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## Ordinance amending the Pesticides Ordinance (2014:425)

With respect to the Pesticides Ordinance (2014:425), the Government lays down[[1]](#footnote-2)

*that* Chapter 2, §§ 11, 20, 37–39 and 40–43 shall be worded as follows,

*that* five new sections – Chapter 2, §§ 37a, 38a, 40a, 41a and 43a shall be inserted and worded as set out below.

Chapter 2

**§ 11**    Users of plant protection products shall be provided with training providing sufficient knowledge of the subject areas listed in Annex I to Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve a sustainable use of pesticides, in the original wording. The training shall be offered by

1. the Swedish Board of Agriculture, in terms of use

a) in agriculture, forestry, park management or horticulture,

b) on plots of land for residential buildings,

c) on school yards and yards for pre-schools,

d) on playgrounds that the public has access to,

e) in sports and leisure facilities,

f) during planning and construction work,

g) on road areas and embankments,

h) on gravel surfaces and other highly permeable surfaces, and

i) on surfaces of asphalt or concrete or other hardened materials,

2. the Public Health Agency of Sweden, in respect of use in and around warehouses or other storage facilities, and

3. the Swedish Work Environment Authority, with regard to other uses.

**§ 20**    Issues concerning permit of use according to § 18 or § 19 are examined by

1. the Swedish Board of Agriculture, in terms of use

a) in agriculture, forestry, park management or horticulture,

b) on plots of land for residential buildings,

c) on school yards and yards for pre-schools,

d) on playgrounds that the public has access to,

e) in sports and leisure facilities,

f) during planning and construction work,

g) on road areas and embankments,

h) on gravel surfaces and other highly permeable surfaces, and

i) on surfaces of asphalt or concrete or other hardened materials,

2. the Public Health Agency of Sweden, in respect of use in and around warehouses or other storage facilities, and

3. the Swedish Work Environment Authority, with regard to other uses.

**§ 37**    Plant protection products may not be used

1. on meadows or pastures which are not suitable for ploughing but can be used for mowing or grazing;

2. in school yards or yards to pre-schools and in playgrounds that the public has access to;

3. in parks or gardens or other areas which are primarily intended to be recreational areas that the public has access to;

4. in allotment garden areas or in greenhouses not used professionally;

5. on plots of land for residential buildings or on potted plants in a home garden environment, or

6. on plants indoors except in production premises, warehouses and the like.

**§ 37a** The Swedish Chemicals Agency may issue regulations on exemptions from the prohibitions in § 37(2–6) for active substances in plant protection products that are deemed to pose a limited risk to human health and the environment.

Before the Swedish Chemicals Agency issues regulations, the Agency shall give the other relevant authorities an opportunity to comment.

**§ 38**    The Swedish Board of Agriculture may issue regulations on exemptions from the prohibitions in § 37:

1. if necessary to prevent the introduction, establishment and spread of quarantine pests according to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EG, 2006/91/EC and 2007/33/ECC, or in accordance with the provisions implementing that Regulation, or

2. which is needed for the cultivation of plants that are preserved in the Swedish National Gene Bank or in the Nordic Genetic Resource Centre.

The Swedish Board of Agriculture may issue regulations on exemptions from the prohibitions in § 37(1) in order to prevent the introduction, establishment and spread of invasive alien species.

Before the Swedish Board of Agriculture issues regulations, the Board shall give other relevant authorities an opportunity to comment.

**§** **38a**    The Swedish Environmental Protection Agency may issue regulations on exemptions from the prohibitions in § 37(2–6) to prevent the introduction, establishment and spread of invasive alien species.

Before the Swedish Environmental Protection Agency issues regulations, the Agency shall give other relevant authorities an opportunity to comment.

**§ 39**    The municipal board may in the individual case grant an exemption from the prohibitions in § 37, if the plant protection product

1. is approved by the Swedish Chemicals Agency and the use is in accordance with the conditions of the approval, and

2. it is needed for the cultivation of plants that are preserved in the Swedish National Gene Bank or in the Nordic Genetic Resource Centre, or is needed for other special reasons.

**§** **40**    It is forbidden to use plant protection products professionally without a special permit from the municipal board

1. in sports and leisure facilities,

2. during planning and construction work,

3. on road areas as well as gravel surfaces and other very

permeable surfaces, and

4. on surfaces of asphalt, concrete or other hardened materials.

**§** **40a**    The permit requirement in § 40 does not apply to plant protection products which in regulations issued in accordance with § 37a have been exempted from the prohibition on use in § 37.

The permit requirement in § 40(3) and (4) does not apply to the use of plant protection products

1. in road areas, to prevent the introduction, establishment or spread of

a. invasive alien species, or

b. quarantine pests pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council or pursuant to provisions implementing that Regulation, or

2. on embankments.

**§ 41**    It is forbidden to use plant protection products professionally without written notification to the municipal board

1. in road areas, to prevent the introduction, establishment or spread of

a. invasive alien species, or

b. quarantine pests pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council or pursuant to provisions implementing that Regulation;

2. on embankments, and

3. in areas that are not covered by a prohibition pursuant to § 37 or a permit requirement pursuant to § 40 and that have a contiguous area exceeding 1 000 square metres where the public may travel freely.

The activities subject to notification may be started no earlier than four weeks after the notification has been made, unless the Board decides otherwise.

**§ 41a**    The requirement for notification in § 41 does not apply to plant protection products which in regulations issued in accordance with § 37a have been exempted from the prohibition on use in § 37.

The requirement for notification in § 41(1)(3) does not apply to use on arable land.

**§ 42**    The provisions of § 37(1), § 40 and § 41 do not apply to use that

1. has the character of point processing, and

2. has such a limited scope that human health and the environment are not at risk of harm.

**§ 43**    The Swedish Environmental Protection Agency may

1. issue more detailed regulations on exemption pursuant to § 39(2), and

2. in the case of use of plant protection products other than use on forest land, issue regulations on the enforcement of §§ 40–42.

Before the Swedish Environmental Protection Agency issues regulations, the Agency shall give other relevant authorities an opportunity to comment.

**§** **43a**    The Swedish Board of Agriculture may issue more detailed regulations on exemptions in accordance with § 39(1).

Before the Swedish Board of Agriculture issues regulations, the Board shall give the other relevant authorities an opportunity to comment.

1. This Ordinance shall enter into force on 1 February 2021.

2. Permits according to Chapter 2, § 40 to professionally use plant protection products that have been decided in accordance with older regulations still apply, however, not after 31 December 2022.

1. See 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, in the wording according to Regulation (EU) 2019/1243 of the European Parliament and of the Council. See also Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. [↑](#footnote-ref-2)