



Sustainable Use of Pesticides

Recommendations on the review of Directive 2009/128/EC

Background

The Farm2Fork (F2F) Strategy announced the evaluation of Directive 2009/128/EC establishing a framework for Community action to achieve the Sustainable Use of Pesticides - SUD.

The **principles enshrined in article 191.2 of the TFEU**, namely the precautionary principle, the principles that preventive actions should be taken and that the environmental damage should, as a priority, be rectified at the source, as well as the polluter-pays principle, **must guide not only the EU environmental policy but all the Strategies of the Green Deal.**

In order to fulfil water services' mission of safeguarding public health and the environment, the protection of water resources is of utmost importance: article 11 of the SUD contains specific measures to protect the aquatic environment and drinking water. Although the wording of the article refers to the Water Framework Directive provisions (especially relevant is art.7.3 WFD), these general obligations on Member States have failed to deliver. Water utilities have not witnessed a significant decline in the presence and in the concentration of pesticides in water resources over the past decade.

That is why EurEau fully supports the ambition of the F2F Strategy and the Commission's proposed reduction goal for pesticide use of 50% by 2030, stresses the importance of reduction of emissions in drinking catchment areas, as well as the provision (art.8) of the new Drinking Water Directive that obliges competent authorities to carry out a risk assessment of the catchment area.

The less drinking water resources are polluted, the less technical, energy intensive water treatment is necessary and drinking water can be delivered as a real natural foodstuff. We need to be clear though: it is not a question of whether drinking water operators are capable to treat any type of raw water – but the real question is: "do we as a society, and as individual citizen, prefer drinking water of a most natural composition or a highly treated and processed product with significant carbon emissions?"



Feedback on the implementation and enforcement of the current legislation

The protection of drinking water resources should be considered as a priority since water operators see that, despite the strict authorisation process for plant protection products (PPP) and the rules governing their application, the contamination of water resources with PPP active substances and their degradation products continues to be one of the most pressing raw water problems encountered by operators.

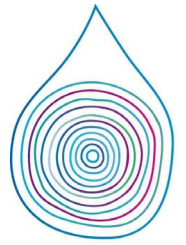
The WFD establishes the principles that the polluter has to pay and that the costs of water services should be recovered.

In our view water consumers and users should not bear the costs of extra water treatment due to polluting activities (such as industrial or agricultural pollution) and the polluter pays principle should be applied.

The current implementation of the SUD shows a significant number of shortcomings:

1. Member States are obliged to adopt and implement National Action Plans (NAPs) to reduce risks and impacts of pesticide use on human health and the environment. After over a decade of experience with NAPs in many countries we conclude that this tool is weak, inefficient and ineffective in reducing the risks and impacts of pesticides on water resources
2. Even though in some countries the NAP process has been a positive tool to bring stakeholders from different sectors together, define targets and indicators, in many Member States the political will and the legal backing needed for its effective implementation is totally lacking. Since the SUD does not define clear obligations via the NAP, we believe that Member States will continue to misuse this tool as a “paper tiger”
3. There is a mismatch between the ambition of the plans and the reality of water quality
4. Integrated Pest Management is not used in a structured way, since the use of plant protection products remain the easy thing to do
5. The elaboration of various guidelines on IPM and the relative recommendations have failed to reach the farmers on the field due to the lack of official advisors to the farming community: the knowledge has not been translated into practice
6. Despite the efforts put into voluntary cooperation projects between [water operators and farmers](#)¹, the objectives of the WFD in terms of water resources protection are far from being achieved
7. The information on pesticide use that is relevant to water utilities is not given, by the competent authority, at the right necessary scale - that is the catchment-area scale.

¹ EurEau, 'Cooperation projects between water operators and farmers' January 2020: <https://www.eureau.org/resources/briefing-notes/4433-briefing-note-on-cooperation-projects-between-water-operators-and-farmers/file>.



Recommendations on the possible policy options

From our point of view subsidiarity does not work in this piece of legislation. The revision of the SUD should **therefore set at EU level:**

1. clear targets which can be monitored and evaluated
2. clear timeframes for reaching the targets
3. a systematic governance system which allows for monitoring and evaluation of actions and measures taken
4. obligations for Member States to enforce and report on the measures undertaken to meet the targets.

Furthermore **supplementary actions** are necessary to achieve a real sustainable and responsible use of pesticides:

1. to mainstream the objectives of the WFD and its Daughter Directives in other sectoral legislation
2. to meet the objectives of the SUD and to implement the necessary actions, a close link to CAP is needed. In this way appropriate budgets would be made available and allow farmers to consider the achievement of the SUD-objectives an eligible target
3. to review, restrict and withdraw authorisations for active substances of pesticides in case concentrations in water resources exceed the objectives set by the WFD and its Daughter Directives (according to the current wording of article 44 of Plant Protection Regulation 1107/2009 that has lacked a serious consideration)
4. to align the rules of the Groundwater Directive and Environmental Quality Standards Directive with the requirements for pesticides stemming from the new Drinking Water Directive during the upcoming revision of both "Daughter Directives" of the Water Framework Directive: the parametric value of 0,1 µg/l should be applied to individual pesticide substances in the EQS Directive and Pesticides Total should be introduced and its value set at 0,50 µg/l; for groundwater a "pesticide-free" target should be set in catchment areas since when applied around catchment zones, pesticides or their metabolites will soon or later be found in groundwater resources
5. as part of the authorisation process of pesticides, to include the formation on possible hazardous transformation products in the drinking water treatment process
6. the 50% reduction target should go hand in hand with a strategy, taking into account the premise of protection of drinking water resources. Regrettable substitution should be avoided, harmful pesticides for drinking water resources should be banned
7. to consider **within the authorisation process** CMR (carcinogenic, mutagenic, reprotoxic), PMT (persistent, mobile and toxic), PBT (persistent, bio-accumulative and toxic), EDC (endocrine disrupting chemical) properties through the **whole life cycle of substances**, allowing for a true circular economy



8. to put the use of potentially hazardous pesticides under prescription
9. to ban certain PPP for non-professional uses
10. to strengthen the good ideas contained in art.67 of the PPP Regulation on record keeping and make this information relevant and usable by water operators that need a level of detail at the catchment scale
11. to apply the polluter-pays principle through, inter alia, extended producer responsibility (EPR) schemes, to pesticides and other micropollutants in the aquatic environment from products during their life cycle.



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Our members are 34 national associations of water services. At EurEau, we bring national water professionals together to agree European water sector positions regarding the management of water quality, resource efficiency and access to water for Europe's citizens and businesses. The EurEau secretariat is based in Brussels.



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