁶ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

5. Where an aerial application derogation is granted, the competent authority referred to in paragraph 2 shall publish before the start of the approval period referred to in point (b) during which aerial application may be carried out under the derogation:
 - (a) the location of the aerial application;
 - (b) the approval period (which shall not exceed one growing season) of the derogation for aerial application;
 - (c) the relevant weather conditions allowing a safe application (e.g. wind speed and orientation, emergency treatment after hails);
 - (d) the name of the plant protection product or products;
 - (e) the equipment to be used and the risk mitigation measures to be respected.
6. A professional user that has been granted an aerial application derogation shall carry out the following actions:
 - (a) at least 2 days before the date of each specific aerial application display notices to that effect on the perimeter of the area to be treated;
 - (b) submit a report to the competent authority referred to in paragraph 2 confirming that the aerial application has taken place and the area covered, within 14 days of its completion.
7. The Commission is empowered to adopt delegated acts in accordance with Article 36 supplementing this Regulation in order to derogate from the prohibition set out in paragraph 1 and permit the use of certain categories of aircraft used for aerial application without requiring an application for a derogation under paragraph 4. The Commission may adopt those delegated acts where technical progress and scientific developments demonstrate that the risks from the use of the aircrafts covered by such delegated acts are less than the risks arising from land-based application equipment.

Article 17

Storage, disposal and handling

1. Member States shall adopt appropriate measures and establish the necessary structures to facilitate in a manner which does not endanger human health or the environment, the safe disposal of any unused plant protection products, any dilute solutions containing plant protection products and packaging.
2. Member States shall lay down detailed requirements for professional users on:
 - (a) safe storage, handling, dilution and mixing of plant protection products before application;
 - (b) handling of packaging and remnants of plant protection products;
 - (c) cleaning of the equipment used after application;
 - (d) disposal of obsolete plant protection products and remnants and their packaging in accordance with measures adopted pursuant to paragraph 1.
3. Member States shall take all necessary measures regarding plant protection products authorised for non-professional users to prevent and, where it is not possible, to limit dangerous handling operations. These measures shall include restriction of use by non-professional users to only low-risk plant protection products and plant protection products that are in the form of ready to use formulations with safe closure or a

locking device for the packaging or containers, and size limits for packaging or containers.

4. Manufacturers, distributors and professional users shall ensure that plant protection products are stored in specific storage areas for plant protection products that are constructed in such a way as to prevent unwanted releases. Particular attention shall be paid to location, size and construction materials of the storage unit.

Article 18

Advice on the use of plant protection products

Advice on the use of a plant protection product by a professional user may only be given by an advisor holding a training certificate issued in accordance with Article 20.

CHAPTER V

SALE OF PLANT PROTECTION PRODUCTS

Article 19

Requirements for the sale of plant protection products

1. A distributor shall not sell a plant protection product authorised for professional use or a more hazardous plant protection product to a purchaser unless that purchaser is a professional user and holds a training certificate issued under Article 20.
2. Where a purchaser is a legal person, it is sufficient that the representative of the legal person that carries out the purchase transaction of the plant protection product is the holder of a valid training certificate.
3. A distributor shall direct a purchaser of a plant protection product to read the label prior to use and to use the product in accordance with label instructions and shall inform the purchaser of the website referred to in Article 22.
4. A distributor shall provide general information to non-professional users in relation to the risks for human health and the environment of the use of plant protection products, in particular on hazards, exposure, proper storage, handling, application and safe disposal in accordance with Union legislation on waste, as well as recommending low-risk alternative plant protection products and risk mitigation measures and materials or devices. A distributor may provide this general information by means of paragraph 3.
5. Each distributor shall ensure that it has sufficient staff who are distributors or advisors holding a training certificate referred to in Article 20. Such persons shall be available at the time of sale to provide adequate information to, and answer any questions from purchasers of plant protection products at the moment of sale as regards their use, related health and environmental risks and the appropriate safety instructions to manage those risks.

CHAPTER VI

TRAINING, INFORMATION AND AWARENESS RAISING

Article 20

Training and Certification

1. Each Member State, or its designated competent authority, shall designate one or more bodies to provide the following training:
 - (a) initial and refresher training to professional users, distributors and advisors on the subjects listed in Annex IV;
 - (b) practical training for professional users on the use of application equipment;
 - (c) extensive training for advisors on the subjects listed in Annex IV with particular emphasis on the application of integrated pest management.
2. Each Member State shall perform the following actions:
 - (a) establish a system or systems for the certification of training provided for in this Article by issuing a relevant certificate or creating an entry in a central public register;
 - (b) designate a competent authority or authorities as referred to in paragraph 1 responsible for the implementation of the system for the certification of training referred to in point (a) and for issuing and renewing training certificates, updating the central public register and overseeing that those tasks are carried out by the body that provided the training.
3. A training certificate or an entry in a central public register shall contain the following information:
 - (a) whether the training was provided to a named professional user, a named distributor or a named advisor;
 - (b) where that named professional user, distributor or advisor is an employee of a legal person, the name of that legal person;
 - (c) where a Member State provides different types of training to different categories of professional users, distributors or advisors, the type of training undertaken;
 - (d) the date on which sufficient knowledge of the relevant subjects listed in Annex IV was demonstrated;
 - (e) the body that provided the training;
 - (f) its validity period.
4. A training certificate or an entry in a central public register shall be valid for 10 years in the case of a distributor or professional user for 5 years in the case of an advisor.
5. A training certificate shall only be issued or renewed or an entry in a central public register shall only be made if the applicant demonstrates any of the following:
 - (a) satisfactory completion of initial or refresher training;

- (b) sufficient knowledge, arising from his or her qualifications, of the relevant subjects listed in Annex IV by means other than training referred to in point (a).
- 6. A competent authority or a designated body referred to in paragraph 1 shall withdraw a training certificate if it was incorrectly issued or renewed and shall update the central public register.
- 7. The Commission is empowered to adopt delegated acts in accordance with Article 36 amending Annex IV in order to take into account technical progress and scientific developments.

Article 21

Independent advisory system

- 1. Each Member State shall designate a competent authority to establish, oversee and monitor the operation of a system of independent advisors for professional users. This system may include the farm advisory system referred to in Article 15 of Regulation (EU) No 2021/2115 of the European Parliament and of the Council³⁷.
- 2. The competent authority referred to in paragraph 1 shall ensure that any advisor is free from any conflict of interest, and in particular that he or she is not in a situation which, directly or indirectly, could affect his or her ability to carry out their professional duties in an impartial manner.
- 3. Each professional user shall retain the services of an independent advisor and shall receive strategic advice from this advisor on at least an annual basis in relation to:
 - (a) the application of relevant preventive harmful organism control techniques;
 - (b) the implementation of integrated pest management;
 - (c) measures for precision farming;
 - (d) the use of non-chemical methods as appropriate; and
 - (e) where chemical plant protection products are required to be used, how to effectively minimise associated risks to human health and the environment from such use, including risk mitigation measures and techniques.

Article 22

Information and awareness raising

- 1. Each Member State shall designate a competent authority to provide information to the public, in particular through awareness-raising programmes, in relation to plant protection products.
- 2. The competent authority referred to in paragraph 1 shall establish a website or websites dedicated to providing information on plant protection products. That information may be provided directly or by providing links to the relevant websites of other national or international bodies.

³⁷ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

3. Each website shall include information on the following subjects:
 - (a) the potential risks to human health and the environment through acute or chronic effects relating to the use of plant protection products;
 - (b) how these potential risks can be mitigated;
 - (c) alternatives to chemical plant protection products;
 - (d) the process for approving active substances and authorising plant protection products;
 - (e) any derogations granted under Article 14 or Article 16;
 - (f) a link to the website referred to in Article 6;
 - (g) rights of residents to request access to the information on the use of plant protection products through addressing the relevant competent authority in accordance with Article 67(1) of Regulation (EC) No 1107/2009.

Article 23

Information on acute and chronic poisoning

1. Each Member State shall designate a competent authority to maintain or put in place systems for gathering the following information on acute poisoning incidents and chronic poisoning arising from exposure of persons to plant protection products:
 - (a) the name and authorisation number of the plant protection product and the active substance(s) involved in these acute or chronic incidents;
 - (b) the number of individuals poisoned;
 - (c) the symptoms and the severity of the symptoms;
 - (d) the duration of the symptoms;
 - (e) whether a confirmed poisoning case resulted from:
 - (i) a correct use of a plant protection product;
 - (ii) deliberate ingestion;
 - (iii) a misuse, including a use of a non-authorised plant protection product.
2. By 31 August every year, each Member State shall submit to the Commission a report containing the following information:
 - (a) the number of cases of acute poisoning incidents and chronic poisoning arising from exposure of persons to plant protection products during the preceding calendar year;
 - (b) the information referred to in paragraph 1 as regards each poisoning.
3. In order to ensure the uniform presentation of the annual reports provided for in paragraph 2, the Commission shall, by means of implementing acts, adopt standard model forms that Member States shall be required to use for the submission of the information and data referred to in that paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).

CHAPTER VII

APPLICATION EQUIPMENT

Article 24

Application equipment requirements

1. Inspection of application equipment in use shall comply with the relevant requirements listed in Annex V.
2. Application equipment inspected in compliance with harmonised inspection standards developed in accordance with Regulation 1025/2012 of the European Parliament and of the Council³⁸ shall be presumed to comply with requirements relating to inspection of application equipment set out in Annex V.

Article 25

Notification requirements in relation to transfer of ownership or removal from use of application equipment in professional use

1. By ... [*OP please insert the date – 9 months from the date of application of this Regulation*], an owner of application equipment shall notify the fact that he or she is the owner of application equipment to the competent authority referred to in Article 26 using the form set out in Annex VI, unless its Member State exempts that equipment from inspection.
2. Within ... [*OP please insert the date – 12 months from the date of application of this Regulation*], the competent authority referred to in Article 26 shall collate the information set out in Article 29 on application equipment in professional use from its owners.
3. If application equipment is sold, the seller and buyer shall notify the sale within 30 days to the appropriate competent authorities using the form set out in Annex VI.
The first subparagraph shall not apply to sellers and buyers of handheld application equipment or of a knapsack sprayer unless such equipment has not been exempted from inspection under Article 28(3).
4. If application equipment in professional use is removed from use without intention to use it again, its owner shall within 30 days notify the competent authority referred to in Article 26 that the equipment has been removed from use, using the form in Annex VI.
5. If application equipment in professional use is returned to use, its owner shall within 30 days from such return notify the competent authority referred to in Article 26 using the form set out in Annex VI.
6. Following a notification under paragraph 3 or 5, the competent authority referred to in Article 26 shall perform the following actions:
 - (a) enter the transaction or return to use in the electronic register of application equipment in professional use referred to in Article 29;

³⁸ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation (OJ L 316, 14.11.2012, p. 12).

- (b) issue an acknowledgement of receipt of notification to the relevant seller, the buyer or the owner, as applicable.
7. Following a notification under paragraph 4, the competent authority referred to in Article 26 shall perform the following actions:
- (a) remove the entry relating to the application equipment from the electronic register of application equipment in professional use referred to in Article 29;
 - (b) issue an acknowledgement of receipt of notification to the owner.

Article 26

Controls and Collection of information on application equipment in professional use

1. Each Member State shall designate one or more competent authorities to:
 - (a) establish and maintain an electronic register to record information on all application equipment in professional use;
 - (b) receive and process notifications regarding the transfer of ownership and decommissioning of application equipment;
 - (c) inspect, or oversee the inspection of, application equipment;
 - (d) issue, or oversee the issuing of, certificates of inspection.
2. Each Member State shall carry out controls to enforce compliance with Articles 20 and 21. Commission experts shall perform controls in each Member State to verify whether Member States comply with this Article.
3. Where a Member State, or its designated competent authority as referred to in paragraph 1, do not carry out the inspection of application equipment, it shall designate one or more bodies to carry out such inspections.
4. The provisions on Commission controls under Articles 116 to 119 of the Official Controls Regulation shall apply *mutatis mutandis* to Commission controls under paragraph 2.

Article 27

Inspection of application equipment in professional use

1. The competent authority referred to in Article 26 or a body designated by it shall inspect application equipment in professional use every 3 years from the date of first purchase.
2. The results of the inspection shall be recorded by the competent authority referred to in Article 26 in the electronic register of application equipment in professional use referred to in Article 29 and regularly updated.
3. A certificate of inspection shall be issued by the competent authority referred to in Article 26 to an owner of application equipment where that equipment satisfies the requirements in Article 24.
4. A certificate of inspection shall be valid for 3 years.

5. Each Member State shall recognise a certificate of inspection issued in another Member State in accordance with paragraph 3 for application equipment registered in that Member State.
6. The Commission is empowered to adopt delegated acts in accordance with Article 36 amending Annex V in order to take into account technical progress and scientific developments.

Article 28

Member State derogations regarding inspection of application equipment in professional use

1. A Member State may, after carrying out the risk assessment referred to in paragraph 2, lay down less stringent inspection requirements and provide for different inspection intervals to those set out in Article 24 to application equipment in professional use that represents a very low scale of use estimated in accordance with a risk assessment in accordance with paragraph 3, and which is listed in the National Action Plans as provided for in Article 7(1), point (d). This paragraph shall not apply to the following application equipment:
 - (a) spraying equipment mounted on trains or aircraft;
 - (b) horizontal boom sprayers larger than 3 m, including sprayers that are mounted on sowing equipment larger than 3 m wide;
 - (c) vertical boom sprayers or orchard or blast sprayers.
2. Before laying down such different inspection requirements, a Member State shall carry out a risk assessment for their potential impacts on human health and the environment. The Member State shall maintain a copy of the risk assessment for Commission control.
3. A Member State may exempt from inspection handheld application equipment or knapsack sprayers in professional use based on a risk assessment, including an estimation of the scale of use, for the potential impact on human health and the environment. The Member State shall maintain a copy of the risk assessment for Commission control.
4. Application equipment in professional use that has been exempted from inspection in accordance with paragraph 3 shall not be subject to the notification requirements under Article 26 or the registration requirements under Article 29.

Article 29

Electronic register of application equipment in professional use

1. The competent authority referred to in Article 26 shall establish an electronic register to record information set out in Article 29 and in paragraph 3 of this Article on application equipment in professional use in its Member State other than application equipment that has been exempted from inspection under Article 29(3).

2. Where a unique application ID under paragraph (3)(b) is not available, the competent authority referred to in Article 26 shall make provision for the supply of a unique ID to ensure that all equipment is physically identified.
3. The information to be recorded at the time of inspection shall include:
 - (a) the name of the body carrying out the inspections;
 - (b) the unique application equipment ID, or, where not available, the unique ID referred to under paragraph 2;
 - (c) the date of manufacture, if available;
 - (d) the name and address of the current owner;
 - (e) where there has been a transfer of ownership, the date of each transfer and the name and address of previous owners within the last 5 years;
 - (f) the tank size;
 - (g) the width of the spray boom, if applicable;
 - (h) the nozzle type(s) present on the application equipment at time of inspection;
 - (i) in the case of boom sprayers, whether GPS section control is present or absent on the application equipment;
 - (j) for equipment older than three years the date of each inspection carried out in accordance with Article 27;
 - (k) whether the application equipment passed or failed each inspection carried out under Article 27;
 - (l) the reason or reasons for any failed inspection.

CHAPTER VIII

FURTHER MEASURES TO IMPLEMENT INTEGRATED PEST MANAGEMENT, HARMONISED RISK INDICATORS, REPORTING

Article 30

Implementation of integrated pest management using crop-specific rules

1. Each Member State shall designate a competent authority responsible for ensuring that the process of establishing crop-specific rules in accordance with paragraph 2 is scientifically robust and that the rules comply with this Article.
2. By ... [*OP: please insert the date – 1 year from the date of application of this Regulation*] each Member State shall establish crop-specific rules, or adopt crop-specific rules established elsewhere, to implement integrated pest management for a combination of crops covering an area that accounts for at least 90% of its utilisable agricultural area. Member States shall determine the geographic scope of those rules taking account of relevant agronomic conditions, including, the type of soil, crops and prevailing climatic conditions.

3. Member State shall incorporate and apply the crop-specific rules referred to in paragraph 2 in their national legislation within 2 years from the date of application of this Regulation.
4. Professional users and advisors shall follow the crop-specific rules that apply to the area in which they operate.
5. At least six months prior to a set of crop-specific rules becoming binding on professional users under national law, the relevant Member State shall:
 - (a) publish a draft for public consultation and shall receive and take into account comments from stakeholders and members of the public on the rules in a transparent manner;
 - (b) notify the Commission of the draft.
6. Where the Commission is notified of a draft under paragraph 4, it may within 3 months of receipt of the draft object to its adoption by a Member State, in which event the Member State shall refrain from adopting the draft until it has amended the text and received a positive opinion from the Commission. A Commission objection shall be based on the failure of the draft rules to respect the criteria set out in paragraph 7. The fact that the Commission does not raise any objections to a draft in no way prejudices its powers to fully review the quality, implementation and efficacy of crop specific rules during Commission audits and controls under Regulation (EU) 2017/625.
7. The crop-specific rules shall convert the general principles of integrated pest management laid down in Annex III into verifiable criteria. In particular, they shall:
 - (a) describe the most economically significant harmful organisms affecting the crop;
 - (b) specify the non-chemical interventions (cultural, physical and biological control) which are effective against these harmful organisms referred to in point (a);
 - (c) specify the low-risk plant protection products or alternatives to chemical plant protection products which are effective against these harmful organisms referred to in point (a);
 - (d) specify chemical plant protection products (excluding low-risk plant protection products) which are effective against these harmful organisms referred to in point (a);
 - (e) specify the quantitative criteria or conditions under which chemical plant protection products can be used after all other means have been exhausted (for example minimum density/size/growth stage of weeds, pest population, rainfall/temperature, outcome of decision support system etc.);
 - (f) specify the measurable criteria/conditions under which more hazardous plant protection products can be used after all other means have been exhausted (for example minimum density/size/growth stage of weeds, pest population, rainfall/temperature, outcome of decision support system etc.);
8. Each Member State shall review its crop-specific rules annually and update as them where necessary, including where needed to reflect changes in the availability of harmful organism control tools.

9. A Member State may adopt crop-specific rules established by another Member State with similar agronomic conditions, including, soil, crops and prevailing climatic conditions.
10. A Member State with significant climatic or agronomic differences between regions, shall establish or adopt crop-specific rules for each of those regions.
11. Each Member State shall publish its crop-specific rules on a single website.
12. The Commission shall publish on a website a link to the website referred to in paragraph 11 for each Member State.
13. The Commission is empowered to adopt delegated acts in accordance with Article 36 amending Annex III in order to take into account technical progress and scientific developments.
14. By ... [*OP: please insert the date – 7 years after the date of application of this Regulation*], the Commission shall submit a report to the European Parliament and the Council on the development and enforcement of crop-specific rules in the Member States.

Article 31

Electronic integrated pest management register

1. Each Member State shall designate a competent authority or competent authorities to establish and maintain an electronic integrated pest management register or registers.
2. An electronic integrated pest management register shall be accessible to professional users so that they are able to enter the electronic records in accordance with Article 12(1) and point 8 of Annex III.
3. A competent authority referred to in paragraph 1 shall ensure that professional users enter the information set out in Article 12(1) and in point 8 of Annex III in the electronic integrated pest management register.

Article 32

Methodology for calculating harmonised risk indicators and for calculating the two national 2030 reduction targets

1. In addition to harmonised risk indicators already established at the time of adoption of this Regulation, and now incorporated in Annex VII to this Regulation, the Commission may establish further harmonised risk indicators in accordance with paragraph 8.
2. The methodology for calculating harmonised risk indicators, at both Union and Member State level, is laid down in Annex VII. The methodology for calculating progress in the achievement of the two Union and the two national 2030 reduction targets, is laid down in Annex I. Both methodologies shall be based on statistical data collected in accordance with Union legislation concerning statistics on plant protection products and other relevant data, in order to estimate trends in risks from plant protection product use.
3. The Commission shall:

- (a) calculate the results of harmonised risk indicators and progress in the achievement of the two national 2030 reduction targets annually, unless a certain harmonised indicator states a different period, at Union level;
 - (b) publish the results of its calculation under point (a) on the website referred to in Article 6;
 - (c) use the results referred to in point (a) to assess progress at Union and Member State levels towards achieving the two national 2030 reduction targets.
4. Each Member State shall:
 - (a) calculate the results of the harmonised risk indicators and its progress in the achievement of its two national 2030 reduction targets at the frequency referred to in Annexes I and VII;
 - (b) evaluate the results of each harmonised risk indicator and progress in the achievement of the national 2030 reduction target each time the calculations are performed.
5. Evaluations of the existing harmonised risk indicators referred to in paragraph 4, point (b) shall:
 - (a) identify five active substances influencing the result most significantly;
 - (b) specify the crops or situations and the target pests on which the active substances referred to in point (a) are used;
 - (c) specify existing non-chemical methods to combat those pests, if any;
 - (d) summarise the actions taken to reduce the use and risk of these active substances. referred to in point (a).
6. Member States shall communicate the results of the calculations as defined in Annex VII and the associated evaluations carried out pursuant to paragraph 4 to the Commission and to the other Member States and shall publish this information together with the results of the harmonised risk indicators on the websites referred to in Article 22(2).
7. Further to Harmonised Risk Indicators I and II as specified in Annex VII and the data set out in Annex II, Member States may additionally continue to use existing national indicators or quantifiable objectives, and other data collected at a national or regional level that relates to the indicators and targets referred to in paragraphs 1 and 2.
8. The Commission is empowered to adopt delegated acts in accordance with Article 36 amending Annexes I and VII in order to take into account technical progress and scientific developments.

CHAPTER IX

ADMINISTRATIVE AND FINANCIAL PROVISIONS

Article 33

Information on designated competent authorities

By six months after the date of application of the Regulation, each Member States shall inform the Commission of the competent authorities responsible for the activities referred to in this Regulation.

Article 34

Penalties

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take the measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Member States shall without delay notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Article 35

Fees and charges

1. Member States may recover the costs related to carrying out their obligations under this Regulation by means of fees or charges.
2. Revenues from fees and charges collected in accordance with paragraph 1 shall be reserved for the responsible competent authorities responsible under this Regulation.

CHAPTER X

DELEGATED POWERS AND COMMITTEE PROCEDURE

Article 36

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 16(6), 20(8), 27(6), 26(12) and 32(8) shall be conferred on the Commission for an indeterminate period from ... [*OP: please insert the date of entry into force of this Regulation*]. The delegation of power shall continue unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Articles 12(6), 16(8), 23(6), 26(12) and 32(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles 12(6), 16(8), 23(6), 26(12) and 32(8) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 37

Committee procedure

1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed referred to in Article 58(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council³⁹. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third paragraph, of Regulation (EU) No 182/2011 shall apply.

CHAPTER XI

FINAL PROVISIONS

Article 38

Commission evaluation

No sooner than *seven years* after the date of application of this Regulation, the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States *or other parties* shall provide the Commission with the information necessary for the preparation of that report.

Article 39

Repeal of Directive 2009/128/EC

³⁹ OJ L 31, 1.2.2002, p. 1. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

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

Article 40

Entry into force

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

It shall apply from [OP please add reference to Years/ months after entry into force].

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President