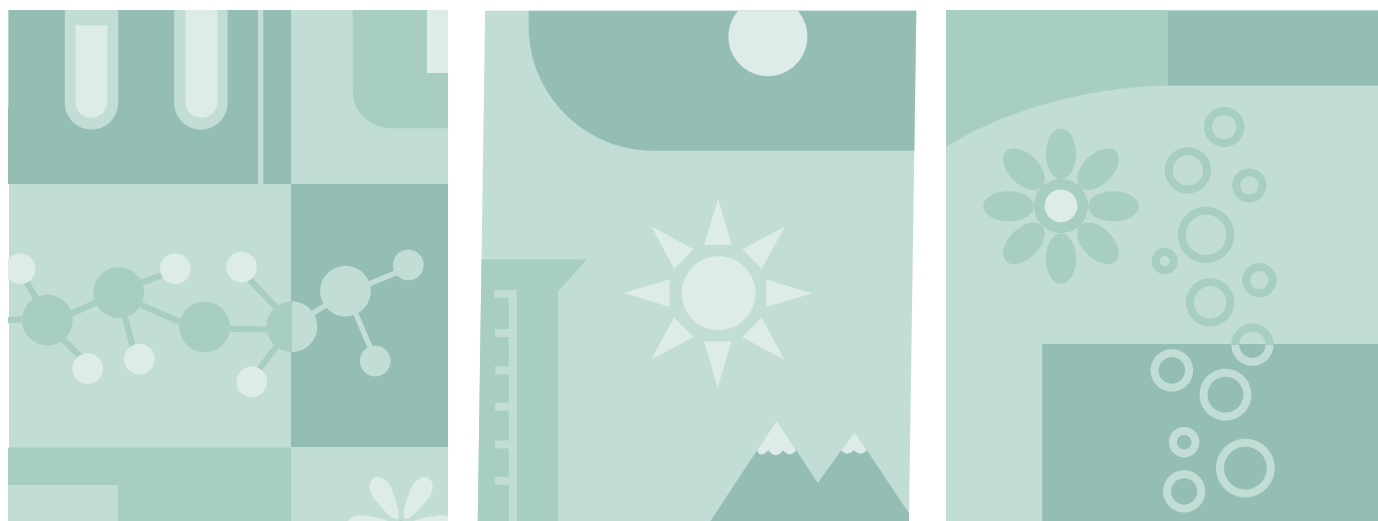


Sweden's report on control measures 2009 according to Article 17 of Directive 91/414/EEC



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91/414/EEC**

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Summary

This report compiles information from various sources on control measures in Sweden according to Article 17 of the Directive (91/414/EEC) concerning the placing of plant protection products on the market. The major part of the responsibility for control of plant protection products is divided between two central authorities, the Swedish Chemicals Agency¹ and the Swedish Environmental Protection Agency² and 290 municipalities (local authorities).

In 2009, 2239 companies were controlled concerning plant protection products in Sweden. The companies comprised of manufacturers, importers, distributors of plant protection products and professional users within agriculture, horticulture and forestry sectors. Three of these companies were reported for suspected crime according to Swedish legislation and the authorities issued decisions on 8 prohibitions, 44 injunctions and 13 environmental sanction charges.

Nearly 13 000 professional users within agriculture, horticulture and forestry sectors were issued with licenses for the use of plant protection products. The local authorities handled 370 permits for the use of plant protection products in specific areas and 372 notifications for the use of plant protection products in non-agricultural areas. Around 1948 tonnes of active substances used in plant protection products were sold during 2009, of which 1394 tonnes were intended for agriculture. More than 950 enquiries concerning pesticides were made to the Swedish Poisons Information Centre³ by the public and the medical service. None of these enquiries concerned poisoning of humans.

In order to improve the implementation of EU legislation for trade and industry, the supervisory authorities are continually developing information materials about prevailing rules and new regulations.

Sammanfattning

Den här rapporten sammanställer information från olika källor om tillsynsåtgärder i Sverige i enlighet med artikel 17 i direktiv (91/414/EEG) om utsläppande av växtskyddsmedel på marknaden. Större delen av ansvaret för tillsyn av växtskyddsmedel är fördelat på Kemikalieinspektionen och Naturvårdsverket och de 290 kommunerna.

Under 2009 kontrollerades 2 239 företag i Sverige. Företagen bestod av tillverkare, importörer och distributörer av växtskyddsmedel samt yrkesmässiga användare inom jordbruk, trädgårdsbruk och skogsbruk. Tre (0,1 procent) av dessa företag anmäldes för misstanke om brott med stöd av nationell lagstiftning. Dessutom har myndigheterna utdömt 8 (0,4 procent) förbud 44 (2 procent) förelägganden och 13 (0,6 procent) miljöstraffavgifter.

Närmare 13 000 yrkesmässiga användare inom jordbruk, trädgårdsbruk och skogsbruk fick behörighetscertifikat för användning av växtskyddsmedel. Kommunerna hanterade 370 ansökningar om tillstånd om användning av växtskyddsmedel inom särskilda områden och 372 anmälningar om användning av växtskyddsmedel på ytor som inte betraktas som åkermark. Under 2009 såldes cirka 1 948 ton verksamma ämnen som används i växtskyddsmedel, varav 1 394 (72 procent) ton var avsett för jordbruket. Fler än 950 förfrågningar om bekämpningsmedel kom in till Giftinformationscentralen från allmänheten och sjukvården. Inga av dessa gav upphov till förgiftning hos människor.

För att förbättra tillämpningen av EU-lagstiftningen hos näringsidkare, utvecklar tillsynsmyndigheterna kontinuerligt informationsmaterial om gällande och nya regler och bestämmelser.

1 Organisation of the control

The responsibility for enforcement of regulations concerning plant protection products in Sweden is divided between central and local authorities. All authorities are independent and responsible for their own controls⁴; however, the authorities cooperate in various forms in order to ensure a uniform and effective enforcement. Central authorities are responsible for educating and sharing experiences with local authorities by providing guidance⁵ through published information and helpdesks and by organizing and participating in seminars and university courses.

1.1 Authorities performing controls

The Swedish Chemicals Agency (KemI) is a central authority responsible for the approval of plant protection products in accordance with the Council Directive 91/414/EEC concerning the placing of plant protection products on the market. KemI is also responsible for enforcement of the Directive 91/414/EEC together with the Swedish Environmental Protection Agency (SEPA), which is another central authority. Both authorities are under the Ministry of the Environment. KemI both carries out controls and provides regulatory guidance to local authorities while SEPA's sole responsibility is guidance to local authorities on regulations concerning the use of pesticides. SEPA does not carry out controls (Table 1).

Table 1. Regulations and responsibilities

Authority	Regulations	Responsibilities
Swedish Chemicals Agency (KemI)	Council Directive 91/414/EEC Regulation (EC) No 1107/2009/EC Council Directive 1999/45/EC Regulation (EC) No 1272/2008 Regulation (2006:1010) on plant protection products Environmental Code (1998:808)	Guidance and controls (importers and manufacturers) concerning the marketing of plant protection products
Swedish Environmental Protection Agency (SEPA)	Council Directive 91/414/EEC Council Directive 2009/128/EC Swedish EPA regulations (SNFS 1997:2) on pesticides Environmental Code (1998:808)	Guidance relating to the use of pesticides
Local authorities	Council Directive 91/414/EEC Regulation (EC) No 1107/2009 Council Directive 2009/128/EC Council Directive 1999/45/EC Regulation (EC) No 1272/2008 Regulation (2006:1010) on plant protection products Swedish EPA regulations (SNFS 1997:2) on pesticides Environmental Code (1998:808)	Controls (importers, manufacturers, distributors and professional users) relating to the marketing and use of plant protection products

Local authorities carry out controls on manufacturers, importers, distributors and professional users of pesticides within the agricultural, horticultural and forestry sectors. KemI is responsible for controls on manufacturers and importers who market and sell pesticides.

Additional legislation that must be complied with are the rules in the Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws,

regulations and administrative provisions of the Member States relating to classification, packaging and labelling of dangerous preparations, Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, the Plant Protection Ordinance (2006:1010) and the SEPA regulations (SNFS⁶ 1997:2) on pesticides.

The spreading of pesticides is regulated by national law. The Plant Protection Ordinance (2006:1010) requires qualified training for spreading plant protection products and SEPA's regulations (SNFS 1997:2) on pesticides require the user to record data such as temperature and wind conditions in the spreading process as well as safe distance during spreading. Additional legislation that will enter into force within the next years is Regulation

(EC) No. 1107/2009 of the European Parliament and of the council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC and the Council Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides.

Non-compliance is regulated by national legislation, the Environmental Code, which sets out sanctions and penalties. Authorities may take various measures for non-compliance with regulations, for example prosecution, injunction, prohibition and environmental sanction charges. Decisions on injunctions and prohibitions may be combined with a fine. Authorities may also use other measures that do not require such decisions, for example official reprimands with demands for correction.

Once a year, local authorities voluntarily submit a report on the control efforts regarding compliance with rules concerning plant protection products to KemI. In 2009, 211 out of 290 municipalities reported their control efforts to the agency.

1.2 Strategy of the control

KemI's objectives for supervision are (i) increased regulatory compliance and (ii) risk reduction. In order to achieve more effective controls, KemI places much effort into the development of supervision methodology. Communication, routines and interpretation of rules have been given priority. Controls are either carried out by direct inspections or letter. Inspections at companies provide better conditions for good communication while controls by inspection letters are usually more time efficient. The selection of companies to be subjected to control is generally based on risk reduction and sometimes based on the requirements of new rules. Selection can also be triggered by information on non-compliance, for example companies selling illegal plant protection products without approval. Local supervision methodology differs between municipalities and is therefore not described in this report.

1.3 Training and education

The majority of the inspectors responsible for the enforcement of regulations concerning plant protection products at KemI have a university education in biology, agronomy, chemistry and/or ecotoxicology. KemI has recently developed a plan for internal training of the inspectors, to be approved in 2010.

KemI has become responsible for part of a university course to train local inspectors, where regulations of chemical products, plant protection products and biocidal products are KemI's main topics. 39 people participated in the course in 2009.

2 Control measures

In 2009, controls were carried out on manufacturers, importers, distributors and professional users in the agricultural, horticultural and forestry sectors. In addition to these controls, analyses to verify that approved plant protection products contain the active substance stated in the decision for each approval is also performed every three to four years. The most recent analysis conducted in 2006 showed no discrepancies. The next analysis will be undertaken in 2010.

The total number of controls carried out in 2009 was 2239, where KemI carried out controls on 15 companies and the local authorities carried out controls on 2224 companies (Table 2). Local authorities carried out controls on 249 distributors, and 1975 professional users. Most controls on professional users were farmers, with a total of 1812 controls.

Table 2. Number of controls in 2009

Controls carried out by:				Total number
KemI	Local authorities			
Manufacturers / importers	Manufacturers/importers	Distributors	Professional users	
15	0	249	1812 ¹ +154 ² +9 ³	2239

¹ Professional user within the agricultural sector

² Professional users within the horticultural sector

³ Professional users within the forestry sector

The controls carried out in 2009 focused on rules concerning approvals, labelling and packaging of plant protection products as well as permits among manufacturers, importers and distributors (Table 3). Regulations on approvals, storage, documentation, safety distances and qualifications of professional users of plant protection products were also checked. Regulations concerning labelling, packaging and permits are not relevant to a professional user.

Table 3. Checked rules at controls in 2009

Rules	Controls carried out by:				Total number
	KemI	Local authorities			
	Manufacturers / importers	Manufacturers / importers	Distributors	Professional users	
Approval	1	0	176	1505 ¹ +164 ² +9 ³	1855
Labelling	14	0	207	-	221
Packaging	0	0	224	-	224
Permit	0	0	136	-	136
Storage	-	-	269	1552 ¹ +135 ² +9 ³	1965
Documentation	-	-	-	1667 ¹ +144 ² +7 ³	1818
Safety distance	-	-	-	1443 ¹ +114 ² +10 ³	1567
Qualification	-	-	-	1708 ¹ +145 ² +8 ³	1861

- Not relevant to check

¹ Professional users within the agricultural sector

² Professional users within the horticultural sector

³ Professional users within the forestry sector

3 Observed infringements at controls

In 2009, infringements were found in 12 out of 15 manufacturers and importers, 43 out of 249 distributors, 18 out of 1812 professional users in the agricultural sector and 6 out of 154 professional users in the horticultural sector. No infringements were found at the professional users in forestry (Table 4).

Table 4. Number of infringements observed at controls in 2009

Rules	Infringements observed at controls:				Total number
	KemI	Local authorities			
	Manufacturers / importers	Manufacturers / importers	Distributors	Professional users	
Approval	1	0	19	$2^1+3^2+0^3$	25
Labelling	11	0	5	-	16
Packaging	0	0	5	-	5
Permit	0	0	0	-	0
Storage	-	-	14	$6^1+0^2+0^3$	20
Documentation	-	-	-	$2^1+0^2+0^3$	2
Safety distance	-	-	-	$1^1+2^2+0^3$	3
Qualification	-	-	-	$7^1+1^2+0^3$	8
Total	12	0	43	$18^1+6^2+0^3$	79

- Not relevant to check

¹ Professional users within the agricultural sector

² Professional users within the horticultural sector

³ Professional users within the forestry sector

4 Decisions on measures

The lack of compliance to rules observed at the controls can both be of minor and major deficiencies. Penalties for major infringements are prosecution, prohibition, injunction or environmental sanction charge. Out of the 2239 companies that were subjected to controls in 2009, only 3 companies were faced with prosecution (0.1 per cent). Eight prohibitions (0.35 per cent), 44 injunctions (2 per cent) and 13 environmental sanction charges (0.6 per cent) were decided by the authorities (Table 5).

Table 5. Decision on measures in 2009

Measures	Measures requested by:				Total number
	KemI	Local authorities			
	Manufacturers / importers	Manufacturers/ importers	Distributors	Professional users	
Prosecution	1	0	0	$0^1+2^2+0^3$	3
Prohibition	0	0	5	$2^1+1^2+0^3$	8
Injunction	0	0	29	$13^1+2^2+0^3$	44
Environmental sanction charge	0	0	9	$3^1+1^2+0^3$	13
Total	1	0	43	$18^1+6^2+0^3$	68

¹ Professional users within the agricultural sector

² Professional users within the horticultural sector

³ Professional users within the forestry sector

5 Assessment of control measures in 2009

In 2008, KemI collaborated with local authorities in a project on pesticides, which resulted in a high number of controls and decisions on measures. In 2009, no such collaboration projects have been undertaken, which may explain the lower figures for 2009. However, KemI has itself conducted a plant protection project, in which 14 companies were inspected and more local authorities submitted an account on their control measures to KemI compared to 2008. Despite this, it is obvious that a collaboration project with the local authorities markedly improves the figure value outcome significantly.

5.1 Comparison of results with previous years

Only a total of 68 decisions on various measures were taken in 2009, compared to 2008 where the same measures reached a total of 418.

Injunction with a demand on measures to be taken is the most common way to correct deficiencies and is generally the first step for an authority. Decisions on 44 injunctions were completed in 2009, compared to 319 the previous year. An environmental sanction charge can only be sentenced for certain rules. Thirteen decisions on environmental sanction charges were made in 2009, which is more than double that in 2008. More serious measures that were made by the authorities were 8 decisions on prohibitions and 3 prosecutions. In 2008, the numbers were 34 and 59, respectively.

5.2 Planning for year 2010-2011

In 2010, analyses to verify that approved plant protection products contain the active substance stated in the decision for approval will be carried out. Around 10 plant protection products will be analysed together with about the same number of biocidal products. KemI has no other projects planned.

KemI and SEPA are planning a collaboration project on *chemicals on farms used by farmers* with the local authorities during 2011. The aim of the project is to carry out a uniform and synchronized control on plant protection products in the country and to raise the farmers' awareness of the rules on plant protection products as well as the use in order to reduce health and environmental hazards.

6 Other regulations

Other important regulations concerning plant protection products are requirements of qualification certificates to use plant protection products, permits to use plant protection products in specific areas and notification to spread plant protection products on land not used for agriculture, horticulture or forestry.

Controls carried out in connection with cross compliances⁷ and threshold values⁸ for pesticides in food are not assessed in this report.

6.1 Qualification certificates to use plant protection products

When plant protection products are approved, they will be assigned to different classes with regard to health and environmental hazards associated with the area of use. A product that is

assigned to class 1 or 2 may be used only by professional users who meet specific knowledge requirements. Class 3 products may be used by all. The Swedish Board of Agriculture⁹ is a central authority responsible for the training of professional users. A qualification certificate is valid for five years, after that the user must update their knowledge through a new course of qualification in order to obtain a new certificate. In the season of 2009/2010, almost 13 000 people obtained qualifications to spread pesticides. Out of these, 2003 have completed a four-day basic course and 10 950 attended a one-day intermediate course. The basic course is divided into several different courses according to use. There are courses for seed dressings, use of class 1L products, treatment of individual seedlings and the fight against mites in apiaries.

6.2 Permits to use plant protection products in specific areas

The local authorities issue permits to spread plant protection products in specific areas, such as gardens close to apartment buildings, school- and nursery schoolyards, public playgrounds, within protected areas for water supply or at planning- and construction areas. The number of issued permits in 2009 was 370.

6.3 Notification to spread plant protection products on land not used for agriculture, horticulture or forestry

The local authorities handle notifications to spread plant protection products on embankments and recreational facilities and areas greater than 1000 m² where the public has free access, with the exception of arable land. The number of notifications in 2009 was 372.

7 Sold quantities of active substances in plant production products

In 2009, 31 tonnes of active substance for seed dressings, 234 tonnes of active substance for fungicides, 1594 tonnes of active substance for herbicides, 32 tonnes of active substance for plant growth regulators, 44 tonnes of active substance for insecticides and 13 tonnes of active substance for game repellents were sold. By user category, the quantities were 1394 tonnes in agricultural, 12 tonnes in forestry and 73 tonnes in horticulture. In total, nearly 1950 tonnes of active substance were sold to be used in the production of plant protection products.

8 Notified cases of poisoning

The Swedish Poisons Information Centre (GIC) is a central authority responsible for information on risks and symptoms of different types of acute poisoning and gives advice on appropriate treatment. The authority also informs on health services efforts.

In 2009, GIC received about 950 enquiries concerning pesticides. 98 enquiries referred to class 1L and 2L products and 692 enquiries referred to class 3 products. The remaining enquiries concerned rat poison, marine paint, wood preservation products and unknown pesticides. In some cases, GIC recommended hospital contact or that the health service contacted GIC for treatment guidelines. In the cases where the health service contacted GIC, no cases were marked as serious. Most enquiries concerned 3L class products, which are products the public may use. Enquiries can come from an individual or from the hospital. Several enquiries can therefore concern the same person or patient.

9 Improvements from responsible authorities

A total of 211 out of 290 local authorities (73 per cent) have contributed to the annual report on controls of plant protection products in 2009. This is an increase of 15 per cent from 2008 and an increase of 28 per cent from 2007. An aim for KemI is to ensure that all of the local authorities submit a report. It is part of a continuous process to improve and develop guidance materials such as check lists and forms in order to facilitate handling and reporting.

Since the municipalities in the country are independent authorities, collaboration between central and local authorities is of great importance in order to carry out a uniform and co-ordinated control and to spread information about new or updated rules and legislation. KemI strives to prioritise these types of projects because they are seen to be most effective and beneficial.

The supervisory authorities are continuously working to improve and optimize supervision methodology. In order to achieve an effective supervision where risk reduction with regard to people and the environment is one of the main goals, long-term efforts such as interpretation of rules, routines and communication need to be prioritised.

¹ www.kemi.se

² www.naturvardsverket.se

³ www.giftinformation.apoteket.se

⁴ The word "control" used in national legislation includes not only the actual controls; guidance is also included in the concept.

⁵ Guidance consists of the evaluation, monitoring, follow-ups and coordination of controls as well as support and advice to authorities.

⁶ SNFS = Statens naturvårdsverks författningssamling

⁷ Several of the regulations concerning plant protection products are also controlled by cross compliances which follow the EU aid that farmers apply for. The Swedish Board of Agriculture is the responsible authority for reporting on this, and is together with the regional supervisory authorities (county administrative boards) responsible for monitoring compliance with these conditions.

⁸ The National Food Administration is responsible for the controls of threshold values of plant protection products in food. The authority reports current control efforts in accordance with the Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

⁹ www.jordbruksverket.se

www.kemikalieinspektionen.se

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