



STATUTORY INSTRUMENTS.

S.I. No. 438 of 2019



EUROPEAN COMMUNITIES (SUSTAINABLE USE OF PESTICIDES)
(AMENDMENT) REGULATIONS 2019

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I, MICHAEL CREED, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving further effect to Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009¹ (as amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014² and Commission Directive (EU) 2019/782 of 15 May 2019³), hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Sustainable Use of Pesticides) (Amendment) Regulations 2019.

2. The European Communities (Sustainable Use of Pesticides) Regulations 2012 (S.I. No. 155 of 2012) are amended by—

(a) substituting, in Regulation 3, for the definition of “Directive” the following—

“‘Directive’ means Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 (as amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 and Commission Directive (EU) 2019/782 of 15 May 2019);”,

(b) substituting for Regulation 5 the following—

“5. (1) Subject to paragraph (2) a professional user of pesticides shall—

- (a) be entered in the Register,
- (b) hold a certificate confirming that the professional user has been trained to a standard determined by the Minister in the subjects listed in Annex I of the Directive, and
- (c) comply with any additional training requirements as determined by the Minister.

¹ OJ L 309, 24.11.2009, p. 71

² OJ L 189, 27.06.2014, p 1

³ OJ L 127, 16.5.2019, p. 4

(2) The Minister may remove a professional user from the Register, where the professional user —

- (a) ceases to be a professional user,
- (b) fails to comply with paragraph (1)(c), or
- (c) has been found guilty of an offence resulting in—
 - (i) misuse of pesticides, or
 - (ii) water pollution.

(3) A person shall not act as a professional user unless he or she is entered in the Register.”,

(c) substituting for Regulation 8(2)(d) the following-

“(d) is found to have certified pesticide application equipment which does not comply with the standard required by Regulation 9.”,

(d) substituting for Regulation 9 the following-

“9. (1) A professional user shall have his or her pesticide application equipment referred to in paragraph (2) inspected and certified to ensure compliance with the relevant specified standard, within the relevant specified time, by a person entered in the Register as an inspector of pesticide application equipment.

(2) The Minister shall establish and maintain in a manner that he or she considers appropriate, a list specifying-

- (a) the type or class of pesticide application equipment to be inspected and certified,
- (b) the standard that each type or class of pesticide application equipment is required to meet, and
- (c) the frequency at which each type or class of pesticide application equipment is to be inspected and certified-
 - (i) for the equipment referred to in Article 8(3)(a) of the Directive being such a frequency as the Minister considers appropriate, or
 - (ii) for all other equipment being not less than once every five years up to 1 January 2020 and once in every three years following that date.

(3) The list referred to in paragraph (2) shall be published on a website maintained by the Minister and notice of the list shall be published in *Iris Oifigiúil*.

(4) The following pesticide application equipment shall always be specified on a list maintained by the Minister for the purposes of paragraph (2)-

- (a) spraying equipment mounted on trains or aircraft, and
- (b) boom sprayers larger than 3 metres, including boom sprayers that are mounted on sowing equipment.

(5) A professional user shall only apply pesticides with equipment that is correctly calibrated and is appropriate for the use intended.

(6) A professional user shall only apply pesticides with pesticide application equipment referred to in paragraph (2) if that equipment is-

- (a) (i) tested within the time specified for that type or class of equipment, and
- (ii) in conformity with the standard applicable at the time of testing,

(e) substituting for Regulation 11 the following-

“11. (1) A person shall not use a pesticide within the relevant specified distance of a type or class of water source specified in a list referred to in paragraph (2).

(2) The Minister shall establish and maintain in a manner that he or she considers appropriate, a list specifying-

- (a) the type or class of water source subject of a safeguard zone referred to in Article 11 of the Directive,
- (b) the distance from each type or class of water source that a safeguard zone applies to, and
- (c) where a water source differs significantly in its vulnerability from the standard water source referred to in subparagraph (a), such water source and its safeguard zone relevant distance (which shall be based on a reasoned argument and supported by scientific evidence).

(3) The list referred to in paragraph (2) shall be published on a website maintained by the Minister and notice of the list shall be published in *Iris Oifigiúil*.

(4) Subject to paragraph (5), a person shall not use a pesticide within 50 metres of a landscape feature that is known to be a ground water vulnerable area including exposed cavernous or karstified limestone features (such as swallow-holes and collapse features).

(5) The Minister may approve an alternative distance than that referred to in paragraph (4), if that alternative is based on a reasoned argument and supported by scientific evidence.

(6) An application for an approval of an alternative distance referred to in paragraph (5) shall be in such form and contain such particulars as the Minister may require.

(7) Subject to paragraphs (1) and (4), a person shall not use a pesticide close to water other than in accordance with the conditions set out in the approved label for that pesticide.

(8) Information, including personal data (within the meaning of Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016⁴ and section 69 of the Data Protection Act 2018), held by the Minister, the Minister for Housing, Planning and Local Government, Irish Water, Teagasc or a local authority may be exchanged by them with each other if such exchange is reasonably necessary and proportionate for the performance by them of their functions under these Regulations.”, and

(f) deleting Schedule 1 and 2.



GIVEN under my Official Seal,
29 August 2019.

MICHAEL CREED,
Minister for Agriculture, Food and the Marine.

⁴ OJ L119, 4.5.2016, p.1

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These regulations amend The European Communities (Sustainable Use of Pesticides) Regulations 2012 (S.I. No. 155 of 2012). The purpose of the amendment is to give effect to Commission Directive (EU) 2019/782, to clarify the registration requirements for professional users, to broaden the pesticide application equipment requiring inspection and to increase the protection of water sources used for the abstraction of water for human consumption from pesticide use.

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