

CO-DECISION PROCEDURE – First reading

European Parliament legislative resolution on the 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

1. **Rapporteur:** Christa KLASS (PPE-DE/DE)
2. **EP reference number:** A6-0347/2007/ P6_TA-PROV(2007)0444
3. **Date of adoption of the resolution:** 23 October 2007
4. **Subject:** sustainable use of pesticides
5. **Inter-institutional references:** 2006/0132(COD)
6. **Legal basis:** Article 175 EC Treaty
7. **Competent Parliamentary Committee:** Environment, Public Health and Food Safety (ENVI)
8. **Commission's position:** The Commission can accept certain amendments.

Of the 123 amendments adopted by the European Parliament, 25 are acceptable to the Commission and 69 are acceptable in principle or in part as they clarify and improve upon the Commission proposal. The Commission's detailed position with regard to the amendments of the European Parliament is as follows:

Amendments accepted fully by the Commission:

Amendments 2, 3, 6, 49, 53, 60, 61, 66, 68, 76, 94, 95, 97, 105, 106, 107, 108, 109, 111, 115 and 117 are acceptable as they clarify or improve the provisions concerned.

Amendments 17, 52 and 103 are acceptable as they introduce appropriate reference to new rules of comitology.

Amendment 26 clarifies and improves the definition.

Amendments accepted in part or in principle by the Commission:

Amendment 4 is acceptable in part and in principle. First part up to last sentence is acceptable subject to wording improvements, and last sentence is acceptable.

Amendment 7 is acceptable providing 'plant protection products' is replaced with 'pesticides'.

Amendments 8, 9, 11, 20, 24, 25, 27, 31, 35, 38, 39, 43, 44, 54, 62, 63, 65, 70, 71, 79, 81, 82, 83, 85, 87, 90, 92, 93, 110, 112, 113, 114, 116, 118, 119, 122, 137, 141, 151, 153, 155, 164

aim at clarifying or improving the provisions concerned, and can be accepted subject to redrafting.

Amendment **10** is acceptable subject to keeping the reference to environmental benefits.

Amendment **13** is acceptable in part and in principle: the first part up to 'crop-specific standards of Integrated Pest Management' is acceptable but the references to mandatory crop-specific standards are not acceptable. The last part is acceptable subject to minor redrafting (in particular 'should' ought to be replaced by 'may').

Amendment **15** is acceptable in part and in principle: reference to use indicators is not acceptable whilst other parts of the amendment can be accepted subject to minor redrafting.

Amendment **18** is acceptable in part and in principle: use reduction is not per se an objective of the Strategy and should be deleted. Other parts are acceptable subject to redrafting (in particular 'plant protection products' (PPPs) should be replaced with 'pesticides').

Amendment **19** is acceptable in part, as plant protection products can indeed be used in agricultural or non –agricultural contexts.

The principles of amendments **21, 46, 143** are acceptable however they would better fit in a recital.

Amendment **33** is acceptable in principle however guidelines may be sufficient to serve the same purpose.

Amendment **36** is acceptable in part and in principle: first part up to 'local conditions' is acceptable whilst last part should be redrafted (in particular consideration of stakeholders is redundant with paragraph 4).

Amendment **42** is acceptable in part and in principle: apart from the change from 5 to 3 years which is not acceptable, other parts of the amendment are acceptable subject to redrafting.

Amendments **47, 100, 133** are acceptable in principle: as a comparable provision already exists in the PPP Regulation, a reference to this Regulation should be made with an extension of the scope to pesticides.

Amendment **48** is acceptable in part and in principle: all parts are acceptable subject to wording improvements, except the last sentence which may be misleading and should be deleted.

The principle of amendment **50** is acceptable, however it would better fit in Annex I.

Amendment **51** is acceptable in part and in principle: except from change from 2 to 3 years which is not acceptable, other parts of the amendment can be accepted provided that wording is improved.

Amendment **56** is acceptable in part: all parts except from the last sentence which lacks clarity can be accepted as such.

Amendment **59** is acceptable in part and in principle: paragraphs 1a and 1c are not acceptable as similar provisions already exist in other pieces of legislation. Other parts are acceptable subject to redrafting. In addition, paragraphs 1b and 1d would better fit in a separate article.

Amendment **64** is acceptable in part and in principle: except from paragraphs (ca) and (ce) which would weaken the Commission proposal or be difficult to implement and are therefore not acceptable, other parts of this amendment can be accepted subject to wording improvement.

With the exception of the replacement of 'very permeable surfaces' with 'surfaces made up of permeable rock' which is not clear and thus not acceptable, other parts of amendment **74** are acceptable subject to redrafting.

Amendment **78** is acceptable in part and in principle: apart from addition of 'safe' in (a) and (b) and the last part of (d) starting with 'including' which are not acceptable as it is not clear, other parts of the amendment are acceptable providing minor wording improvements.

Amendment **101** is acceptable in part and in principle: first part introducing a frequency for the reporting is not acceptable, whilst other parts can be accepted subject to redrafting.

Amendment **135** is acceptable in part and in principle: specification of 'long-range transportation' is not acceptable as it links two unrelated issues (application in the vicinity of a water course and long-range transportation). Other parts of the amendment are acceptable provided that wording is improved.

Amendment **146** is acceptable in part: national targets established in National Action Plans are acceptable, however treatment frequency index is not the only indicator available and an appropriate level and formulation for targets should be assessed.

Amendments not accepted by the Commission:

Amendment **1** is not acceptable as Article 175(1) already includes human health protection, and addition of 152(4) may introduce legal uncertainty.

Amendment **5** is not acceptable as it restricts the exchange of experience to objectives achieved only.

Amendment **16** could lead to confusion as it introduces provisions pertaining to reliability whilst there is already a directive on environmental liability. It is therefore not acceptable.

Amendments **22 and 99** are not acceptable as they would introduce legal uncertainty.

Amendments **23, 30 and 37** are not acceptable as they lack clarity.

Amendment **28** is not acceptable as this new definition is not necessary.

Amendment **29** is not acceptable because it is misleading and not consistent with the overall intention of the Directive.

Amendment **32** is not consistent with the Commission proposal (reduction of dependence does not only refer to reduction of use but also to overall reliance on pesticides) and is therefore not acceptable.

Amendments **40, 120 and 121** are not acceptable because they would create disproportionate administrative burden without clear benefits.

Amendment **55** is not acceptable as it is unworkable (amateurs would not be able to purchase products, and advice would be systematically needed prior to purchase).

Amendment **57 and 84** are not acceptable as they are unrealistic (it is difficult to shorten these deadlines).

Amendment **58** is unacceptable as it is deemed unnecessary.

Amendment **69** is not acceptable as the problem is whether products cause harm to the aquatic environment and not whether they enter it.

Amendment **72** is not acceptable as it duplicates other provisions under this Directive (provisions on training) and under other pieces of legislation (Directive 91/414/EEC).

Amendment **77** is not acceptable because it may be unworkable (risk assessments may not always be available) and not consistent with the Commission proposal (precautionary principle applies in point (a)).

Amendments **88 and 102** are not acceptable as they interfere with the power of decision of the Commission.

Amendments **91, 96, 98, 104** are not acceptable as indicators are not needed to evaluate use since use data are relevant for this.

Amendments **138 and 139** are not acceptable as they are not consistent with the Commission proposal.

9. Outlook for the adoption of an amended proposal: The Commission services do not intend to present a written amended proposal as the amendments agreed or agreed in principle, or partially, are limited in number and content. However, the Commission will inform the Council of its position.

10. Outlook for the adoption of a common position: Political agreement leading to a common position is likely under the Portuguese Presidency at the December Agriculture Council.