

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,845, 20 ta' Dicembru, 2011

Taqsimi B

A.L. 489 tal-2011

ATT DWAR IL-KONTROLL TAL-PESTIĆIDI (KAP. 430)

Regolamenti tal-2011 dwar l-Užu Sostenibbli tal-Pestiċidi

BIS-SAHHA tas-setgħat mogħtija permezz tal-artikoli 4 u 5 tal-Att dwar il-Kontroll tal-Pestiċidi, il-Ministru għar-Riżorsi u Affarijiet Rurali, wara konsultazzjoni mal-Prim Ministru u mal-Ministru tas-Saħħha, l-Anzjani u l-Kura fil-Komunità, għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2011 dwar l-Užu Sostenibbli tal-Pestiċidi. Titolu, bidu fis-seħħ u skop.

(2) Dawn ir-regolamenti għandhom jitqiesu li daħlu fis-seħħ fis-26 ta' Novembru, 2011.

(3) L-iskop ta' dawn ir-regolamenti hu li jittrasponu d-Direttiva 2009/128/KE tal-Parlament Ewropew u l-Kunsill tal-Unjoni Ewropea tal-21 ta' Ottubru, 2009 li tistabbilixxi qafas għal azzjoni Komunitarja sabiex isir l-užu sostenibbli tal-pestiċidi.

(4) Dawn ir-regolamenti għandhom x'jaqsmu mal-awtorizzazzjoni, it-tqegħid fis-suq, l-užu u l-kontroll tal-prodotti tal-ħarsien tal-pjanti fil-forma kummerċjali u t-tqegħid fis-suq u l-kontroll tas-sustanzi attivi intiżi għall-užu speċifikat fir-regolament 2.

(5) Dawn ir-regolamenti japplikaw għall-pestiċidi li huma prodotti ta' ħarsien tal-pjanti kif hemm fir-regolament 2.

(6) Id-dispożizzjonijiet ta' dawn ir-regolamenti m'għandhomx ifixklu lid-Direttur milli japplika l-principju ta' prekawzjoni li jirrestringi jew li jipprob bixxi l-užu tal-pestiċidi fiċ-ċirkostanzi jew oqsma partikolari.

2. Għall-finijiet ta' dawn ir-regolamenti, għandhom Tifsir. japplikaw dawn it-tifsir li ġejjin:

"I-Att" tfisser l-Att dwar il-Kontroll tal-Pestiċidi;

Kap. 430.

"bexx mill-ajru" tfisser applikazzjoni ta' pestiċidi minn ingenu tal-ajru, kemm jekk b'aṛuplan jew ħelikopter;

"distributur" tfisser kull persuna fizika jew legali li tagħmel pestiċida disponibbli fis-suq, inkluži bejjiegħa bl-ingrossa, bejjiegħha

VERŽJONI ELETTRONIKA

B 5944

bl-imnut u kull tip ta' bejjiegħa u fornituri oħra;

"ġestjoni integrata ta' organiżmi ta' ħsara" tfisser konsiderazzjoni attenta tal-metodi kollha disponibbli għall-ħarsien tal-pjanti u l-integrazzjoni sussegwenti ta' mizuri xierqa li jiskoragħixxu l-iżvilupp ta' popolazzjonijiet ta' organiżmi ta' ħsara u li jżommu l-użu tal-prodotti għall-ħarsien tal-pjanti u forom oħra ta' intervent f'livelli li huma ġustifikati ekonomikament u ekoloġikament u li jnaqqsu jew jimminimizzaw ir-riskji għas-saħħha tal-bniedem u għall-ambjent. Il-ġestjoni integrata tal-organiżmi ta' ħsara tenfasizza t-tkabbir ta' uċuħ tar-raba' b'saħħiethom bl-inqas xkiel possibbli għall-agro-ekosistemi u tinkoragħixxi mekkaniżmi naturali ta' kontroll tal-organiżmi ta' ħsara;

"indikatur tar-riskju" tfisser ir-riżultat ta' metodu ta' kalkolu li jintuża għall-evalwazzjoni tar-riskji tal-pestiċidi fuq is-saħħha tal-bniedem u, jew l-ambjent;

L.S. 423.20

it-tifsiriet "ilma tal-wiċċ" u "ilma ta' taħt l-art" għandhom l-istess tifsira bħal dik fir-Regolamenti dwar Pjan ta' Azzjoni fil-Qasam tal-Politika tal-Ilma;

"konsulent" tfisser kull persuna li tkun kisbet konoxxaenza adegwata u tagħti pariri dwar il-ġestjoni tal-organiżmi ta' ħsara u l-użu sigur tal-pestiċidi fil-kuntest ta' kapaċità professjonal iż-żejju servizz kummerċjali li jkun jinkludi servizzi ta' konsulenza privati minn min jaħdem għal rasu u servizzi ta' konsulenza pubbliċi, aġenti kummerċjali, produtturi tal-ikel u bejjiegħha bl-imnut meta jkun japplika;

"metodi mhux kimiċi" tfisser metodi alternattivi għall-pestiċidi kimiċi għall-protezzjoni tal-pjanti u għall-ġestjoni tal-organiżmi ta' ħsara, ibbażati fuq teknici agroekonomici bħal dawk imsemmija fil-punt 1 tal-Iskeda III, jew metodi fiżiċi, mekkaniċi jew bijoloġiċi għall-ġestjoni tal-organiżmi ta' ħsara;

"pestiċida" tfisser:

L.S. 430.07

(a) prodott għall-protezzjoni tal-pjanti kif definit fir-Regolament (KE) Numru 1107/2009 li tikkonċerna t-tqegħid fis-suq ta' prodotti għall-protezzjoni tal-pjanti u li thassar id-Direttivi tal-Kunsill Numru 79/117/KEE u 1-91/414/KEE kif implementat bir-Regolamenti li jimplimentaw ir-Regolamenti dwar Prodotti għall-ħarsien tal-Pjanti;

L.S. 430.03

(b) prodott bijoċidali kif hemm fir-Regolamenti dwar il-Bijoċidi;

"tagħmir ghall-applikazzjoni tal-peściċidi" tfisser apparat maħsub b'mod spċificu ghall-applikazzjoni tal-peściċidi, li jkun jinkludi aċċessorji li huma essenzjali għat-thaddim effettiv ta' tagħmir bħal dan, bħal żnien, manometri, filtri, passaturi u apparat għat-tindif tat-tankijiet;

"utent professjonali" tfisser kull persuna li tuża l-peściċidi fil-kors tal-attivitajiet professjonali tagħha, inkluži l-operaturi, tekniċi, min iħaddem u persuni illi jaħdmu għal rashom, kemm fil-qasam tal-biedja kif ukoll f'setturi oħrajn.

3. (1) (a) Id-Direttur għandu jadotta Pjan Nazzjonali ta' Azzjoni sabiex jistabbilixi objettivi, miri, miżuri u skedi ta' żmien kwantitattivi biex inaqqsu r-riskji u l-impatti tal-użu tal-peściċidi fuq is-saħħha tal-bniedem u fuq l-ambjent u biex jinkoragħixxu l-iżvilupp u l-introduzzjoni tal-ġestjoni integrata ta' organiżmi ta' hsara u ta' approċċi jew tekniki alternattivi sabiex inaqqsu d-dipendenza fuq l-użu tal-peściċidi. Dawn il-miri jistgħu jkopru żoni ta' thassib, pereżempju l-ħarsien tal-ħaddiema, il-ħarsien tal-ambjent, ir-residwi, l-użu ta' tekniki spċifici jew l-użu ta' prodotti tar-raba' spċifici.

(b) Il-pjanijiet ta' Azzjoni Nazzjonali jistgħu wkoll jinkludu indikaturi tas-sorveljanza tal-użu ta' prodotti ta' protezzjoni tal-pjanti li jkun fihom sustanzi attivi ta' thassib partikolari, spċjalment jekk ikun hemm alternattivi disponibbli ġħalihom. Id-Direttur għandu jagħti attenżjoni partikolari lill-prodotti ta' ħarsien tal-pjanti li jkun fihom sustanzi attivi approvati skont ir-Regolamenti dwar Prodotti għall-Ħarsien tal-Pjanti li, meta jkunu soġġetti għat-tiġidid tal-awtorizzazzjoni taħt ir-Regolament (KE) Nru. 1107/2009 kif implimentat bir-Regolamenti li jimplimentaw ir-Regolamenti dwar Prodotti għall-Ħarsien tal-Pjanti ma jkunux jilhqu l-kriterji rilevanti għall-approvazzjoni kif stipulat fl-Anness II, punti 3.6 sa 3.8 ta' dak ir-Regolament.

Pjanijiet ta' Azzjoni Nazzjonali.

L.S. 430.01

L.S. 430.07

(c) Fuq il-baži ta' dawn l-indikaturi u filwaqt illi, meta jkun applikabbi, jitqiesu il-miri ta' tnaqqis fir-riskju jew fl-użu li jkunu digħi inkisbu qabel l-applikazzjoni ta' dawn ir-regolamenti, għandhom ukoll jiġi stabbiliti skedi ta' żmien u miri għat-tnaqqis tal-użu, b'mod partikolari jekk it-tnaqqis tal-użu jikkostitwixxi mezz adegwat sabiex jinkiseb it-tnaqqis tar-riskju fir-rigward tas-suġġetti prioritarji identifikati fir-regolament 14(2)(c). Dawn il-miri jistgħu ikunu intermedji jew inkella finali. Id-Direttur għandu jagħmel użu tal-meżzi kollha neċċesarji sabiex jintlaħqu dawn il-miri.

B 5946

S.L. 423.20

(d) Meta jfassal u jirrevedi l-Pjan Nazzjonali ta' Azzjoni, id-Direttur għandu jagħti konsiderazzjoni lill-impatti fuq is-saħħha, l-impatti soċjali, ekonomiċi u ambjentali tal-miżuri previsti, tal-kundizzjonijiet specifiċi nazzjonali, reġjonali u lokali u tal-gruppi tal-partijiet interessati rilevanti kollha. Id-Direttur għandu jiddeskrivi fil-Pjanijiet ta' Azzjoni Nazzjonali kif miżuri li jsiru skont ir-regolamenti 4 sa 14 ser jiġu implimentati sabiex jintlaħqu l-objettivi msemmijin fil-paragrafu (a). Il-Pjan ta' Azzjoni Nazzjonali għandu jqis il-pjanijiet taħt regolamenti oħrajn fl-użu ta' pestiċidi, bħalma huma pereżempju, il-miżuri ppjanati skont ir-Regolamenti dwar Pjan ta' Azzjoni fil-Qasam tal-Politika tal-Ilma.

S.L. 504.69

(2) Id-Direttur għandu, sa mhux aktar tard mill-26 ta' Novembru, 2012, jikkomunika l-Pjan ta' Azzjoni Nazzjonali lill-Kummissjoni u lill-Istati Membri l-oħrajn. Il-Pjan ta' Azzjoni Nazzjonali għandu jiġi rivedut mill-anqas kull ġumes snin u kull tibdil sostanzjali lill-Pjan ta' Azzjoni Nazzjonali għandu jiġi rapportat lill-Kummissjoni mingħajr dewmien.

(3) Id-dispożizzjonijiet dwar il-parteċipazzjoni pubblika stipulati fir-Regolamenti dwar il-Parteċipazzjoni Pubblika fi Pjanijiet u Programmi għandhom jaapplikaw għall-preparazzjoni u l-modifikazzjoni tal-Pjanijiet ta' Azzjoni Nazzjonali.

Taħriġ, bejgħ ta'
pestiċidi,
informazzjoni u
sensibilizazzjoni

4. (1) (a) Id-Direttur għandu jiżgura li l-utenti professjonisti kollha, id-distributuri u l-konsulenti għandhom aċċess għal taħriġ xieraq minn korpi maħtura mill-awtorita kompetenti. Dan għandu jikkonsisti kemm minn taħriġ inizjali kif ukoll minn taħriġ addizzjonali biex tinksieb il-konoxxenza u biex din il-konoxxenza tiġi aġġornata kif xieraq.

(b) It-taħriġ għandu jkun imfassal sabiex jiżgura li dawk l-utenti, distributuri u konsulenti jiksbu konoxxenza suffiċjenti dwar is-suġġetti elenkat fl-iSkeda I, waqt li jitqiesu r-rwoli u r-responsabilitajiet differenti tagħhom.

(2) Il-konsulenti li jkollhom livell terzjarju ta' edukazzjoni f'suġġett rilevanti għall-agronomija jew li jkollhom esperjenza pruvata ta' mill-inqas għaxar snin f'qasam rilevanti għandhom ikunu kunsidrati li jaqdu r-rekwiżiti tas-sub-regolament (1).

(3) Id-Direttur għandu jistabbilixi, sa mhux aktar tard mill-26 ta' Novembru, 2013, sistemi ta' certifikazzjoni u l-Awtorità għandha tkun responsabbi għall-implimentazzjoni tagħħom. Dawn iċ-ċertifikati għandhom, bħala minimu, jipprovd u evidenza ta' għarfien suffiċjenti tas-suġġetti elenkat fl-iSkeda I, miksuba mill-utenti professjonali, distributuri u konsulenti jew billi jgħaddu minn taħriġ jew inkella b'mezzi oħrajn. Is-sistemi ta' certifikazzjoni għandhom

jinkludu rekwiżiti u proċeduri għall-għotja, rinnovar u ritirar taċ-ċertifikati.

5. (1) Id-Direttur għandu jiġura li d-distributuri jkollhom biżżejjed persunal fl-impiieg tagħhom illi jkollhom iċ-ċertifikat imsemmi fir-regolament 4(3). Ċertifikati msemmija fir-regolament 4(3) għandhom jiġu murija fil-punt tal-bejgħ. Dawn il-persuni għandhom ikunu disponibbli fil-ħin tal-bejgħ sabiex jipprovdu informazzjoni adegwata lill-klijenti rigward l-użu tal-pestiċidi, ir-riskju għas-saħħha tal-bniedem, u tal-ambjent u istruzzjonijiet ta' sigurtà għall-ġestjoni ta' dawn ir-riskji għall-prodotti konċernati. Dawk il-mikro distributuri li jbiegħu biss prodotti għall-użu mhux professjonalji jistgħu jiġu eżentati, jekk iressqu talba bil-miktub lid-Direttur illi fiha għandhom jagħtu r-raġunijiet għalfejn huma għandhom jiġu eżentati, jekk ma jbiegħux formulazzjonijiet ta' pestiċidi klassifikati bhala tossiċi, tossiċi ħafna, kanċeroġeni, mutaġenici jew tossiċi għar-riproduzzjoni skont ir-Regolamenti dwar S.L. 427.14 Sustanzi Perkoluzi.

(2) Id-Direttur għandu jieħu l-miżuri kollha meħtieġa sabiex jirrestringi l-bejgħ tal-pestiċidi awtorizzati għall-użu professjonal li lill-persuni illi għandhom iċ-ċertifikat imsemmi fir-regolament 4(4) ta' dawn ir-regolamenti.

(3) Id-Direttur għandu jeħtieg li d-distributuri illi jbiegħu l-pestiċidi lill-utenti mhux professjonalji jipprovdu informazzjoni ġenerali bil-miktub dwar ir-riskji tal-użu tal-pestiċidi għas-saħħha tal-bniedem u l-ambjent, b'mod partikolari dwar il-perikli, l-espożizzjoni, il-ħażin approprat, l-immaniġgar, l-applikazzjoni u r-rimi sigur konformement mal-liġi Komunitarja dwar l-iskart, kif ukoll rigward alternattivi b'riskju baxx. Id-Direttur jista' jitlob li jingħata kull informazzjoni meħtieġa sabiex jilħaq deċiżjoni fuq it-tagħrif li jiġi provdut skont dan is-sub-regolament.

(4) Il-miżuri previsti fis-subregolamenti (1) u (2) għandhom jiġu stabbiliti b'Avviż fil-Gazzetta sa mhux aktar tard mis-26 ta' Novembru, 2015.

6. (1) Id-Direttur għandu jieħu miżuri sabiex jinforma lill-pubbliku ġenerali u sabiex jiffaċilita programmi ta' informazzjoni u sensibilizzazzjoni u d-disponibilità ta' informazzjoni preciża u bilanċjata li jkollha x'taqsam mal-pestiċidi għall-pubbliku ġenerali, b'mod partikolari fir-rigward tar-riskji u l-effetti akuti u kroniči fuq is-saħħha tal-bniedem, organiżzi li l-pestiċidi ma gewx applikati għalihom u l-ambjent liema riskji, effetti akuti u kroniči jkunu kawżati mill-użu tal-pestiċidi u l-użu ta' alternattivi mhux kimiċi.

Rekwiziti għall-bejgħ tal-pestiċidi.

Tagħrif u sensibilizzazzjoni.

VERŽJONI ELETTRONIKA

B 5948

(2) Id-Direttur għandu jistabbilixxi sistemi sabiex tingabar l-informazzjoni fuq l-incidenti akut ta' avvelenament, kif ukoll ta' žviluppi ta' avvelenament kroniku, meta dawn ikunu disponibbli, fost gruppi oħrajn li jistgħu jiġu esposti regolarment għall-pestiċidi bħalma huma operaturi, ġaddiema agrikoli jew persuni li jgħixu fil-vičinanza ta' postijiet fejn tiġi applikata l-pestiċida.

Tagħmir ta' applikazzjoni tal-pestiċidi.

7. (1) It-tagħmir tal-applikazzjoni tal-pestiċidi fl-użu professjonal għandu jkun soġġett għal ispezzjonijiet f'intervalli regolari. L-intervall bejn l-ispezzjonijiet m'għandux jeċċedi l-hames snin sas-sena 2020 u m'għandux jaqbeż it-tliet snin wara din is-sena.

Ispezzjoni tat-tagħmir illi jkun qiegħed jintuża.

(2) Sa mhux aktar tard mill-26 ta' Novembru, 2016, it-tagħmir tal-applikazzjoni tal-pestiċidi għandu jkun ġie spezzjonat għal mill-inqas darba. Wara din id-data, it-tagħmir li jkun jista' jintuża professjonalment jkun biss dak it-tagħmir li jkun għadda l-ispezzjoni. Tagħmir ġdid għandu jiġi spezzjonat għallinqas darba fil-hames snin ta' wara illi dan ikun inxtara.

(3) B'deroga mis-subregolamenti (1) u (2), u wara li ssir verifika tar-riskju għas-saħħha umana u għall-ambjent inkluża l-valutazzjoni tar-riskju għas-saħħha tal-bniedem u l-ambjent inkluża valutazzjoni tar-rata ta' użu tat-tagħmir, id-Direttur jista':

(a) japplika skedi ta' żmien u intervalli ta' spezzjoni differenti għat-tagħmir ta' applikazzjoni tal-pestiċidi li ma jintużax għall-bexx tal-pestiċidi, għal tagħmir ta' applikazzjoni tal-pestiċidi li jinżamm fl-idejn jew apparat għall-bexx li jiddendel fuq id-dahar u għal tagħmir ta' applikazzjoni ta' pestiċidi addizzjonali li jirrappreżenta rata ta' użu baxxa ħafna, kif hemm fl-iSkeda V, u li għandu jiġi elenkat fil-Pjan ta' Azzjoni Nazzjonali stipulat fir-regolament 3. It-tagħmir ta' applikazzjoni ta' pestiċidi addizzjonali li ġejjin qatt ma jistgħu jiġi ikkunsidrat li jirrappreżentaw rata ta' użu baxxa ħafna:

(i) apparat tal-bexx li jiddendel ma' ferrovija jew ajruplan;

(ii) driegħ tal-bexxiex akbar minn 3m, inkluži dawk armati fuq tagħmir u għat-taħwil;

(b) jeżenza mill-ispezzjoni tagħmir għall-applikazzjoni tal-pestiċidi li jinżamm fl-idejn jew apparat għall-bexx li jiddendel fuq id-dahar. F'dan il-każ, id-Direttur għandu jiġi inkbidlu b'mod regolari, dwar ir-riskji spċċifici marbuta ma' dak it-tagħmir, u li l-operaturi jkunu gew imħarrġa għall-użu adegwaw ta' dak it-tagħmir ta' applikazzjoni skont ir-regolament 4.

(4) (a) L-ispezzjonijiet għandhom jivverifikaw li t-tagħmir għall-applikazzjoni tal-pestiċidi jissodisfa r-rekwiżiti rilevanti elenkti fl-Iskeda II, sabiex jintlaħaq livell għoli ta' ġarsien tas-saħħha tal-bniedem u l-ambjent.

(b) Għandu jiġi prezunt li t-tagħmir għall-applikazzjoni tal-pestiċidi li jikkonforma mal-*istandards* armonizzati żviluppati skont ir-regolament 8(2) tar-Regolamenti dwar il-Makkinajru hu konformi L.S. 427.36 mar-rekwiżiti tas-saħħha u s-sigurtà.

(5) L-utenti professionisti għandhom iwettqu kalibrazzjonijiet u kontrolli tekniċi regolari tat-tagħmir ta' applikazzjoni ta' pestiċidi skont it-taħriġ adegwaw riċevut kif previst fir-regolament.

(6) (a) Id-Direttur għandu jaħtar korpi responsabbi għall-implimentazzjoni tas-sistemi ta' spezzjoni u jgħarraf lill-Kummissjoni bihom. Il-lista ta' dawn il-korpi hekk maħtura għandha tkun disponibbli pubblikament.

(b) Id-Direttur għandu jistabbilixxi sistemi ta' certifikazzjoni mfasslin sabiex jippermettu l-verifika tal-ispezzjonijiet u jirrikonoxxu ċ-ċertifikati mogħtija fi Stati Membri oħrajn skont ir-rekwiżiti msemmija fis-subregolament (4) u meta perjodu ta' zmien mill-aħħar spezzjoni mwettqa fi Stat Membru ikun jew daqs jew iqsar mill-perjodu ta' zmien ta' spezzjoni applikabbli fit-territorju tiegħu stess.

(c) Id-Direttur għandu jirrikonoxxi ċ-ċertifikati maħruġin fi Stati Membri oħrajn jekk kemm-il darba jkun hemm konformità mal-intervalli ta' spezzjoni msemmija fis-subregolament (1).

8. (1) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subregolament (2), il-bexx mill-ajru għandu jkun projbit. Użu u prattiċi
specifiċi - bexx
mill-ajru.

(2) Fuq parir tal-Bord dwar il-Kontroll tal-Pestiċidi l-bexx mill-ajru jista' jkun permess biss f'każijiet specjalji kemm-il darba jiġu sodisfatti l-kondizzjonijiet li ġejjin:

(a) ma jkunx hemm alternattivi vijabbi oħrajn, jew ikun hemm vantaġġi ċari f'termini ta' effett inqas fuq is-saħħha tal-bniedem u l-ambjent meta mqabel mal-applikazzjoni tal-pestiċidi mill-art;

(b) il-pestiċidi użati għandhom ikunu approvati espliċitament għall-bexx mill-ajru mid-Direttur wara valutazzjoni specifika li tindirizza r-riskju tal-bexx mill-ajru;

(c) l-operatur li jbexx mill-ajru għandu jkollu certifikat kif imsemmi fir-regolament 4(3). Matul il-perjodu

transitorju, meta s-sistemi ta' certifikazzjoni ma jkunux għadhom gew stabbiliti, id-Direttur jista' jaċċetta prova oħra ta' għarfien suffiċjenti;

(d) l-intrapriża responsabbi għall-forniment ta' applikazzjonijiet għall-bexx mill-ajru għandha tkun iċċertifikata mill-Awtorità;

(e) jekk l-inħawi li għandhom jitbexxu qiegħdin qrib ta' nħawi miftuhin għall-pubbliku, fl-approvazzjoni għandhom jiġu inkluži miżuri specifiċi ta' immaniġjar tar-riskju biex jiġi żgurat li ma hemmx effetti negattivi fuq is-saħħa ta' persuni li jinsertaw fl-inħawi. L-inħawi fejn ser isir il-bexx m'għandhomx ikunu qrib ħafna ta' nħawi residenzjali;

(f) mill-2013, l-ajruplan għandu jkun mgħammar b'acċessorji li jikkostitwixx l-ahjar teknoloġija disponibbi biex inaqqsu t-tifrix tal-bexx.

(3) (a) L-Awtorità għandha tistabbilixxi l-kondizzjonijiet specifiċi li bihom jista' jitwettaq il-bexx mill-ajru, għall-analizi ta' talbiet skont is-subregolament (4) sabiex jirrendu pubblika l-informazzjoni dwar l-uċeh tar-raba', iż-żoni, iċ-ċirkostanzi u r-rekwiziti partikolari għall-applikazzjoni inkluži kondizzjonijiet tat-temp meta jista' jkun permess il-bexx mill-ajru.

(b) Fl-approvazzjoni, l-Awtorità għandha tispecifika l-miżuri meħtieġa għat-twissija lir-residenti u l-persuni fil-qrib fi żmien xieraq u għall-harsien tal-ambjent qrib iż-żona mbexxa.

(4) Utent professjonal li jixtieq japplika pestiċidi permezz ta' bexx mill-ajru għandu jippreżenta talba għall-approvazzjoni ta' pjan ta' applikazzjoni lill-Awtorità kompetenti sabiex japplika pestiċidi permezz ta' bexx mill-ajru flimkien ma' provi li juru li l-kondizzjonijiet msemmijin fis-subregolamenti (2) u (3) huma soddisfatti. It-talba għall-bexx mill-ajru skont il-pjan ta' applikazzjoni tal-istess bexx mill-ajru għandha tiġi preżentata fi żmien għaxart ijiem utli qabel id-data li fiha jkun maħsub illi jsir l-istess bexx mill-ajru u din it-talba għandha ssir lill-Awtorità. It-talba għandu jkollha informazzjoni dwar iż-żmien provviżorju għall-applikazzjoni tal-bexx u l-ammonti u tip ta' pestiċidi applikati.

(b) F'ċirkostanzi partikolari, bħal ma huma sitwazzjonijiet ta' emerġenza jew sitwazzjonijiet ta' diffikultà, talbiet uniċi ta' applikazzjoni ta' bexx mill-ajru jistgħu wkoll jitressqu għall-approvazzjoni tal-Awtorità. Meta ikun ġustifikat, l-Awtorità kompetenti għandu jkollha l-possibbiltà li tapplika proċedura

mgħaġġla sabiex tivverifika li l-kondizzjoniet imsemmija fis-subregolamenti (2) u (3) jiġu soddisfatti qabel ma jsir il-bexx mill-ajru.

(5) Id-Direttur għandu jiżgura li l-kondizzjonijiet imsemmija fis-subregolamenti (2) u (3) jintlaħqu billi jsir il-monitora għġieg xieraq.

(6) L-Awtorità għandha żżomm registru tat-talbiet u l-approvazzjonijiet imsemmijin fis-subregolament (4) u għandha tagħmel disponibbli lill-pubbliku l-informazzjoni rilevanti msemmija bħalma huma ż-żona li għandha tiġi mbexxa, il-ġurnata u l-ħin provviżorji tal-bexx u t-tip ta' pestiċida, skont il-liġi nazzjonali jew Komunitarja applikabbli.

9. Id-Direttur jista' jinkludi fil-Pjan ta' Azzjoni Nazzjonali dispożizzjonijiet sabiex jinforma lill-persuni li jistgħu jiġu esposti għat-tifrix tal-bexx. Informazzjoni lill-pubbliku.

10. (1) Id-Direttur għandu jiżgura li jittieħdu miżuri xierqa ghall-ħarsien tal-ambjent akkwatiku u l-provvisti tal-ilma tax-xorb mill-impatt tal-pestiċidi. Dawk il-miżuri għandhom jappoġġjaw u jkunu kompatibbli mad-dispożizzjonijiet rilevanti tar-Regolamenti dwar Pjan ta' Azzjoni fil-Qasam tal-Politika tal-Ilma u r-Regolament (KE) Nru 1107/2009 kif implimentat bir-Regolamenti dwar Prodotti ghall-Ħarsien tal-Pjanti. Miżuri speċifici ghall-ħarsien tal-ambjent akkwatiku u l-ilma tax-xorb. L.S. 423.20
L.S. 430.01

(2) Il-miżuri previsti fis-subregolament 1 għandhom jinkludu:

(a) li tingħata preferenza lill-pestiċidi li mhumiex ikklasseifikati bħala perikoluži ghall-ambjent akkwatiku skont id-dispożizzjonijiet dwar ir-Regolamenti dwar Sustanzi u Preparazzjonijiet Perikoluži u lanqas li jkollhom sustanzi perikoluži ta' priorità kif stabbilit bir-Regolamenti dwar Pjan ta' Azzjoni fil-Qasam tal-Politika tal-Ilma; S.L. 427.28
S.L. 423.20

(b) li tingħata preferenza lit-teknici ta' applikazzjoni l-aktar effiċjenti, bħall-użu ta' tagħmir ghall-applikazzjoni ta' pestiċidi b'tifrix minimu (*low-drift*) speċjalment fuq prodotti vertikali bħall-pjanta tal-hops u dawk li jinstabu f'ġonna tas-siġar tal-frott u fl-ghelieqi tad-dwieli;

(c) l-użu ta' miżuri ta' mitigazzjoni li jimminizzaw ir-riskju tat-tniġgiż lil hinn mis-sit ikkawżat mit-tifrix tal-bexx, il-flussi tal-katusi u t-tnixxijat. Dawn għandhom jinkludu, meta meħtieġ, l-istabbiliment ta' zoni ta' separazzjoni ta' daqs xieraq ghall-ħarnejja ta' organiżmi akkwatichi mhux immirati u zoni ta' salvagwardja ghall-ilmijiet tal-wiċċe u ta' taħt l-art użati ghall-astrazzjoni ta' ilma tax-xorb, meta l-pestiċidi

VERŻJONI ELETTRONIKA

B 5952

m'għandhomx jintużaw jew jinħażu;

(d) it-tnaqqis kemm jiusta' jkun jew l-eliminazzjoni jekk ikun xieraq, ta' applikazzjonijiet fuq jew tul toroq, linji tal-ferrovija, učuh permeabbli ħafna jew infrastruttura oħra qrib l-ilma tal-wiċċ jew ilma ta' taht l-art, jew fuċċ učuh issigġilati b'riskju għoli ta' tnixxijat go sistemi tal-ilma tal-wiċċ jew tad-dranagħ.

Tnaqqis tal-užu
jew ir-riskju tal-pestiċidi f'zoni
specifiċi.

L.S. 430.07

11. (1) Id-Direttur għandu, filwaqt li jqis kif jixraq ir-rekwiżi ta' iġjene u saħħha pubblika u l-bijodiversità meħtieġa, jew ir-riżultati ta' valutazzjonijiet ta' riskju rilevanti, jiżgura li l-užu tal-pestiċidi jkun minimizzat jew ipprobit f'ċerti zoni specifiċi. Il-pestiċidi għandhom jiġu applikati waqt il-perjodu ta' attivit umana baxxa bħalma huwa matul il-lejl kif ikun meqjus l-aktar idoneju u jista' jiġi stabbilit f'dokument ta' gwida provdut mid-Direttur. Għandhom jittieħdu miżuri xierqa għall-immaniġġjar tar-riskju u l-užu ta' prodotti għall-ħarsien tal-Pjanti kif imfisser fir-Regolament (KE) Nru. 1107/2009 kif implementat bir-Regolamenti li jimplimentaw ir-Regolamenti dwar Prodotti għall-ħarsien tal-Pjanti, bħalma huma *parks* u ġonna pubbliċi, *grounds* tal-isports u tar-rikreazzjoni, artijiet u btieħi tal-iskejjel, postijiet fejn jilagħbu t-tfal u qrib ħafna ta' facilitajiet ta' kura medika;

L.S. 430.07

(a) żoni użati mill-pubbliku ġenerali jew minn gruppi vulnerabbli kif hemm fl-Artikolu 3 tar-Regolament (KE) Nru. 1107/2009 kif implementat mir-Regolamenti li jimplimentaw ir-Regolamenti dwar Prodotti għall-ħarsien tal-Pjanti, bħalma huma *parks* u ġonna pubbliċi, *grounds* tal-isports u tar-rikreazzjoni, artijiet u btieħi tal-iskejjel, postijiet fejn jilagħbu t-tfal u qrib ħafna ta' facilitajiet ta' kura medika;

L.S. 423.20

(b) żoni protetti kif hemm fir-Regolamenti dwar Pjan ta' Azżjoni fil-Qasam tal-Politika tal-Ilma u żoni oħrajn identifikati għall-ġhanijiet li jiġu stabbiliti miżuri ta' konservazzjoni skont id-dispożizzjonijiet tar-Regolamenti dwar il-Konservazzjoni ta' Għasafar Selvaġġi u Regolamenti dwar il-Protezzjoni tal-Flora, Fawna u Ambjenti Naturali;

L.S. 504.71

(c) żoni trattati reċentement użati minn jew aċċessibbli għall-ħaddiema agrikoli.

L.S. 504.73

Immaniġġjar u
ħžin tal-pestiċidi
u trattament tal-
ippakkjär u l-
fdalijiet
tagħhom.

12. (1) Id-Direttur għandu jadotta l-miżuri neċċesarji sabiex jiżgura li l-operazzjonijiet li ġejjin minn utenti professjonali u meta jkun jaapplika minn distributuri ma jipperikolawx is-saħħha tal-bniedem jew l-ambjent.

(a) il-ħžin, l-immaniġġar, id-dilwizzjoni u t-taħlit tal-pestiċidi qabel l-applikazzjoni;

- (b) l-immaniġgar tal-ippakkjar u l-fdalijiet tal-pestiċidi;
- (c) ir-rimi tat-taħlilitet tat-tankijiet li jifdal wara l-applikazzjoni;
- (d) it-tindif tat-tagħmir użat wara l-applikazzjoni;
- (e) l-irkupru jew ir-rimi tal-fdalijiet tal-pestiċidi u l-imballaġġi tagħħhom skont il-liġi Komunitarja dwar l-iskart.

(2) Id-Direttur għandu jieħu l-miżuri kollha meħtieġa firrigward tal-pestiċidi awtorizzati għal utenti mhux professjonal biex jevitaw operazzjonijiet ta' maniġġar perikoluži. Dawn il-miżuri jistgħu jinkludu l-użu ta' pestiċidi ta' tossiċità baxxa, formulazzjonijiet imħejx minn qabel għall-użu u limiti fuq id-daqsijiet ta' kontenituri ta' ippakkjar.

(3) Il-pestiċidi msemmijin fis-subregolament (2) biss jistgħu jinbiegħu lill-pubbliku ġenerali.

(4) Id-Direttur għandu jiżgura li ż-żoni tal-ħzin tal-pestiċidi għall-użu professjonalji jiġu mibnija b'mod li jiġu evitati rilaxxi mhux mixtieqa. Għandha tingħata attenzjoni partikolari għall-post, id-daqs u l-materjali ta' kostruzzjoni.

13. (1) Id-Direttur għandu jieħu l-miżuri kollha meħtieġa sabiex tiġi promossa l-ġestjoni ta' organiżmi ta' ħsara b'użu baxx ta' pestiċidi, filwaqt li, meta jkun possibbli, tingħata prioritā lil metodi mhux kimiċi, sabiex l-utenti professjonal tal-pestiċidi jaqilbu għal prodotti u prattika bl-aktar riskju baxx għas-saħħha tal-bniedem u l-ambjent fost dawk disponibbli għall-istess organiżmi ta' ħsara. Ĝestjoni ta' organiżmi ta' ħsara b'użu baxx ta' pestiċidi tħalli tħalli. Gestjoni integrata ta' organiżmi ta' ħsara kif ukoll biedja organika skont ir-Regolamenti dwar Biedja Organika.

Għestjoni integrata ta' organiżmi ta' ħsara.

L.S. 427.54

(2) Id-Direttur għandu jistabbilixxi l-kondizzjonijiet meħtieġa għall-implimentazzjoni tal-ġestjoni integrata ta' organiżmi ta' ħsara. B'mod partikolari, id-Direttur għandu jiżgura li l-utenti professjonal ijkollhom għad-dispożizzjoni tagħħom informazzjoni u għodod għall-monitoraġġ ta' organiżmi ta' ħsara u għat-teħid tad-deċiżjonijiet kif ukoll servizzi ta' konsulenza dwar ġestjoni integrata ta' organiżmi ta' ħsara.

(3) Sat-30 ta' Ġunju, 2013, id-Direttur għandu jirrapporta lill-Kummissjoni dwar l-implimentazzjoni tas-sabregolamenti (1) u (2), u, b'mod partikolari, jekk il-kondizzjonijiet meħtieġa għall-implimentazzjoni ta' ġestjoni ta' organiżmi ta' ħsara ġewx implimentati.

VERŻJONI ELETTRONIKA

B 5954

(4) Id-Direttur għandu jiddeskrivi fil-Pjan ta' Azzjonali Nazzjonali kif il-principji ġenerali tal-immaniġġar integrat ta' organiżmi ta' īxsara kif stabbilit fl-iSkeda III ser jiġu implementati mill-utenti kollha tal-pestiċidi professjonali sal-1 ta' Jannar, 2014.

(5) Id-Direttur għandu jistabbilix l-incentivi xierqa sabiex iheġġu lill-utenti professjonali jimplimentaw linji gwida speċifiċi għall-učuh tar-raba' jew għas-settur għall-ġestjoni integrata ta' organiżmi ta' īxsara fuq baži volontarja. L-Awtoritajiet pubbliċi u, jew organizazzjonijiet li jirrappreżentaw utenti professjonali partikolari jistgħu jfasslu dawn il-linji gwida. Id-Direttur għandu jirreferi għal dawk il-linji gwida li huma kunsidrati rilevanti u xierqa fil-Pjan ta' Azzjoni Nazzjonali.

Indikaturi,
rappurtar u
skambju ta'
informazzjoni.

14. (1) Għandhom jiġu stabbiliti l-indikaturi tar-riskju kif imsemmi fl-Iskeda IV. Madankollu, id-Direttur jiasta' jkompli jibqa' juža l-indikaturi nazzjonali eżistenti jew jadotta indikaturi oħrajn b'żjeda ma' dawk armonizzati.

(2) Id-Direttur għandu:

(a) jikkalkula l-indikatur tar-riskju armonizzat kif imsemmi fis-subregolament (1) bl-użu ta' *data* statistika miġbura konformement mal-leġiżlazzjoni Komunitarja dwar l-istatistika ta' prodotti għall-protezzjoni tal-pjanti flimkien ma' *data* rilevant oħrajn;

(b) jidentifika tendenzi fl-użu ta' certi sustanzi attivi;

(c) jidentifika artikoli ta' priorità, bħalma huma sustanzi attivi, uċuħi tar-raba', reġjuni jew prattika, li jeħtieġu attenżjoni partikolari jew prattika tajba li jistgħu jintużaw bħala eżempji sabiex jintlaħqu l-objettivi ta' dawn ir-regolamenti sabiex jitnaqqsu r-riskju u l-impatti tal-učuh tal-pestiċidji fuq issaħħha tal-bniedem u fuq l-ambjent u sabiex jiġi inkoragiġġut l-iżvilupp u l-introduzzjoni tal-immaniġġar tal-ġestjoni jew ta' approċċi jew tekniki alternattivi sabiex titnaqqas id-dipendenza fuq l-użu tal-pestiċidi.

(3) Id-Direttur għandu jikkomunika ir-riżultati tal-evalwazzjonijiet li jkunu saru skont is-subregolament (2) lill-Kommissjoni u lill-Istati Membri l-oħrajn u għandu jagħmel din l-informazzjoni disponibbli għall-pubbliku.

Pieni.

15. (1) Il-pieni stabbiliti għall-ksur ta' kwalunkwe disposizzjoni ta' dawn ir-regolamenti għandhom ikunu dawk stabbiliti permezz tal-artikolu 9 tal-Att.

16. (1) Id-Direttur jista' jirkupra l-ispejjeż kollha li tkun inkorriet l-Awtorità fil-provvista tas-servizzi kollha u, jew tal-qadi tal-funzjonijiet tiegħu naxxenti minn dawn ir-regolamenti permezz ta' miżata jew it-talba għall-ħlas ta' dritt. Drittijiet u spejjeż.

(2) Il-miżata jew id-dritt pretiż skont is-subregolament (1) għandha tiġi stabbilita b'mod trasparenti u għandha tikkorrispondi għall-ispiża attwali inkorsa mill-Awtorità fir-rigward tas-servizz partikolari fornut jew tal-funzjoni partikolari moqdija. Id-Direttur għandu jippublika l-lista bil-miżati u, jew drittijiet fil-Gazzetta.

(3) Id-Direttur għandu jiddeċiedi min għandha tkun il-persuna li tkun responsabbi għall-ħlas ta' dak id-dritt u, jew miżata. F'dik id-deċiżjoni, id-Direttur għandu jqis min ikun talab il-fornitura tas-servizz u, jew fuq talba ta' min tkun ġiet il-funzjoni partikolari moqdija. F'każ li jkun hemm ksur ta' xi dispożizzjoni ta' dawn ir-regolamenti, id-Direttur jista' jiddeċiedi wkoll li l-persuna responsabbi għal dak il-ksur, barra milli jkollha twieġeb għall-ispejjeż kollha kif stipulat fis-subregolament (1), għandha twieġeb ukoll għal kull hsara u, jew spejjeż oħrajn li l-Awtorità tinkorri bħala konsegwenza ta' dak il-ksur.

(4) Il-ħlasijiet kollha stipulati f'dan ir-regolament, inkluži ukoll l-ispejjeż inkorsi mill-Awtorità f'każ ta' ksur ta' dawn ir-regolamenti, għandhom ikunu meqjusa bħala dejn ċivili dovuti lill-istess Awtorità.

VERŻJONI ELETTRONIKA

B 5956

SKEDA I

Suġġetti ta' taħriġ imsemmijin fir-regolament 4

1. Il-liġi rilevanti kollha rigward il-pestiċidi u l-użu tagħhom.
2. L-eżistenza u r-riskju tal-prodotti illegali (iffalsifikati) għall-protezzjoni tal-pjanti, u l-metodi ta' identifikazzjoni ta' prodotti ta' dan it-tip.
3. Il-perikli u r-riskji assoċjati mal-pestiċidi, u kif jiġu identifikati u ikkонтrollati, b'mod partikolari:
 - (a) ir-riskji lill-bniedem (operaturi, residenti, persuni fil-qrib, persuni li jidħlu f'żoni trattati u dawk li jmissu jew jiekk lu l-oġġetti trattati) u kif fatturi bħal ma hu t-tipjip jaggravaw dawn ir-riskji;
 - (b) is-sintomi tal-avvelenament bil-pestiċidi u l-miżuri tal-ewwel għajjnuna;
 - (c) ir-riskji għall-pjanti mhux fil-mira, l-insetti li huma ta' beneficiċju, il-flora u l-fawna salvaġġa, il-bijodiversità u l-ambjent b'mod ġenerali.
4. Kunċetti dwar strategiji u metodi għall-ġestjoni integrata ta' organiżmi ta' ħsara, strategiji u metodi għall-ġestjoni integrata tal-učuh tar-raba', principji tal-biedja organika, metodi ta' kontroll bijologiku ta' organiżmi ta' ħsara, informazzjoni dwar il-principji ġenerali u l-linji gwida specifiċi għall-učuh tar-raba', jew għas-settur għall-ġestjoni integrata ta' organiżmi ta' ħsara.
5. Bidu tal-valutazzjoni komparattiva fil-livell tal-utent biex tgħin lill-utenti professjonal jagħmlu l-aktar għażiex xierqa dwar il-pestiċidi bl-inqas effetti sekondarji fuq is-saħħha tal-bniedem, l-organiżmi mhux fil-mira u l-ambjent minn fost il-prodotti kollha awtorizzati għal problema specifiċa ta' organiżmu ta' ħsara, f'sitwazzjoni specifiċa.
6. Miżuri biex jiġu minimizzati r-riskji lill-bniedem, lil organiżmi mhux fil-mira u lill-ambjent, prattika operattiva sigura għall-ħażin, l-immaniġġar u t-taħliet tal-pestiċidi, u r-rimi ta' ippakjar vojt, materjal ieħor ikkонтaminat u pestiċidi żejda li jifdal (inkluži taħlitiet f'tankijiet), kemm jekk f'għamla konċentrata kif ukoll jekk dilwita, l-metodu rakkommendat għall-kontroll tal-espożizzjoni tal-operatur (tagħmir ta' protezzjoni personali).
7. Metodi bbażati fuq ir-riskju li jqisu l-varjazzjonijiet lokali tal-ġbir tal-ilma, bħall-klima, il-ħamrija u tipi ta' wċuħ tar-raba', u l-gholi tal-art.
8. Proċeduri ta' preparazzjoni għat-thadim ta' tagħmir ta' applikazzjoni ta' pestiċidi, li jkun jinkludi l-ikkalibrar tiegħu u għat-thaddim tiegħu b'riskji minimi għall-utent, bnedmin oħrajn, speċi ta' annimali u pjanti mhux fil-mira, il-

bijodiversità u l-ambjent, li jkun jinkludi r-riżorsi tal-ilma.

9. L-użu tat-tagħmir għall-applikazzjoni ta' pestiċidi u l-manutenzjoni tiegħu, u metodi specifiċi ta' bexx (eż. bexx b'volum żgħir u żnien li ma jferrxux hafna), kif ukoll l-objettivi tal-verifikasi teknika tal-bexxiexa fl-użu u modi kif tittejjeb il-kwalità tal-bexx. Riskji specifiċi marbuta mal-użu ta' tagħmir għall-applikazzjoni tal-pestiċidi li jinżamm bl-idejn, jew tal-apparat għall-bexx li jiddendel fuq id-dahar u l-miżuri rilevanti għall-ġesjoni tar-riskju.

10. Azzjoni ta' emerġenza biex tipprotegi s-saħħha tal-bniedem, l-ambjent, inkluži r-riżorsi tal-ilma f'każ ta' tixrid aċċidentalni, kontaminazzjoni u avvenimenti meteoroloġiċi estremi li jirriżultaw f'riskji ta' lissija tal-pestiċidi.

11. Kura specjali f'żoni protetti stabbiliti skont ir-regolamenti 6 u 7 tar-Regolamenti dwar Pjan ta' Azzjoni fil-Qasam tal-Politika ta' l-Ilma.

12. Monitoraġġ tas-saħħha u faċilitajiet ta' aċċess għar-rappurtar dwar kull inċident jew inċident suspettat.

13. Iż-żamma ta' registru għal kull użu ta' pestiċidi, konformement mal-liġi rilevanti.

SKEDA II

Rekwiziti ta' saħħha u sigurtà u dawk ambjentali marbutin mal-ispezzjoni tat-tagħmir għall-applikazzjoni tal-pestiċidi

L-ispezzjoni tat-tagħmir għall-applikazzjoni tal-pestiċidi għandha tkopri l-aspetti kollha li huma importanti biex jinkiseb livell għoli ta' sigurtà u ġarsien għas-saħħha tal-bniedem u l-ambjent. Għandha tiġi żgurata effettività shiħha tal-operazzjoni ta' applikazzjoni permezz ta' thaddim tajjeb tal-apparat u l-funzjonijiet tat-tagħmir biex ikun garantit li l-objettivi li ġejjin jintlaħqu.

It-tagħmir għall-applikazzjoni tal-pestiċidi għandu jiffunzjona b'mod affidabbli u jintuża sew għall-finijiet intenzjonati tiegħu filwaqt li jiġi żgurat li l-pestiċidi jistgħu jiġi ddożzati u distribwiti b'mod preċiż. It-tagħmir għandu jkun f'dik il-kondizzjoni li jkun jista' jimtela' u jitbattal b'mod sigur, faċli u shiħ u li jimpedixxi t-tnejja ta' pestiċidi. Huwa għandu jippermetti wkoll tindif faċli u fil-fond. Huwa għandu jiżgura wkoll thaddim sigur, u jkun jista' jiġi kontrollat u jkun kapaċi jiġi mwaqqaf minnufih min-naħha tal-operaturi meta jkun meħtieġ, l-aġġustamenti għandhom ikunu semplicei, preċiżi u kapaċi jiġi riprodotti.

Għandha tingħata attenzjoni partikolari lil:

- Apparat għat-trasmissjoni tal-enerġija.

VERŻJONI ELETTRONIKA

B 5958

Il-parti protettiva tal-*power take-off drive shaft* u l-parti protettiva tal-*power input connection* għandhom ikunu mmuntati u f'kondizzjoni tajba u t-tagħmir protettiv u kull apparat tat-trasmissjoni tal-enerġija li tiċċaqlaq jew iddur m'għandhomx ikunu affettwati fit-ħaddim tagħhom sabiex jkun żgurat l-ħarsien tal-operatur.

2. Pompa

Il-kapaċità tal-pompa għandha tkun adatta għall-ħtiġiet tat-tagħmir u l-pompa għandha taħdem sewwa sabiex tiżgura rata ta' applikazzjoni stabbli u affidabbli. Ma għandu jkun hemm l-ebda tnixxija mill-pompa.

3. Aġitazzjoni

It-tagħmir għall-aġitazzjoni għandu jiżgura ċirkolazzjoni mill-ġdid tajba sabiex tinkiseb konċentrazzjoni uniformi fil-volum kollu tat-taħlita likwida tal-bexx fit-tank.

4. Tank tal-bexx likwidu

It-tankijiet tal-bexx, inkluži l-indikatur tal-kontenut tat-tank, it-tagħmir għall-mili, il-passaturi u l-filtri, is-sistemi ta' žvujtar u tlaħliħ, u l-apparat għat-taħlit, għandhom joperaw b'dak il-mod li jkunu minimizzati tixrid aċċidentalni, distribuzzjonijiet mhux uniformi ta' konċentrazzjoni, espożizzjoni tal-operatur u kontenut residwu.

5. Sistemi ta' kejl u sistemi ta' kontroll u regolazzjoni

L-apparat kollu għall-kejl, biex titfi u tixgħel u għall-aġġustament tal-pressjoni u, jew ir-rata tal-fluss għandhom ikunu kkalibrati sew u jaħdmu sew u m'għandu jkun hemm l-ebda tnixxija. Il-kontroll tal-pressjoni u l-operazzjoni tal-apparat għall-aġġustament tal-pressjoni għandu jkun jista' jsir faċiement matul l-applikazzjoni. L-apparat għall-aġġustament tal-pressjoni għandu jżomm pressjoni kostanti waqt l-operat b'tidwir kostanti tal-pompa, sabiex ikun żgurat li tiġi applikata rata stabbli tal-volum tal-applikazzjoni.

6. Pajpjiet u manek

Il-pajpjiet u l-manek għandhom ikunu f'kondizzjoni tajba biex jiġu evitati disturbi tal-fluss tal-likwidu jew tixrid aċċidentalni fil-każ ta' ħsara. Ma għandu jkun hemm l-ebda tnixxija mill-pajpjiet jew mill-manek meta jithaddmu bil-pressjoni massima li tista' tintlaħhaq mis-sistema.

7. Filtrar

Sabiex ikunu evitati t-turbolenza u l-eterogeneità fil-modi kif joħroġ il-bexx, il-filtri għandhom ikunu f'kondizzjoni tajba u d-daqs tax-xibka tal-

filteri għandu jikkorrispondi għad-daqs taż-żnienen immuntati fuq il-bexxiex. Meta jkun japplika, is-sistema li tindika li l-filter ikun miżdud għandha taħdem sewwa.

8. Id-driegħ tal-bexxiex (għal tagħmir li jbexxex il-pestiċidi permezz ta' driegħ ippożizzjonat orizzontalment, li jinsab qrib il-wiċċ tar-raba' jew il-materjal li jrid jiġi trattat)

Id-driegħ tal-bexxiex għandu jkun f'kondizzjoni tajba u stabbli fid-direzzjonijiet kollha. Is-sistemi tal-immuntar u l-aġġustament u t-tagħmir biex jittaffa ċ-ċaqli mhux intenzjonat u għall-kumpens tal-pendil għandhom jaħdmu b'mod tajjeb.

9. Żnienen

Iż-żnienen għandhom jaħdmu sewwa biex jikkontrollaw it-taqtir meta jieqaf il-bexx. Biex tkun żgurata l-omoġeneità ta' kif joħroġ il-bexx, ir-rata tal-fluss ta' kull żennuna individwali m'għandhiex tvarja b'mod sinifikanti mid-data fit-tabelli tar-rata tal-fluss ipprovdu mill-manifattur.

10. Distribuzzjoni

Id-distribuzzjoni trasversali u vertikali (fil-każ ta' applikazzjonijiet f'uċuħ tar-raba' vertikali) tat-taħlita tal-bexx fiż-żona ta' mira għandhom ikunu uniformi, fejn rilevanti.

11. *Blower* (għal tagħmir li jbexxex il-pestiċidi permezz tal-arja)

Il-blower għandu jkun f'kondizzjoni tajba u għandu jiġura fluss stabbli u affidabbli tal-arja.

SKEDA III

Principji ġenerali tal-Ġestjoni Integrata ta' Organizmi ta' Hsara

1. Il-prevenzjoni u, jew it-trażżeen ta' organiżmi ta' hsara għandhom jinkisbu jew jiġu appoġġati fost għażiex oħra b'mod partikolari permezz ta':

- ir-rotazzjoni tal-uċuħ tar-raba',

- l-użu ta' tekniki ta' kultivazzjoni adegwati (eż., it-teknika tal-użu ta' ħammiela mhux friska, l-għażla ta' żmien iż-żrigħ u tad-densitajiet, iż-żrigħ bil-ftit, it-thaddim tal-ħamrija biex tiġi kkonservata, iż-żbir u ż-żrigħ dirett),

VERŻJONI ELETTRONIKA

B 5960

- 1-użu, fejn xieraq, ta' *cultivars* rezistenti/tolleranti u żerriegħha u materjal ta' taħwil *standard*/iċċertifikati,
- 1-użu ta' prattika bilanċjata ta' fertilizzazzjoni, ta' trattament bil-ġir u ta' tisqija/skular tal-ilma,
- il-prevenzjoni tal-firxa ta' organiżmi ta' ħsara b'miżuri ta' iġjene (eż. permezz ta' tindif regolari ta' makkinarju u tagħmir),
- il-protezzjoni u t-tishħiħ ta' organiżmi ta' benefiċċju importanti, eż. b'miżuri adegwati għall-protezzjoni tal-pjanti jew l-użu ta' infrastrutturi ekoloġici ġo u barra mis-siti ta' produzzjoni.

2. L-organiżmi ta' ħsara għandhom jiġu mmonitorjati b'metodi u għodod adegwati, meta disponibbli. Għodod adegwati bħal dawn għandhom jinkludu osservazzjonijiet fil-post kif ukoll sistemi ta' twissija, previżjoni u dijanjosi bikrija li jkunu xjentifikament tajbin, fejn ikun vijabbbli, kif ukoll l-użu ta' parir minn konsulenti professjonali kwalifikati.

3. L-utent professjonali għandu jiddeċiedi jekk għandux japplika l-miżuri għall-protezzjoni tal-pjanti u meta, abbaži tar-riżultati tal-monitoraġġ. Valuri ta' limitu robusti u xjentifikament tajbin huma komponenti essenzjali għat-teħid ta' deciżjonijiet. Għall-organiżmi ta' ħsara għandhom jitqiesu l-livelli ta' limitu definiti għar-reġjun, iż-żoni specifiċi, l-uċuħ tar-raba u l-kondizzjonijiet klimatiċi partikolari qabel it-trattament, meta vijabbbli.

4. Metodi sostenibbli bijoloġiči, fiziċi u mhux kimiċi oħrajn għandhom ikunu preferuti fuq metodi kimiċi jekk huma jipprovdu kontroll sodisfaċenti tal-organiżmi ta' ħsara.

5. Il-pestiċidi applikati għandhom ikunu specifiċi kemm jista' jkun għall-mira u għandu jkollhom l-inqas effetti sekondarji fuq is-sahħha tal-bniedem, l-organiżmi mhux fil-mira u l-ambjent.

6. L-utent professjonali għandu jżomm l-użu tal-pestiċidi u forom oħra ta' intervent għal-livelli meħtieġa, eż. b'dozi mnaqqsin, frekwenza ta' applikazzjoni mnaqqsa jew applikazzjonijiet parżjali, filwaqt li jigi kunsidrat li l-livell ta' riskju fil-vegetazzjoni huwa aċċettabbli u li huma ma jżidux ir-riskju għall-iżvilupp ta' rezistenza fil-popolazzjonijiet tal-organiżmi ta' ħsara.

7. Meta jkun magħruf ir-riskju ta' rezistenza kontra miżura għall-protezzjoni tal-pjanti u fejn il-livell tal-organiżmi ta' ħsara jeħtieg applikazzjoni ripetuta ta' pestiċidi għall-uċuħ tar-raba', għandhom jiġu applikati strategiċi disponibbli ta' kontra r-rezistenza biex tinżamm l-effettività tal-prodotti. Dan jista' jinkludi l-użu ta' pestiċidi multipli b'modi ta' azzjoni differenti.

8. L-utent professjonali għandu jivverifika s-suċċess tal-miżuri applikati għall-ħarsien tal-pjanti abbaži tar-riżultati dwar l-użu tal-pestiċidi u dwar il-

monitoraġġ tal-organiżmi ta' īxsara.

SKEDA IV

Indikaturi tar-riskju armonizzati

SKEDA V

Spezzjonijiet ta' tagħmir ta' applikazzjoni tal-pestiċidi.

1. It-tagħmir ta' applikazzjoni tal-pestiċidi li ġejjin għandhom jiġu eżentati minn inspezzjonijiet imsemmija fir-regolament 7:

- (a) tagħmir ta' applikazzjoni tal-pestiċidi mħaddmin bl-idejn;
- (b) apparat għall-bexx li jiddendel fuq id-dahar mhaddem bl-idejn b'tank li ma jesgħax aktar minn 20 litru.

2. L-intervall tal-ispezzjoni fuq apparat għall-bexx li jiddendel fuq id-dahar b'tank li ma jesgħax aktar minn 7 litri u b'magna ta' saħħha mhux aktar minn 2Hp m'għandux jaqbeż 5 snin. L-intervall tal-ispezzjoni fuq apparat għall-bexx ieħor li jiddendel fuq id-dahar u li jaħdem mekkanikament m'għandux jaqbeż 4 snin sa 2020 u m'għandux jaqbeż 3 snin wara dan.

3. L-intervall tal-ispezzjoni fuq apparat għall-bexx ieħor mhux msemmi fil-paragrafi 1 u 2 ta' din l-iSkeda m'għandux jaqbeż 3 snin sa 2020 u m'għandux jaqbeż sentejn wara dan.

VERŻJONI ELETTRONIKA

B 5962

L.N. 489 of 2011

PESTICIDES CONTROL ACT (CAP. 430)

Sustainable Use of Pesticides Regulations, 2011

IN exercise of the powers conferred by articles 4 and 5 of the Pesticides Control Act, the Minister for Resources and Rural Affairs, after consultation with the Prime Minister and with the Minister for Health, the Elderly and Community Care, has made the following regulations:-

Citation,
commencement
and scope.

1. (1) The title of these regulations is the Sustainable Use of Pesticides Regulations, 2011.

(2) These regulations shall be deemed to have come into force on the 26 November 2011.

(3) 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.

(4) 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.

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

(6) 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.

Definitions.

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

Cap. 430.

"the Act" means the Pesticides Control Act;

"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;

"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 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:

(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;

(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;

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

B 5964

National Action
Plans.

S.L. 430.01

S.L. 430.07

S.L. 423.20

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.

(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.

(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.

(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.

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. Requirements for sales of pesticides. S.L. 427.14

(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

B 5966

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.

Pesticide application equipment.

(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.

Inspection of equipment in use.

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.

(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.

(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 presumed to comply with the essential health and safety and environmental requirements. S.L. 427.36

(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.

B 5968

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:

(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; S.L. 427.28
S.L. 423.20

(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

B 5970

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. 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 may be 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 and children's playgrounds and in the close vicinity of healthcare facilities;

S.L. 423.20

(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 and the Flora, Fauna and Natural Habitats Protection Regulations;

S.L. 504.71

S.L. 504.73

(c) recently treated areas used by or accessible to agricultural workers.

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.

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.

Integrated pest management.

S.L. 427.54

(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

B 5972

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.

Indicators,
reporting and
information
exchange.

14. (1) Harmonised risk indicators as referred to in Schedule IV shall be established. However, 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.

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.

B 5976

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.

B 5978

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.

SCHEDULE IV

Harmonised risk indicators

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 liters.

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.