



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2020/0682/S (Sweden)

Ordinance amending the Pesticides Ordinance (2014:425)

Date received : 02/11/2020

End of Standstill : 03/02/2021 (closed)

Message

Message 002

Communication from the Commission - TRIS/(2020) 03921

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2020/0682/S

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202003921.EN)

1. MSG 002 IND 2020 0682 S EN 02-11-2020 S NOTIF

2. S

3A. Kommerskollegium

Box 6803, 113 86 Stockholm

Sverige

Tel: 08-690 48 00

E-post: 1535@kommerskollegium.se

3B. Regeringskansliet, Miljödepartementet

103 33 Stockholm

Sverige

4. 2020/0682/S - C00C

5. Ordinance amending the Pesticides Ordinance (2014:425)

6. Use of plant protection products

7. - Directive 2009/128/EC on the sustainable use of pesticides

8. Background

Directive 2009/128/EC on the sustainable use of pesticides aims to reduce the risks and impacts of pesticide use on human health and the environment. To achieve this objective, the Member States are to take all necessary measures to promote plant protection with a low pesticide input and, to the fullest extent possible, give priority to non-chemical methods. The provisions of the Directive constitute minimum rules, which allow the Member State to impose stricter requirements in order to achieve the purpose of the Directive.



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Article 12 of the Directive requires the Member State to ensure that the use of pesticides is minimised or prohibited in areas used by the general public or by vulnerable groups as defined in Article 3 of Regulation (EC) No 1107/2009, such as public parks and gardens, sports and recreation grounds, school yards and children's playgrounds as well as in the close vicinity of healthcare facilities. In accordance with Article 3(14) of Regulation (EC) No 1107/2009, vulnerable groups mean persons needing specific consideration when assessing the acute and chronic health effects of plant protection products, including pregnant and nursing women, the unborn, infants and children, the elderly and workers and residents subject to high pesticide exposure over the long term.

In Report 2017/2284(INI) on the implementation of the Directive, the European Parliament called on the Member States to prohibit the use of chemical plant protection products in areas used by the general public and vulnerable population groups in accordance with Article 12 of the Directive.

Article 12 is implemented in Swedish legislation by Chapter 2, § 40 of the Pesticides Ordinance. In accordance with the provision, special permission is required from the municipality for professional use of plant protection products on e.g. plots of land for multi-apartment buildings, in school and preschool yards, in playgrounds to which the public has access and in parks and gardens to which the public has access. Prohibiting professional use of plant protection products is thus the starting point for these areas already today.

The use of plant protection products in private gardens and home environments is not regulated despite the fact that use in these environments can be dangerous for vulnerable population groups, e.g. young children. The use of plant protection products in private gardens and in allotment garden areas can also damage pollinating insects and groundwater.

The Directive imposes on the Member States to draw up National Action Plans for the sustainable use of plant protection products (Article 4). The Member State are to set up in the National Action Plan quantitative objectives, targets, measures and timetables to reduce the risks and consequences of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and alternative approaches or techniques to reduce dependency on pesticide use. Integrated pest management is defined in the Directive as careful consideration of all available plant protection methods and subsequent integration of appropriate measures that discourage the development of populations of harmful organisms and keep the use of plant protection products and other forms of intervention to levels that are economically and ecologically justified and reduce or minimise risks to human health and the environment.

In April 2019, the government decided on a revised Swedish Action Plan (Sweden's National Action Plan for the sustainable use of plant protection products for the period 2019–2022, N2019/01607/SMF). The overall objective of the Swedish Action Plan is to achieve a reducing risk trend. The plan contains six objectives, including reducing risks to the environment and health and limiting plant protection products that can be harmful to pollinating insects so that the risks for these are minimised.

Main content of the regulations

The proposal means that all use of plant protection products is prohibited in certain places. Already today, there is a prohibition on use in meadows and pastures that are not suitable for ploughing, but can be used for mowing or grazing. In accordance with the proposal, the following will be added:

- school yards, yards to pre-schools and in playgrounds to which the public has access;
- parks, gardens and other areas which are primarily intended to be recreational areas to which the public has access;
- allotment garden areas and greenhouses not used professionally;
- plots of land for residential buildings (also refers to buildings on the plot of land) and potted plants in the



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

home garden environment;

- plants that are indoors except those in production premises, warehouses and the like.

By virtue of the proposal, the Swedish Chemicals Agency will be able to issue regulations on exemptions from the prohibition on such active substances in plant protection products which are considered to pose a limited risk to human health and the environment.

The Swedish Board of Agriculture is given the right to issue regulations on exemptions from the prohibition in order to prevent the introduction, establishment and spread of quarantine pests as well as exemptions needed for the cultivation of plants preserved in the Swedish National Gene Bank or in the Nordic Genetic Resource Center.

The Swedish Board of Agriculture is given the right to issue regulations on exemptions from the prohibition in order to prevent the introduction, establishment and spread of invasive alien species on meadows or pastures that are not suitable for ploughing, but can be used for mowing or grazing. The Swedish Environmental Protection Agency is given the right to issue regulations on exemptions that are needed in order to prevent the spread of invasive alien species in other places where prohibitions apply.

A municipality will, in individual cases, be able to grant an exemption from the prohibition of use if the plant protection product is approved by the Swedish Chemicals Agency and the use is in accordance with the conditions for approval, and it is needed for the cultivation of plants preserved in the Swedish National Gene Bank or in the Nordic Genetic Resource Center or for other special reasons.

Professional use already requires permission from the municipality in certain places. The proposal means that some of these places will instead be included in the new provision on prohibition of use. This applies to:

- plots of land for multi-apartment buildings;
- school yards and yards to pre-schools;
- playgrounds to which the public has access;
- parks and gardens to which the public has access.

In other places where professional use today requires permission, this will also continue to be required. This applies:

- to sports and leisure grounds;
- during planning and construction work;
- to road areas as well as on gravel surfaces and other highly permeable surfaces;
- to asphalt or concrete surfaces or those of other hard materials.

The use of agents with active substances that are exempted from the Swedish Chemicals Agency's regulations will, however, also be exempted from the requirement for permission.

Professional use in certain additional places today requires that a written notification be made to the municipality. This applies to:

- road areas, in order to prevent the introduction, establishment or spread of invasive alien species or to prevent the introduction, establishment or spread of quarantine pests;
- embankments;
- areas that are not covered by permission requirements in accordance with § 40 and that have a contiguous area exceeding 1 000 square metres where the public may travel freely.

The notification obligations regarding these places will remain, with the addition of places that are not subject



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

to a prohibition of use. The use of agents with active substances that are exempted from the Swedish Chemicals Agency's regulations will, however, be exempted from the notification obligation.

The regulations are proposed to enter into force on 1 February 2021. It is proposed that permission for the professional use of plant protection products that have been decided in accordance with older regulations will continue to apply, but not after 31 December 2022.

9. The purpose of the regulations is to minimise the use of plant protection products in areas used by the general public or vulnerable population groups in accordance with the requirements of Directive 2009/128/EC. The regulation also aims to meet Sweden's environmental quality objective 'A non-toxic environment'.

Article 12 of Directive 2009/128/EC provides examples of areas used by vulnerable population groups. The list in the Article is not exhaustive. Vulnerable population groups such as young children can be harmed by being exposed to pesticides even in the areas covered by Chapter 2, § 37 of the proposal, which justifies a general prohibition of use of plant protection products in these areas.

Currently, the rule applies that municipal permission for professional use is not granted in these areas if there are reasonable alternatives. As there are often alternatives, the proposed prohibitions also increase the clarity of the regulation, while at the same time reducing the administrative burden for the municipalities.

The regulations also aim to promote alternative methods to using chemical plant protection products in these areas. The proposed regulation represents part of the implementation of the general principles on integrated plant protection in Sweden and means that priority is given to non-chemical methods.

No less intrusive measures to achieve the aim are deemed to exist. The measures are proportionate as it is possible to issue regulations exempting the prohibition on such active substances in plant protection products which are considered to pose a limited risk to human health and the environment and to uses needed to prevent the introduction, establishment and spread of invasive alien species and of quarantine pests. There is also the possibility to issue regulations on exemptions for such uses as are necessary for the cultivation of plants that are preserved in the Swedish National Gene Bank or in the Nordic Genetic Resource Center. In addition, the municipality may decide on exemptions needed for the cultivation of plants that are preserved in the Swedish National Gene Bank or in the Nordic Genetic Resource Center or for other special reasons.

The measures are a necessary precondition for achieving the objective of the National Action Plan to reduce the risks and consequences of the use of plant protection products on human health and the environment, as well as the objective that the use of plant protection products harmful to pollinating insects be adapted to minimise the risks.

The regulation does not contain a clause on mutual recognition as the proposal only concerns use.

10. No basic text(s) available

11. No

12. -

13. No

14. No

15. Yes

16. TBT aspect

No - the project has no significant impact on international trade.



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

Contact point Directive (EU) 2015/1535

Fax: +32 229 98043

email: grow-dir2015-1535-central@ec.europa.eu