

SUBSIDIARY LEGISLATION 430.08**SUSTAINABLE USE OF PESTICIDES
REGULATIONS**

26th November, 2011*

LEGAL NOTICE 489 of 2011, as amended by Legal Notices 163 and 319 of 2019.

1. (1) The title of these regulations is the Sustainable Use of Pesticides Regulations.

Citation and scope.
Amended by:
L.N. 319 of 2019.

(2) The scope of these regulations is to transpose 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 and Commission Directive (EU) 2019/782 of 15 May 2019 amending Directive 2009/128/EC of the European Parliament and of the Council as regards the establishment of harmonised risk indicators..

(3) These regulations concern the authorization, placing on the market, use and control of plant protection products in commercial form and the placing on the market and control of active substances intended for a use specified in regulation 2.

(4) These regulations shall apply to pesticides that are plant protection products as defined in regulation 2.

(5) The provision of these regulations shall not prevent the Director from applying the precautionary principle in restricting or prohibiting the use of pesticides in specific circumstances or areas.

2. For the purpose of these regulations, the following definitions shall apply:

Definitions.
Amended by:
L.N. 163 of 2019.

"the Act" means the Pesticides Control Act;

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"advisor" means any person who has acquired adequate knowledge and advises on pest management and the safe use of pesticides, in the context of a professional capacity or commercial service, including private self-employed and public advisory services, commercial agents, food producers and retailers where applicable;

"distributor" means any natural or legal person who makes a pesticide available on the market, including wholesalers, retailers, vendors and suppliers;

"herbicides" means plant protection products used to control unwanted plants

"integrated pest management" means 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

*see regulation 1(2) of these regulations, as originally promulgated.

are economically and ecologically justified and reduce or minimise risks to human health and the environment. Integrated pest management emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms;

"non-chemical methods" means alternative methods to chemical pesticides for plant protection and pest management, based on agronomic techniques such as those referred to in point 1 of Schedule III, or physical, mechanical or biological pest control methods;

"pesticide" means:

- S.L. 430.07 (a) a plant protection product as defined in Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC as implemented by the Plant Protection Products (Implementation) Regulations;
- S.L. 430.03 (b) a biocidal product as defined in the Biocides Regulations.

"pesticide application equipment" means any apparatus specifically intended for the application of pesticides, including accessories that are essential for the effective operation of such equipment, such as nozzles, manometers, filters, strainers and cleaning devices for tanks;

"professional user" means any person who uses pesticides in the course of their professional activities, including operators, technicians, employers and self-employed people, both in the farming and other sectors;

"risk indicator" means the result of a method of calculation that is used to evaluate risks of pesticides on human health and, or the environment;

"spraying" means application of pesticides from an aircraft, whether by plane or by helicopter;

S.L. 423.20 the terms "surface water" and "groundwater" have the same meaning as that provided in the Water Policy Framework Regulations.

National Action Plans.

- 3. (1) (a)** The Director shall adopt a National Action Plan to set up the quantitative objectives, targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides. These targets may cover different areas of concern, for example worker protection, protection of the environment, residues, use of specific techniques or use in specific crops.

- (b) The National Action Plan shall also include indicators to monitor the use of plant protection products containing active substances of particular concern, especially if alternatives are available. The Director shall give particular attention to the plant protection products containing active substances approved in accordance with the Plant Protection Products Regulations which, when subject to renewal of approval under Regulation (EC) No 1107/2009 as implemented by the Plant Protection Products (Implementation) Regulations, will not fulfil the criteria relevant for approval laid down in Annex II, points 3.6 to 3.8 of that Regulation. S.L. 430.01
- (c) On the basis of such indicators and taking into account where applicable the risk or use reduction targets achieved already prior to the application of these regulations, timetables and targets for the reduction of use shall also be established, in particular if the reduction of use constitutes an appropriate means to achieve risk reduction with regard to priority items identified under regulation 14(2)(c). These targets may be intermediate or final. The Director shall use all necessary means designed to achieve these targets. S.L. 430.07
- (d) When drawing up and revising the National Action Plan, the Director shall take account of the health, social, economic and environmental impacts of the measures envisaged, of specific national, regional and local conditions and all relevant stakeholder groups. The Director shall describe in the National Action Plans how measures pursuant to regulations 4 to 14 will be implemented in order to achieve the objectives referred to in paragraph (a). The National Action Plan shall take into account plans under other regulations on the use of pesticides, such as planned measures under the Water Policy Framework Regulations. S.L. 423.20
- (2) By 26 November 2012, the Director shall communicate Malta's National Action Plan to the Commission and to other Member States. The National Action Plan shall be reviewed at least every five years and any substantial changes to National Action Plan shall be reported to the Commission without undue delay.
- (3) The provisions on public participation laid down in the Plans and Programmes (Public Participation) Regulations shall apply to the preparation and the modification of the National Action Plans. S.L. 504.69
4. (1) (a) The Director shall ensure that all professional users, distributors and advisors have access to appropriate training by bodies designated by the competent authority. This shall consist of both initial and additional training to acquire and update knowledge as appropriate. Training, sales of pesticides, information and awareness-raising.
- (b) The training shall be designed to ensure that such

users, distributors and advisors acquire sufficient knowledge regarding the subjects listed in Schedule I, taking account of their different roles and responsibilities.

(2) Advisors holding a tertiary level of education in a subject relevant to agronomy or have proven experience of a minimum of ten years in a relevant area shall be deemed as fulfilling the requirements of sub-regulation (1).

(3) By 26 November 2013, the Director shall establish certification systems and the Authority shall be responsible for their implementation. These certificates shall, as a minimum, provide evidence of sufficient knowledge of the subjects listed in Schedule I acquired by professional users, distributors and advisors either by undergoing training or by other means. Certification systems shall include requirements and procedures for the granting, renewal and withdrawal of certificates.

Requirements for sales of pesticides.

5. (1) The Director shall ensure that distributors have sufficient staff in their employment holding a certificate referred to in regulation 4(3). Certificates mentioned in regulation 4(3) shall be displayed at the point of sale. Such persons shall be available at the time of sale to provide adequate information to customers as regards pesticide use, health and environmental risks and safety instructions to manage those risks for the products in question. Micro distributors selling only products for non-professional use may be exempted, by request in writing to the Director stating reasons why they should be exempted, if they do not offer for sale pesticide formulations classified as toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction pursuant to the Dangerous Substances Regulations.

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(2) The Director shall take necessary measures to restrict sales of pesticides authorised for professional use to persons holding a certificate referred to in regulation 4(3).

(3) The Director shall require distributors selling pesticides to non-professional users to provide general information in writing regarding the risks for human health and the environment of pesticide use, in particular on hazards, exposure, proper storage, handling, application and safe disposal in accordance with Community legislation on waste, as well as regarding low-risk alternatives. The Director may require pesticide producers to provide such information. The Director may require any information necessary to reach a decision on the information being provided for in this sub-regulation.

(4) The measures provided for in sub-regulations (1) and (2) shall be established by a Notice in the Gazette by the 26 November 2015.

Information and awareness-raising.

6. (1) The Director shall take measures to inform the general public and to promote and facilitate information and awareness-raising programmes and the availability of accurate and balanced information relating to pesticides for the general public, in particular regarding the risks and the potential acute and chronic

effects for human health, non-target organisms and the environment arising from their use, and the use of non-chemical alternatives.

(2) The Director shall put in place systems for gathering information on pesticide acute poisoning incidents, as well as chronic poisoning developments where available, among groups that may be exposed regularly to pesticides such as operators, agricultural workers or persons living close to pesticide application areas.

7. (1) Pesticide application equipment in professional use shall be subject to inspections at regular intervals. The interval between inspections shall not exceed five years until 2020 and shall not exceed three years thereafter.

Pesticide application equipment.

(2) By 26 November 2016, pesticide application equipment shall have been inspected at least once. After this date only pesticide application equipment having successfully passed inspection shall be in professional use. New equipment shall be inspected at least once within a period of five years after purchase.

Inspection of equipment in use.

(3) By way of derogation from sub-regulations (1) and (2) and, following a risk assessment for human health and the environment including an assessment of the scale of the use of the equipment, the Director may:

(a) apply different timetables and inspection intervals to pesticide application equipment not used for spraying pesticides, to hand-held pesticide application equipment or knapsack sprayers and to additional pesticide application equipment that represent a very low scale of use, according to Schedule V which shall be listed in the National Action Plan provided for in regulation 3. The following additional pesticide application equipment shall never be considered as constituting a very low scale of use:

- (i) spraying equipment mounted on trains or aircraft;
- (ii) boom sprayers larger than 3 m, including boom sprayers that are mounted on sowing equipment;

(b) exempt from inspection hand-held pesticide application equipment or knapsack sprayers. In this case the Director shall ensure that operators have been informed of the need to change regularly the accessories, of the specific risks linked to that equipment, and that operators are trained for the proper use of that application equipment in accordance with regulation 4.

(4) (a) The inspections shall verify that pesticide application equipment satisfies the relevant requirements listed in Schedule II, in order to achieve a high level of protection for human health and the environment.

(b) Pesticide application equipment complying with harmonised standards developed in accordance with regulation 8(2) of the Machinery Regulations shall be

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presumed to comply with the essential health and safety and environmental requirements.

(5) Professional users shall conduct regular calibrations and technical checks of the pesticide application equipment in accordance with the manufacturer's recommendation and with the appropriate training received as provided for in regulation 4.

(6) (a) The Director shall designate bodies responsible for implementing the inspection systems and inform the Commission thereof. A list of designated bodies shall be made publicly available.

(b) The Director shall establish certificate systems designed to allow the verification of inspections and recognise the certificates granted in other Member States following the requirements referred to in sub-regulation (4) and where the time period since the last inspection carried out in another Member State is equal to or shorter than the time period of the inspection interval applicable in its own territory.

(c) The Director shall recognise the certificates issued in other Member States provided that the inspection intervals referred to in sub-regulation (1) are complied with.

Specific practices
and uses - aerial
spraying.

8. (1) Without prejudice to sub-regulation (2), aerial spraying shall be prohibited.

(2) On the advice of the Pesticides Control Board aerial spraying may only be allowed in special cases, provided the following conditions are met:

(a) there must be no viable alternatives, or there must be clear advantages in terms of reduced impacts on human health and the environment as compared with land-based application of pesticides;

(b) the pesticides used must be explicitly approved for aerial spraying by the Director following a specific assessment addressing risks from aerial spraying;

(c) the operator carrying out the aerial spraying must hold a certificate as referred to in regulation 4(3). During the transitional period where certification systems are not yet in place, the Director may accept other evidence of sufficient knowledge;

(d) the enterprise responsible for providing aerial spray applications shall be certified by the Authority;

(e) if the area to be sprayed is in close proximity to areas open to the public, specific risk management measures to ensure that there are no adverse effects on the health of bystanders shall be included in the approval. The area to be sprayed shall not be in close proximity to residential areas;

(f) as from 2013, the aircraft shall be equipped with accessories that constitute the best available

technology to reduce spray drift.

- (3) (a) The Authority shall establish the specific conditions by which aerial spraying may be carried out, for examining requests pursuant to sub-regulation (4) and for making public information on crops, areas, circumstances and particular requirements for application including weather conditions where aerial spraying may be allowed.
- (b) In the approval, the Authority shall specify the measures necessary for warning residents and bystanders in due time and to protect the environment in the vicinity of the area sprayed.
- (4) (a) A professional user wishing to apply pesticides by aerial spraying shall submit a request for approval of an application plan to the Authority accompanied by evidence to show that the conditions referred to in sub-regulations (2) and (3) are fulfilled. The request for application of aerial spraying in accordance with the approved application plan shall be submitted, within ten working days prior to the intended date of aerial spraying application, to the Authority. It shall contain information about the provisional time of spraying and the amounts and the type of pesticides applied.
- (b) In particular circumstances such as emergency or specific difficult situations, single requests for application of aerial spraying may also be submitted for approval. Where justified, the Authority shall have a possibility to apply an accelerated procedure in order to verify that the conditions referred to in sub-regulations (2) and (3) are fulfilled before the application of aerial spraying.
- (5) The Director shall ensure that the conditions referred to in sub-regulations (2) and (3) are met by conducting appropriate monitoring.
- (6) The Authority shall keep records of the requests and approvals as referred to in sub-regulation (4) and shall make available to the public the relevant information contained therein such as the area to be sprayed, the provisional day and time of the spraying and the type of pesticide, in accordance with the applicable national or Community law.

9. The Director may include in the National Action Plan provisions on informing persons who could be exposed to the spray drift.

Information to the public.

10. (1) The Director shall ensure that appropriate measures to protect the aquatic environment and drinking water supplies from the impact of pesticides are adopted. Those measures shall support and be compatible with relevant provisions of the Water Policy Framework Regulations and Regulation (EC) No 1107/2009 as implemented by the Plant Protection Products Regulations.

Specific measures to protect the aquatic environment and drinking water.
S.L. 423.20

S.L. 430.01

- (2) The measures provided in sub-regulation (1) shall include:

- S.L. 427.28
- S.L. 423.20
- (a) giving preference to pesticides that are not classified as dangerous for the aquatic environment pursuant to the Dangerous Substances and Preparations Regulations, nor containing priority hazardous substances as set out in the Water Policy Framework Regulations;
- (b) giving preference to the most efficient application techniques such as the use of low-drift pesticide application equipment especially in vertical crops such as hops and those found in orchards and vineyards;
- (c) use of mitigation measures which minimise the risk of off-site pollution caused by spray drift, drain-flow and run-off. These shall include the establishment of appropriately-sized buffer zones for the protection of non-target aquatic organisms and safeguard zones for surface and groundwater used for the abstraction of drinking water, where pesticides must not be used or stored;
- (d) reducing as far as possible or eliminating applications on or along roads, railway lines, very permeable surfaces or other infrastructure close to surface water or groundwater or on sealed surfaces with a high risk of run-off into surface water or sewage systems.
- Reduction of pesticide use or risks in specific areas.
- S.L. 430.07
- 11.** (1) The Director shall, having due regard for the necessary hygiene and public health requirements and biodiversity, or the results of relevant risk assessments, ensure that the use of pesticides is minimised or prohibited in certain specific areas. Pesticides should be applied during periods of low human activity such as during night time as deemed most appropriate and as maybe laid down in guidance document provided by the Director. Appropriate risk management measures shall be taken and the use of low-risk plant protection products as defined in Regulation (EC) No 1107/2009 as implemented by the Plant Protection Products (Implementation) Regulations, and biological control measures shall be considered in the first place. The specific areas in question are:
- S.L. 430.07.
- (a) areas used by the general public or by vulnerable groups as defined in Article 3 of Regulation (EC) No 1107/2009 as implemented by the Plant Protection Products (Implementation) Regulations, such as public parks and gardens, sports and recreation grounds, school grounds, playgrounds, pavements in civil areas, cemeteries, child care centres and in the close vicinity of healthcare facilities;

- (b) protected areas as defined in the Water Policy Framework Regulations, or other areas identified for the purposes of establishing the necessary conservation measures in accordance with the provisions of the Conservation of Wild Birds Regulations, the Flora, Fauna and Natural Habitats Protection Regulations and the Trees and Woodlands Protection Regulations; S.L. 549.100.
S.L. 549.42.
S.L. 549.44.
S.L. 549.123.
- (c) recently treated areas used by or accessible to agricultural workers;
- (d) roundabouts and central strips.

(2) Herbicides shall not be used in the areas listed in regulation (1)(a) and (1)(d):

Provided that when advised by the Pesticides Control Board, the Director may, authorise the controlled use of such herbicides for the removal of invasive species subject to the Flora, Fauna and Natural Habitats Protection Regulations, the Trees and Woodlands Protection Regulations and the Control of Invasive Alien Species of European Union Concern Regulations, as deemed necessary. S.L. 549.44.
S.L. 549.123.
S.L. 549.119.

12. (1) The Director shall adopt the necessary measures to ensure that the following operations by professional users and where applicable by distributors do not endanger human health or the environment: Handling and storage of pesticides and treatment of their packaging and remnants.

- (a) storage, handling, dilution and mixing of pesticides before application;
- (b) handling of packaging and remnants of pesticides;
- (c) disposal of tank mixtures remaining after application;
- (d) cleaning of the equipment used after application;
- (e) recovery or disposal of pesticide remnants and their packaging in accordance with Community legislation on waste.

(2) The Director shall take all necessary measures regarding pesticides authorised for non-professional users to avoid dangerous handling operations. These measures may include use of pesticides of low toxicity, ready to use formulations and limits on sizes of containers or packaging.

(3) Only pesticides mentioned in sub-regulation (2) may be sold to the general public.

(4) The Director shall ensure that storage areas for pesticides for professional use are constructed in such a way as to prevent unwanted releases. Particular attention shall be paid to location, size and construction materials.

Integrated pest management.

S.L. 427.54

Indicators, reporting and information exchange.
Amended by:
L.N. 319 of 2019.

13. (1) The Director shall take all necessary measures to promote low pesticide-input pest management, giving wherever possible priority to non-chemical methods, so that professional users of pesticides switch to practices and products with the lowest risk to human health and the environment among those available for the same pest problem. Low pesticide-input pest management includes integrated pest management as well as organic farming according to the Organic Farming Regulations.

(2) The Director shall establish the necessary conditions for the implementation of integrated pest management. In particular, the Director shall ensure that professional users have at their disposal information and tools for pest monitoring and decision making, as well as advisory services on integrated pest management.

(3) By 30 June 2013, the Director shall report to the Commission on the implementation of sub-regulations (1) and (2) and, in particular, whether the necessary conditions for implementation of integrated pest management are in place.

(4) The Director shall describe in the National Action Plan how the general principles of integrated pest management as set out in Schedule III will be implemented by all professional users by 1 January 2014.

(5) The Director shall establish appropriate incentives to encourage professional users to implement crop or sector-specific guidelines for integrated pest management on a voluntary basis. Public authorities and, or organisations representing particular professional users may draw up such guidelines. The Director shall refer to those guidelines that are considered relevant and appropriate in the National Action Plan.

14. (1) Harmonised risk indicators as established in Schedule IV shall be made use of, provided that the Director may continue to use existing national indicators or adopt other appropriate indicators in addition to the harmonised ones.

(2) The Director shall:

- (a) calculate harmonised risk indicators as referred to in sub-regulation (1) by using statistical data collected in accordance with the Community legislation concerning statistics on plant protection products together with other relevant data;
- (b) identify trends in the use of certain active substances;
- (c) identify priority items, such as active substances, crops, regions or practices, that require particular attention or good practices that can be used as examples in order to achieve the objectives of these regulations to reduce the risks and impacts of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides.

(3) The Director shall communicate the results of the

evaluations carried out pursuant to sub-regulation (2) to the Commission and to other Member States and shall make this information available to the public.

14A. The Director shall request information related to quantities of substances contained in pesticides placed on the market or other information as deemed necessary to achieve the objectives of these regulations.

Director shall request information as deemed necessary.
*Added by:
L.N. 319 of 2019.*

15. The penalties applicable for infringement of the provisions of these regulations shall be those provided for in article 9 of the Act.

Penalties.

16. (1) The Director may recover all the costs which would have been incurred by the Authority in the provision all the services and, or the performance of all his functions arising out of these regulations by means of a fee or charge.

Fees and charges.

(2) The fee or charge established by means of sub-regulation (1) shall be established in a transparent manner and shall correspond to the actual costs which would have been incurred by the Authority in relation to the particular service furnished or the particular function performed. The Director shall publish the list of fees and, or charges in the Gazette.

(3) The Director shall determine who the person liable for the payment of said fees and, or charges shall be. In reaching this decision, the Director shall take into consideration who would have requested the provision of the service and, or on whose request the particular function would have been performed. Should there be a violation of these regulations, the Director may also determine that the person who would have been liable for such violation, in addition to being liable to pay the costs in terms of sub-regulation (1), shall be also liable for any damages and, or other costs which the Authority would have had to incur as a consequence of such violation.

(4) All the payments stipulated in this regulation, including the expenses incurred by the Authority in case of a violation of these regulations, shall be considered as civil debts due to the Authority.

SCHEDULE I

Training subjects referred to in regulation 4

1. All relevant legislation regarding pesticides and their use.
2. The existence and risks of illegal (counterfeit) plant protection products, and the methods to identify such products.
3. The hazards and risks associated with pesticides, and how to identify and control them, in particular:
 - (a) risks to humans (operators, residents, bystanders, people entering treated areas and those handling or eating treated items) and how factors such as smoking exacerbate these risks;
 - (b) symptoms of pesticide poisoning and first aid measures;
 - (c) risks to non-target plants, beneficial insects, wildlife, biodiversity and the environment in general.
4. Notions on integrated pest management strategies and techniques, integrated crop management strategies and techniques, organic farming principles, biological pest control methods, information on the general principles and crop or sector-specific guidelines for integrated pest management.
5. Initiation to comparative assessment at user level to help professional users make the most appropriate choices on pesticides with the least side effects on human health, non-target organisms and the environment among all authorised products for a given pest problem, in a given situation.
6. Measures to minimise risks to humans, non-target organisms and the environment: safe working practices for storing, handling and mixing pesticides, and disposing of empty packaging, other contaminated materials and surplus pesticides (including tank mixes), whether in concentrate or dilute form; recommended way to control operator exposure (personal protection equipment).
7. Risk-based approaches which take into account the local water extraction variables such as climate, soil and crop types, and relieves.
8. Procedures for preparing pesticide application equipment for work, including its calibration, and for its operation with minimum risks to the user, other humans, non-target animal and plant species, biodiversity and the environment, including water resources.
9. Use of pesticide application equipment and its maintenance, and specific spraying techniques (e.g. low-volume spraying and low-drift nozzles), as well as the objectives of the technical check of sprayers in use and ways to improve spray quality. Specific risks linked to use of handheld pesticide application equipment or knapsack sprayers and the relevant risk management measures.
10. Emergency action to protect human health, the environment including water resources in case of accidental spillage and contamination and extreme weather events that would result in pesticide leaching risks.
11. Special care in protection areas established under regulations 6 and 7 of the Water Policy Framework Regulations.
12. Health monitoring and access facilities to report on any incidents or suspected incidents.
13. Record keeping of any use of pesticides, in accordance with the relevant legislation.

SCHEDULE II

Health and safety and environmental requirements relating
to the inspection of pesticide application equipment

The inspection of pesticide application equipment shall cover all aspects important to achieve a high level of safety and protection of human health and the environment. Full effectiveness of the application operation should be ensured by proper performance of devices and functions of the equipment to guarantee the following objectives are met.

The pesticide application equipment must function reliably and be used properly for its intended purpose ensuring that pesticides can be accurately dosed and distributed. The equipment must be in such a condition as to be filled and emptied safely, easily and completely and prevent leakage of pesticides. It must permit easy and thorough cleaning. It must also ensure safe operations, and be controlled and capable of being immediately stopped from the operator's seat. Where necessary, adjustments must be simple, accurate and capable of being reproduced.

Particular attention should be paid to:

1. Power transmission parts
The power take-off driveshaft guard and the guard of the power input connection shall be fitted and in good condition and the protective devices and any moving or rotating power transmission parts shall not be affected in their function so as to ensure protection of the operator.
2. Pump
The pump capacity shall be suited to the needs of the equipment and the pump must function properly in order to ensure a stable and reliable application rate. There shall be no leakages from the pump.
3. Agitation
Agitation devices must ensure a proper recirculation in order to achieve an even concentration of the whole volume of the liquid spray mixture in the tank.
4. Spray liquid tank
Spray tanks including indicator of tank content, filling devices, strainers and filters, emptying and rinsing systems, and mixing devices shall operate in such a way as to minimise accidental spillage, uneven concentration distribution, operator exposure and residual content.
5. Measuring systems, control and regulation systems
All devices for measuring, switching on and off and adjusting pressure and, or flow rate shall be properly calibrated and work correctly and there shall be no leakages. Control of pressure and operation of pressure adjustment devices shall be easily possible during application. Pressure adjustment devices shall maintain a constant working pressure at constant revolutions of the pump, in order to ensure that a stable volume application rate is applied.
6. Pipes and hoses
Pipes and hoses shall be in proper condition to avoid disturbance of liquid flow or accidental spillage in case of failure. There shall be no leakages from pipes or hoses when run with the maximum obtainable pressure for the system.
7. Filtering

In order to avoid turbulence and heterogeneity in spray patterns, filters shall be in good condition and the mesh size of the filters shall correspond to the size of nozzles fitted on the sprayer. Where applicable the filter blockage indication system shall operate correctly.

8. Spray boom (for equipment spraying pesticides by means of a horizontally positioned boom, located close to the crop or the material to be treated).

The spray boom must be in good condition and stable in all directions. The fixation and adjustment systems and the devices for damping unintended movements and slope compensation must work correctly.

9. Nozzles

Nozzles must work properly to control dripping when spraying stops. To ensure homogeneity of the spray pattern, the flow rate of each individual nozzle shall not deviate significantly from the data of the flow rate tables provided by the manufacturer.

10. Distribution

The transverse and vertical (in case of applications in vertical crops) distribution of the spray mixture in the target area must be even, where relevant.

11. Blower (for equipment distributing pesticides by air assistance)

The blower must be in good condition and must ensure a stable and reliable air stream.

SCHEDULE III

General principles of integrated pest management

1. The prevention and, or suppression of harmful organisms should be achieved or supported among other options especially by:

- crop rotation,
- use of adequate cultivation techniques (e.g. stale seedbed technique, sowing dates and densities, under-sowing, conservation tillage, pruning and direct sowing),
- use, where appropriate, of resistant/tolerant cultivars and standard/certified seed and planting material,
- use of balanced fertilisation, liming and irrigation/drainage practices,
- preventing the spreading of harmful organisms by hygiene measures (e.g. by regular cleansing of machinery and equipment),
- protection and enhancement of important beneficial organisms, e.g. by adequate plant protection measures or the utilisation of ecological infrastructures inside and outside production sites.

2. Harmful organisms must be monitored by adequate methods and tools, where available. Such adequate tools should include observations in the field as well as scientifically sound warning, forecasting and early diagnosis systems, where feasible, as well as the use of advice from professionally qualified advisors.

3. Based on the results of the monitoring the professional user has to decide

whether and when to apply plant protection measures. Robust and scientifically sound threshold values are essential components for decision making. For harmful organisms threshold levels defined for the region, specific areas, crops and particular climatic conditions must be taken into account before treatments, where feasible.

4. Sustainable biological, physical and other non-chemical methods must be preferred to chemical methods if they provide satisfactory pest control.

5. The pesticides applied shall be as specific as possible for the target and shall have the least side effects on human health, non-target organisms and the environment.

6. The professional user should keep the use of pesticides and other forms of intervention to levels that are necessary, e.g. by reduced doses, reduced application frequency or partial applications, considering that the level of risk in vegetation is acceptable and they do not increase the risk for development of resistance in populations of harmful organisms.

7. Where the risk of resistance against a plant protection measure is known and where the level of harmful organisms requires repeated application of pesticides to the crops, available anti-resistance strategies should be applied to maintain the effectiveness of the products. This may include the use of multiple pesticides with different modes of action.

8. Based on the records on the use of pesticides and on the monitoring of harmful organisms the professional user should check the success of the applied plant protection measures.

*Substituted by:
L.N. 319 of 2019.*

SCHEDULE IV

SECTION 1

Harmonised Risk Indicators

The harmonised risk indicators are listed in Sections
2 and 3 of this Schedule

SECTION 2

Harmonised Risk Indicator 1: Hazard-based Harmonised Risk Indicator based on the quantities of active substances placed on the market in plant protection products under Regulation (EC) No 1107/2009

1. This indicator shall be based on statistics on the quantities of active substances placed on the market in plant protection products under Regulation (EC) No 1107/2009, provided to the Commission (Eurostat) under Annex I (Statistics on the placing on the market of pesticides) of Regulation (EC) No 1185/2009. Those data are categorised into 4 Groups, which are divided into 7 Categories.
2. The following general rules shall apply for the calculation of Harmonised Risk Indicator 1:
 - (a) the Harmonised Risk Indicator 1 shall be calculated on the basis of

- the categorisation of active substances into the 4 Groups and 7 Categories set out in Table 1;
- (b) the active substances in Group 1 (categories A and B) shall be those listed in Part D of the Annex to Commission Implementing Regulation (EU) No 540/2011;
 - (c) the active substances in Group 2 (categories C and D) shall be those listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011;
 - (d) the active substances in Group 3 (categories E and F) shall be those listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011;
 - (e) the active substances in Group 4 (category G) shall be those not approved under Regulation (EC) No 1107/2009, and therefore not listed in the Annex to Implementing Regulation (EU) No 540/2011;
 - (f) the weightings in row (vi) in Table 1 shall apply.
3. Harmonised Risk Indicator 1 shall be calculated by multiplying the annual quantities of active substances placed on the market for each Group in Table 1 by the relevant hazard weighting set out in Row (vi), followed by the aggregation of the results of these calculations.
 4. The quantities of active substances placed on the market for each Group and Category in Table 1 may be calculated.

Table 1

Categorisation of active substances and hazard weightings for the purpose of calculating Harmonised Risk Indicator 1

Row	Groups			
	1	2	3	4
(i)	Low-risk active substances which are approved or deemed to be approved under Article 22 of Regulation (EC) No 1107/2009, and which are listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011	Active substances approved or deemed to be approved under Regulation (EC) No 1107/2009, and not falling in other categories, and which are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011	Active substances approved or deemed to be approved under Article 24 of Regulation (EC) No 1107/2009, which are candidates for substitution, and which are listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011	Active substances which are not approved under Regulation (EC) No 1107/2009, and therefore which are not listed in the Annex to Implementing Regulation (EU) No 540/2011

(ii)	Categories						
(iii)	A	B	C	D	E	F	G
(iv)	Micro-organisms	Chemical active substances	Micro-organisms	Chemical active substances	Which are not classified as: Carcinogenic Category 1A or 1B and/or Toxic for Reproduction Category 1A or 1B and/or Endocrine disruptors	Which are classified as: Carcinogenic Category 1A or 1B and/or Toxic for Reproduction Category 1A or 1B and/or Endocrine disruptors, where exposure of humans is negligible	
(v)	Hazard Weightings applicable to quantities of active substances placed on the market in products authorised under Regulation (EC) No 1107/2009						
(vi)	1		8		16		64

5. The baseline for Harmonised Risk Indicator 1 shall be set at 100 and is equal to the average result of the above calculation for the period 2011-2013.
6. The result of Harmonised Risk Indicator 1 shall be expressed by reference to the baseline.
7. It shall be the duty of The Authority to calculate and publish the Harmonised Risk Indicator 1 in accordance with Article 15(2) and 15(4) of Directive 2009/128/EC for each calendar year and at the latest 20 months after the end of the year for which the Harmonised Risk Indicator 1 is being calculated.

SECTION 3

Harmonised Risk Indicator 2: Harmonised Risk Indicator based on the number of authorisations granted under Article 53 of Regulation (EC) No 1107/2009

1. This indicator shall be based on the number of authorisations granted for plant protection products under Article 53 of Regulation (EC) No 1107/2009 as communicated to the Commission in accordance with Article 53(1) of that Regulation. Those data are categorised into 4 Groups, which are divided into 7 Categories.
2. The following general rules shall apply for the calculation of the Harmonised Risk Indicator 2:

- (a) the Harmonised Risk Indicator 2 shall be based on the number of authorisations granted under Article 53 of Regulation (EC) No 1107/2009. It shall be calculated on the basis of the categorisation of active substances into the 4 Groups and 7 Categories set out in Table 2 of this Section;
- (b) the active substances in Group 1 (categories A and B) are listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011;
- (c) the active substances in Group 2 (categories C and D) are those listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011;
- (d) the active substances in Group 3 (categories E and F) shall be those listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011;
- (e) the active substances in Group 4 (category G) shall be those not approved under Regulation (EC) No 1107/2009, and therefore not listed in the Annex to Implementing Regulation (EU) No 540/2011;
- (f) the weightings in row (vi) in Table 2 of this Section shall apply.
3. The Harmonised Risk Indicator 2 shall be calculated by multiplying the number of authorisations granted for plant protection products under Article 53 of Regulation (EC) No 1107/2009 for each Group in Table 2 by the relevant hazard weighting set out in Row (vi), followed by the aggregation of the results of these calculations.

Table 2

Categorisation of active substances and hazard weightings for the purpose of calculating Harmonised Risk Indicator 2

Row	Groups			
	1	2	3	4
(i)	Low-risk active substances which are approved or deemed to be approved under Article 22 of Regulation (EC) No 1107/2009, and which are listed in Part D of the Annex to Implementing Regulation (EU) No 540/2011	Active substances approved or deemed to be approved under Regulation (EC) No 1107/2009, and not falling in other categories, and which are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011	Active substances approved or deemed to be approved under Article 24 of Regulation (EC) No 1107/2009, which are candidates for substitution, and which are listed in Part E of the Annex to Implementing Regulation (EU) No 540/2011	Active substances which are not approved under Regulation (EC) No 1107/2009, and therefore which are not listed in the Annex to Implementing Regulation (EU) No 540/2011
(ii)	Categories			

(iii)	A	B	C	D	E	F	G
(iv)	Micro-organisms	Chemical active substances	Micro-organisms	Chemical active substances	Which are not classified as: Carcinogenic Category 1A or 1B and/or Toxic for Reproduction Category 1A or 1B and/or Endocrine disruptors	Which are classified as: Carcinogenic Category 1A or 1B and/or Toxic for Reproduction Category 1A or 1B and/or Endocrine disruptors where exposure of humans is negligible	
(v)	Hazard Weightings applicable to the number of authorisations granted under Article 53 of Regulation (EC) No 1107/2009						
(vi)	1		8		16		64

4. The baseline for Harmonised Risk Indicator 2 shall be set at 100 and is equal to the average result of the above calculation for the period 2011-2013.
5. The result of the Harmonised Risk Indicator 2 shall be expressed by reference to the baseline.
6. It shall be the duty of The Authority to calculate and publish the Harmonised Risk Indicator 2 in accordance with Article 15(2) and 15(4) of Directive 2009/128/EC for each calendar year and at the latest 20 months after the end of the year for which Harmonised Risk Indicator 2 is being calculated.

SCHEDULE V

Inspections of Pesticides Machinery.

1. The following pesticides machinery shall be exempted from inspections referred to in regulation 7:
 - (a) manually operated hand held pesticide application equipment;
 - (b) manually operated knapsack sprayers with a tank capacity up to a maximum of 20 litres.
2. Powered knapsack sprayers with a tank capacity up to 7 liters and an engine power rating up to 2Hp shall be inspected as a minimum every 5 years. Other powered knapsack sprayers shall be inspected as a minimum every 4 years until 2020 and every 3 years thereafter.

3. Other pesticide application equipment not mentioned in paragraphs 1 and 2 of this Schedule shall be inspected as a minimum every 3 years until 2020 and every 2 years thereafter.
