

Swedish Code of Statutes

**Ordinance**

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

Issued on 24 March 2021

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

*that* the current Chapter 3 § 11a, shall be designated Chapter 3, § 11b;

*that* Chapter 1 § 1, and Chapter 2 §§ 11, 12, 14, 20, 25, 37–39 and §§ 40–43 shall be worded as follows;

*that* the heading immediately preceding Chapter 3 § 11 shall read “Knowledge requirements and training for the use of biocidal products”;

*that* nine new sections, Chapter 2 §§ 37a, 38a, 40a, 41a and 43a and Chapter 3 §§ 11a, 13a, 14a and 18a, shall be inserted and worded as follows.

# Chapter 1

**§ 1[[2]](#footnote-2)** This Regulation includes provisions for the authorisation and use of pesticides in the form of plant protection products or biocidal products. This Ordinance is issued by virtue of

– Chapter 14 § 8 of the Environmental Code in respect of Chapter 2 §§ 4, 8, 9, 17–19, 21 and 22,

§ 23(1) and (2), §§ 24, 26 and 27, § 28(1), § 30, § 32(1), §§ 33–35a, § 36(1) and (2), § 37, § 37a(1), § 38(1) and (2), § 38a(1), §§ 39–42, § 43(1), § 43a(1), § 44(1), § 47(1), § 50–52, § 53(1), § 54, § 55(1), § 56, § 57(1), § 58(1) and (2), § 59(1), §§ 60–62 and § 63(1), Chapter 3 § 1(2), §§ 5, 7, 8, 11, 11b–13,

14, 15 and 17 § 18, first paragraph and first sentence of the second paragraph, § 19(1), § 20(1) and § 21, first sentence of the first paragraph and second paragraph as well as Chapter 4 §§ 1–14, §§ 16–27 and § 30, first sentence;

* Chapter 14 § 13 of the Environmental Code in respect of Chapter 2 §§ 5, 10, 29, 30, 45 and 46;

Chapter 3 §§ 9 and 10 and Chapter 4 §§ 25, 28 and 29;

* Chapter 8 § 11 of the Instrument of Government in respect of Chapter 2 §§ 14 and 25 and Chapter 3,

§§ 13a, 14a and 18a; and

Chapter 8 § 7 of the Instrument of Government with respect to other provisions.

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Published

25 March 2021

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# 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. 1. the Swedish Board of Agriculture, in terms of use
   1. in agriculture, forestry, park management or horticulture;
   2. on plots of land for residential buildings;
   3. on school yards and yards for pre-schools;
   4. on playgrounds that the public has access to;
   5. in sports and leisure facilities;
   6. during planning and construction work;
   7. on road areas and embankments;
   8. on gravel surfaces and other highly permeable surfaces; and
   9. 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.

**§ 12** Training in accordance with § 11 shall consist of basic and further education and shall conclude with a proficiency test. The training shall be conducted in accordance with a syllabus decided by the central authority offering the training.

Before deciding on the course syllabus, the authority shall consult the Swedish Chemicals Agency and other relevant authorities.

**§ 14** The Swedish Board of Agriculture, the Public Health Agency of Sweden, the Swedish Work Environment Authority and the Swedish Chemicals Agency may, within their respective areas of responsibility, issue regulations that the County Administrative Board shall offer the training referred to in §§ 11 and 13 and on how the County Administrative Board shall perform the training.

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

1. 1. the Swedish Board of Agriculture, in terms of use
   1. in agriculture, forestry, park management or horticulture;
   2. on plots of land for residential buildings;
   3. on school yards and yards for pre-schools;
   4. on playgrounds that the public has access to;
   5. in sports and leisure facilities;
   6. during planning and construction work;
   7. on road areas and embankments;
   8. on gravel surfaces and other highly permeable surfaces; and
   9. 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.

**§ 25** The Swedish Board of Agriculture, the Public Health Agency of Sweden and the Swedish Work Environment Authority may, within their respective areas of responsibility, issue regulations providing for permit and dispensation issues that, pursuant to §§ 20 or 24, are to be examined by the authority, shall instead be examined by the County Administrative Board.

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**§ 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. on 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 similar premises.
7. **§ a** 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.

1. **§** 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/EC, 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 prohibition 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.

1. **§ a** 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.

1. **§** The municipal board may, in individual cases, grant an exemption from the prohibitions in § 37, if the plant protection product is approved by the Swedish Chemicals Agency and the use is in accordance with the conditions of the approval, and
   1. 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
   2. it is needed for other special reasons.
2. **§** It is forbidden to use plant protection products professionally without a special permit from the municipal board

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* 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 or concrete or other hardened materials.

1. **§ a** The permit requirement in § 40 does not apply to plant protection products that, 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. on road areas, to prevent the introduction, establishment or spread of
     1. invasive alien species, or
     2. 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.

1. **§** It is forbidden to use plant protection products professionally without written notification to the municipal board
   1. on road areas, to prevent the introduction, establishment or spread of
      1. invasive alien species, or
      2. 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 move 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.

1. **§ a** 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.

1. **§** The provisions of § 37(1), § 40 and § 41 do not apply to use that
   1. has the character of point treatment, and
   2. has such a limited scope that human health and the environment are not at risk of harm.
2. **§** The Swedish Environmental Protection Agency may
   1. issue more detailed regulations on exemption pursuant to § 39(2), and
   2. relating to the 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.

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§ **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.

# Chapter 3

**§ 11a** Training providing the specific knowledge referred to in § 11 shall be offered by:

1. The Public Health Agency of Sweden, with regard to measures against vermin and pests pursuant to Chapter 9 § 9 of the Environmental Code, and
2. the Swedish Work Environment Authority, with regard to other uses.

**§ 13a** The Swedish Public Health Agency may issue regulations that the County Administrative Board shall offer the training referred to in § 11a(1) and on how the County Administrative Board shall perform the training.

**§ 14a** The Swedish Work Environment Authority may issue regulations that the County Administrative Board shall offer the training referred to in § 11a(2) and on how the County Administrative Board shall perform the training.

**§ 18a** The Public Health Agency of Sweden and the Swedish Work Environment Authority may, within their respective areas of responsibility, issue regulations that issues concerning permits for use shall be examined by the County Administrative Board instead.

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1. This Ordinance shall enter into force on 1 October 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.

On behalf of the Government

PER BOLUND

Maria Jonsson

(Ministry of the Environment)

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-1)
2. Most recent wording 2017:20. [↑](#footnote-ref-2)