

CROATIAN PARLIAMENT

269

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the following

**DECISION
PROMULGATING THE ACT ON SUSTAINABLE USE OF PESTICIDES**

I hereby promulgate the Act on the Sustainable Use of Pesticides adopted by the Croatian Parliament at its session of 24 January 2014.

Class: 011-01/14-01/03

Reg.No.: 71-05-03/1-14-2

In Zagreb, 28 January 2014

President
of the Republic of Croatia
Ivo Josipović, m.p.

ACT ON THE SUSTAINABLE USE OF PESTICIDES

I GENERAL PROVISIONS

Content

Article 1

(1) The subject Act regulates the National Action Plan for achieving the sustainable use of pesticides, training system for pesticide professional users, distributors and advisors, pesticide distribution and sales system, pesticide handling, storage and handling of pesticide packaging and residues in the packaging, keeping the data collection and keeping records, use and regular inspection of devices for pesticide application, informing the public and raising the awareness about pesticides, measures to reduce the risks arising from the use of pesticides and basic principles of integrated pest management, special procedures and use of pesticides, informing the public, special environmental protection measures, reducing the use of pesticides and reducing the risks in certain areas, risk indicators, reporting and information exchange, authorised professional institutions and tasks of authorised professional institutions, fees and offences, as well as monitoring the implementation of the subject Act and regulations adopted on the basis of the subject Act.

(2) This Act transposes into the legal system of the Republic of Croatia the 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 (OJ L309, 24.11.2009).

(3) The purpose of this Act is achieving the sustainable use of pesticides, reducing the risks and adverse effects of pesticide use in a manner ensuring a high level of human and animal health protection, as well as environmental protection and conservation of biological diversity, introducing

obligatory application of the basic principles of integrated pest management for the plant pest control measures, as well as alternative approaches and techniques, such as non-chemical plant protection measures with the purpose of achieving sustainable and competitive agriculture.

Scope

Article 2

(1) This Act is applied to pesticides, which are plant protection products as stipulated in Article 3 item 13 (a) of this Act.

(2) The legislation regulating waste management in the Republic of Croatia is applied in the appropriate measure to the pesticides placed on the market, as well as on those with an expired registration or licence, expired shelf life, expired sale and stock application deadline, the pesticides whose placing on the market and application is prohibited in the Republic of Croatia, pesticide residues in the packaging, spray residues and empty packaging.

(3) The provisions of this Act do not prevent the application of the precautionary principle in the manner that they limit or prohibit the application of pesticides in special circumstances or areas.

Terms

Article 3

Particular terms, in terms of this Act, have the following meaning:

1. “professional user” is a person using pesticides intended for professional users within the scope of performing their professional activities, including operators, technicians, employers and self-

employed people, both in the agriculture and other sectors

2. “professional user for professional application” is a professional user using pesticides intended for professional application, which have been approved only for a particular category of professional users by means of a decision on registration or a decision on the licence

3. “non-professional user” is a person using pesticides intended for non-professional users (amateur users)

4. “distributor” means any natural or legal person who places pesticides on the market, including wholesalers, retailers, vendors and suppliers

5. “advisor” means any person who has acquired adequate competence and advises on plant protection and the safe use of pesticides in the context of their professional capacity or commercial service, including private self-employed and public advisory services, commercial agents, food producers and retailers where applicable

6. “pesticide application equipment” means any apparatus specifically intended for the application of pesticides, including all pertaining parts essential for the effective operation of such equipment, such as nozzles, nanometres, pumps, filters, strainers, equipment for cleaning of tanks and other parts

7. “treatment” means any pesticide application

8. “aerial spraying” means application of pesticides from an aircraft (plane or helicopter)

9. “integrated pest management” means estimation and application of all available plant protection methods integrated in the appropriate measures that discourage the development of harmful organism populations, 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

10. “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

11. “non-chemical methods” means alternative methods to chemical pesticides for plant protection and pest management, based on agronomic, physical, mechanical or biological pest control methods

12. the terms “surface water” and “ground water” have the same meaning as in Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000)

13. “pesticide” means:

(a) a plant protection product as defined in 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 (OJ L 309, 24.11.2009).

(b) biocidal product as defined in Directive (EU) No. 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012).

II NATIONAL ACTION PLAN

National Action Plan to Achieve the Sustainable Use of Pesticides

Article 4

(1) The National Action Plan to Achieve the Sustainable Use of Pesticides (hereinafter: NAP), sets quantitative objectives, targets, measures and timetables for its application with the purpose of reducing the risks and impacts of pesticides on human health, the environment and biological diversity, as well as encourages the development and introduction of integrated pest management and of alternative plant protection approaches or techniques in order to reduce dependency on the use of pesticides. These targets may cover different areas of concern.

(2) The NAP also includes indicators for monitoring the use of plant protection products containing active substances of particular concern, especially if alternative pest control measures are available.

(3) On the basis of indicators referred to in paragraph 2 of this Article and taking into account, where applicable, the risk or use reduction targets, 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. When preparing and revising the NAP, the health, social, economic and environmental impacts of the planned measures shall be taken into consideration, as well as specific national, regional and local conditions and all relevant stakeholder groups. The plans adopted under other regulations on the use of pesticides shall also be taken into

consideration. The manner of implementing the measures to achieve the NAP targets shall also be described in the NAP.

(4) The NAP proposal shall be prepared by the ministry competent for agriculture (hereinafter: Ministry), in cooperation with other state administration bodies, scientific and other professional institutions, organisations, associations and non-governmental organisations affected by the planned measures and which are taking part in achieving the NAP targets.

(5) A committee shall be established for the purpose of preparing the NAP proposal, and a Working Group shall be established for the purpose of monitoring the implementation of the planned measures and fulfilling the NAP targets.

(6) The members of the Committee and the Working Group shall be appointed by the minister competent for agriculture (hereinafter: Minister) from the state administration authorities, scientific and professional institutions, organisations and associations.

(7) The NAP is adopted by the Government of the Republic of Croatia at the proposal of the Ministry.

(8) The Ministry submits the NAP to the European Commission and other Member States of the European Union (hereinafter: EU).

(9) The NAP is subject to revision every five years, and any substantial changes shall be reported to European Commission.

(10) The scope of activities of the Committee for the NAP preparation, as well as the scope of the activities of the Working Group for monitoring the implementation of the planned measures and the fulfilment of NAP targets, criteria for appointing the members of the Committee and Working Group, the number of the Committee and Working Group members, as well as the term of their mandate, the manner of operation and decision making, the right to compensation for their work in the Committee and the Working Group, as well as the amount of compensation and other details relating to the NAP revision and monitoring of its implementation shall be prescribed by the Minister in an ordinance.

III TRAINING SYSTEM FOR PESTICIDE PROFESSIONAL USERS, DISTRIBUTORS AND ADVISORS

Training

Article 5

(1) All professional users, distributors and advisors (hereinafter: persons subject to training) shall receive the same appropriate training consisting of the basic and additional training module in order to acquire and update appropriate knowledge on safe pesticide handling and appropriate pesticide application.

(2) Persons subject to training shall complete the exam, which certifies that they possess the level of knowledge required for safe handling and proper application of pesticides, for performing pesticide distribution and sales activities and for providing advice on pesticide application in food production and protection of plants, plant products and facilities from harmful organisms.

(3) The areas of training, professional conditions for persons subject to training, the deadline by which the persons subject to training shall complete the basic training module, the deadline for updating the acquired knowledge through additional training, types of modules and the duration of a single module, minimum requirements for the training initiation for the candidates, detailed manner and course of training implementation, the manner and course of taking the exams, appearance, the content and manner of issuing the certificate on the completed exam shall be prescribed by the Minister in an ordinance.

(4) The manual on the training and tests for taking the exams shall be prepared by the committee appointed by the Minister.

(5) The content of the manual, the scope of activities of the Committee for the preparation of the manual and tests for taking the exams, criteria for the appointment of the Committee members, number of the Committee members, as well as the term of their mandate, manner of operation and decision making, right to compensation for their work in the Committee and the amount of compensation and other details relating to the manual and Committee operation shall be prescribed by the Minister in an ordinance.

Persons Conducting the Training

Article 6

(1) The training may be implemented only by legal and physical persons authorised for conducting the training who fulfil the requirements regarding the training programme, the required number of authorised lecturers to be able to include all training areas, space and equipment, as well as other necessary requirements.

(2) Together with the request for authorisation, legal and physical persons also submit evidence

that they meet the condition referred to in paragraph 1 and 5 of this Article.

(3) The lectures may be held only by the authorised lecturers who fulfil the requirements regarding education, work experience and other necessary requirements, only for those training areas, modules, categories and sub-categories for which they have been authorised.

(4) Promotional information published on the internet sites of the legal and physical persons authorised for training implementation or provided in another manner, calls for training, as well as promotional materials shall contain clear, valid and complete facts in accordance with the obtained authorisation.

(5) Detailed requirements to be met by the legal and physical persons for the training implementation, content of the training programme, keeping records on the training, requirements for revoking the authorisation, as well as the lowest required level of education and required work experience of the authorised lecturers and other requirements to be met by the authorised lecturers and requirements for revoking the authorisations of the lecturers shall be prescribed by the Minister in an ordinance.

(6) The Ministry authorises by means of a decision the legal and physical persons for training implementation and the lecturers for the training implementation, and revokes the authorisations by means of a decision.

Identification Card

Article 7

(1) All professional users, distributors and advisors shall possess an identification card issued on the basis of a certificate on the completed exam. The identification card proves that they have completed the exam referred to in Article 5 paragraph 2 of this Act.

(2) The authorised lecturers shall possess an identification card.

(3) The identification card shall bear the holder's name and surname and is non-transferable to other persons. The identification card is valid only together with the personal ID card.

(4) Notwithstanding paragraph 1 of this Article, until they are issued an identification card, the professional users, distributors and advisors shall prove their authorisation with a certificate on the completed exam, as well as in case of identification card loss, until they are issued a new identification card.

(5) The identification card shall be considered invalid in case it is determined that the authorised lecturer or professional user or distributor or advisor have qualified for the identification card on the basis of false or forged documents, as well as if they have misled in any manner the institution which is implementing the training or the institution which issues the identification cards.

(6) The types, appearance and content of the identification card, procedure and manner of issuing and revoking the identification card, handling of the revoked and invalid identification cards, validity of the identity card, obligations of the identity card owner and the deadline by which the persons subject to training shall possess the identification card shall be prescribed by the Minister in an Ordinance.

IV REQUIREMENTS FOR PESTICIDE SALES

Sales Locations

Article 8

(1) Pesticides intended for professional users may be sold only in specialized pesticide stores.

(2) Notwithstanding the provision of paragraph 1 of this Article, the pesticides may be sold in a separate department of other stores in which food and feed is not sold. A separate part of the store shall be physically separated from the rest of the store and shall meet the conditions relating to the employees, premises and equipment prescribed for specialised stores.

(3) Pesticides intended for non-professional users may be sold in the stores in which food is not sold, such as shopping centres, gardening centres and flower shops, gardening departments and similar, and they do not have to be sold in a physically separate part of the store, but shall be kept separately and in a manner which prevents any adverse effect on other products.

(4) The sales locations are determined by the Ministry in a decision on registration or a decision on the permit, as well as for which users the pesticide is intended.

(5) The criteria on the basis of which it is determined whether the pesticide is intended for professional or non-professional users shall be prescribed by the Minister in an ordinance.

Requirements for Pesticide Distribution and Sales

Article 9

(1) Pesticide distribution and sales may be performed by the legal and physical persons

(distributors) who have a seat and address in the Republic of Croatia and who are registered in the central registry of the Ministry Phytosanitary Information System (hereinafter: PIS), which is electronically maintained.

(2) The data for entry and/or amendments of the data for the needs of the PIS central registry shall be submitted by means of an electronic form.

(3) The distributors or owners of the pesticide registration shall keep records on the pesticide sales pursuant to Article 67 of the Regulation (EC) No. 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and submit the data to the Ministry.

(4) The data on sold pesticide quantities shall be submitted to the PIS by means of an electronic form.

(5) The distributor shall have a full time employee acting as a responsible person.

(6) In case the distributor has several sales points, they shall have one full time employee acting as a responsible person at each sales point, which includes the pesticide sales to the end professional user, except for that sales point where advice is provided by the responsible person.

(7) The distributors shall have a sufficient number of employees with a completed exam referred to in Article 5 paragraph 2 of this Act.

(8) Pesticides intended for professional users may be sold only to those persons who possess an appropriate education and have completed the exam referred to in Article 5 paragraph 2 of this Act.

(9) The employees referred to in paragraph 6 of this Article shall be at the sales point in the time of the sales in order to provide the customers with appropriate information on pesticide use, health and environmental risks, as well as with the safety instructions for preventing the hazards of pesticide handling and use and other use restrictions.

(10) For the purchase of pesticides intended for non-professional users, the training or completed exam referred to in Article 5 paragraph 2 of this Act are not required, however, the person who sells such pesticides shall have an appropriate training and completed exam referred to in Article 5 paragraph 2 of this Article.

(11) The distributors shall meet the general and special requirements for pesticide storage and sales regarding the location, facilities, equipment and conditions for pesticide storage and sales, as well as for the handling of empty packaging and hazardous

waste generated from pesticides until they are received by an authorised person, pursuant to the regulations governing waste management.

(12) The requirements for the entry into records and removal from the PIS central registry, content of the electronic form for the entry into the central registry, deadlines for submitting the data for the entry and amendments of the data, the requirements for the responsible person, advisor and distributor and their obligations, general and special requirements regarding the location, facilities, equipment and conditions for the pesticide storage and sales, requirements for the pesticide storage and sales, handling of empty packaging, as well as the manner, content and deadline for submitting the data on pesticide sales shall be prescribed by the Minister in an ordinance.

V INFORMING THE PUBLIC

Informing the Public and Raising the Awareness

Article 10

(1) The measures to inform the general public shall be taken in accordance with the needs and circumstances in order to promote and facilitate information and awareness-raising programmes and by making the accurate and objective information on pesticides available to 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 pesticide use, as well as on the use of non-chemical alternatives.

(2) Type of data to be monitored, the manner of collecting and monitoring, as well as the manner of informing the general public shall be prescribed by the Minister in an ordinance.

(3) Financial means for the implementation of the activities referred to in paragraph 1 of this Article shall be provided from the State Budget of the Republic of Croatia.

VI PESTICIDE APPLICATION EQUIPMENT

Placing New Pesticide Application Equipment on the Market

Article 11

(1) New pesticide application equipment shall be placed on the market pursuant to a separate act regulating the technical requirements for products and evaluation of compliance and a separate regulation governing equipment safety [1].

[1] The Ordinance transposed the provisions of the Directive 2009/127/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2006/42/EC with regard to machinery for pesticide application.

(2) New pesticide application equipment shall imply the equipment that was sold after 1 January 2013.

*Regular Inspection of Pesticide Application
Equipment*

Article 12

(1) Pesticide application equipment in professional use shall be subject to inspections at regular intervals.

(2) The inspections shall verify that pesticide application equipment satisfies certain technical requirements in order to achieve a high level of protection for human health and the environment.

(3) The inspected pesticide application equipment shall be provided with a label on the performed inspection issued by the authorised inspection stations.

(4) By way of derogation from paragraphs 1 and 2 of this Article and on the basis of a risk assessment for human and animal health and the environment including an assessment of the scale of equipment use, certain types of pesticide application equipment may be exempt from the regular inspection obligation, and new equipment purchased after 1 January 2013 shall be provided with the label on the performed regular inspection without performing regular inspection if they are in compliance with a separate act regulating the technical requirements for products and evaluation of compliance and with a separate regulation governing the equipment safety.

(5) The inspection performed in another Member State may be accepted if the inspection is equivalent to the inspection performed in the Republic of Croatia in terms of technical and safety requirements and equal inspection frequency.

(6) Detailed requirements relating to regular inspection and acceptance of the inspection, technical requirements for the inspection of pesticide application equipment, frequency of the regular inspections, deadlines by which the pesticide application equipment shall be inspected at least once, exceptions from the regular inspection, as well as the appearance and manner of issuing the label on the performed inspection, the issuance of a new label on the performed inspection in case of loss and damage of the label shall be prescribed by the Minister in an ordinance.

Inspection Stations

Article 13

(1) Regular inspection referred to in Article 12 of this Act may be performed only by the authorised inspection stations for the inspection of pesticide application equipment.

(2) The data on the authorised inspection stations, responsible persons and employees are managed in the PIS.

(3) The authorised station shall have a full-time employee acting as a responsible person and at least one full-time employee, as well as possess the appropriate equipment for the inspection.

(4) The employees shall have the completed basic training programme for the performance of regular inspections, as well as regularly update their knowledge through the additional training programme implemented by the authorised institutions referred to in Article 15 paragraph 1 item 1 of this Act.

(5) The authorised inspection station shall keep the reports on the inspection and maintain the data on pesticide application equipment, technical data on the equipment, their owners or permanent users, issued reports on the inspection and issued labels on the performed inspection, as well as other data regarding the inspection, in the computer application of the Ministry.

(6) The inspection station shall enter the data referred to in paragraph 5 of this Article into the computer application of the Ministry immediately or no later than 3 (three) days after issuing the label on the performed inspection or receiving the notification on the change of the data and synchronise those data with the PIS central application immediately or no later than 3 (three) days after receiving the notification on the change of data.

(7) The information on the authorised inspection stations shall be submitted to the European Commission and published on the Ministry internet site by the Ministry.

(8) Additional requirements for the authorisation of the inspection stations, requirements for revoking the authorisation, requirements regarding the equipment, employees and location of the inspection, employee training and training programmes, professional control of regular inspection of pesticide application equipment, requirements for obtaining the label on the performed inspection, manner of record keeping and removing from records, as well as other necessary requirements for the performance of regular inspection shall be prescribed by the Minister in an ordinance.

(9) The Ministry grants and revokes the authorisation for the inspection stations by means of a decision.

Obligation of the owners or users of pesticide application equipment

Article 14

(1) The owners or permanent users of pesticide application equipment shall report new pesticide application equipment to the authorised inspection station for the purpose of obtaining the label, perform the regular inspection of the pesticide application equipment in use within the prescribed deadline, as well as request the acceptance of the inspection and issuance of the label for the used equipment, which was inspected in an European Union Member State and which holds a valid label on performed inspection issued by the competent authority of the aforementioned State.

(2) The owners of equipment referred to in paragraph 1 of this Article shall keep the report on the inspection until the next inspection and report to the inspection station any changes in ownership data in written form and attach the evidence on the changes.

(3) The owners of equipment referred to in paragraph 1 of this Article shall report to the authorised inspection stations on the equipment which they are not planning to use or for which more than 30 days from the expiry of the label have passed, for the purpose of withdrawing such equipment.

VII PROFESSIONAL INSTITUTIONS AND THEIR COMPETENCIES

Professional Institutions and Their Tasks

Article 15

(1) Professional activities referred to in this Act shall be performed by:

1. Faculty of Agriculture, University of Zagreb, Agricultural Engineering Department, and Faculty of Agriculture, University of Osijek, Engineering department, which implement the training of responsible persons and inspection stations employees referred to in Article 13 paragraph 4 of this Act and verify whether all legal and physical persons possess all the required equipment for performing the regular inspections before submitting the request for authorisation of the inspection station referred to in Article 13 paragraphs 3 and 8 of this Act

2. Agricultural Institute Osijek, which performs the professional control of the pesticide application

equipment regular inspections performed by the authorised inspection stations referred to in Article 13 paragraph 8 of this Act with the purpose of determining whether the inspection is performed in compliance with technical requirements of the inspections and relevant harmonised standards at the EU level.

3. The advisory service that issues the identification cards to the persons subject to training and authorised lecturers referred to in Article 7 of this Act.

(2) If necessary, the Minister may also authorise other legal persons for the implementation of scientific and professional activities and tasks for the purpose of implementing this Act.

(3) Only those legal persons which have their seat and address in the Republic of Croatia, sufficient number of professional employees, experience in performing the activities referred to in paragraph 1 of this Article, required space and equipment may be authorised.

VIII SPECIFIC PRACTICES, USES AND APPLICATIONS OF PESTICIDES

Aerial Spraying

Article 16

(1) Aerial spraying is prohibited.

(2) By way of derogation from paragraph 1 of this Article, aerial spraying may only be allowed in special cases.

(3) The approval for aerial pesticide application shall be issued by the Ministry.

(4) The cases in which the approval for aerial pesticide application may be issued and the requirements for issuing the approval shall be prescribed by the Minister in an ordinance.

(5) The approval referred to in paragraph 3 of this Article is an administrative act.

Informing the Public

Article 17

(1) Before the treatment, the professional pesticide users shall inform the public, interested parties or persons who might be exposed to the spray drift during treatment or in other manner.

(2) The manner of informing, the content and time of notification, as well as other details relating to informing shall be prescribed by the Minister in an ordinance.

Specific Measures to Protect the Aquatic Environment and Drinking Water

Article 18

(1) Pesticide users shall observe the pesticide application restrictions for the purpose of protecting the aquatic environment and drinking water in accordance with the instructions, warnings and notifications indicated on the label or the decision on the registration or the decision on the pesticide permit, as well as observe the prohibitions and restrictions of pesticide use on certain soils and in certain areas pursuant to regulations governing water protection.

(2) Detailed measures to protect the aquatic environment and drinking water shall be prescribed by the Minister in an ordinance.

Reduction of Pesticide Use or Risks in Specific Areas

Article 19

(1) Having due regard for the necessary hygiene and public health requirements and biodiversity, or the results of relevant risk assessments, it shall be ensured that the use of pesticides is minimised or prohibited in certain specific areas.

(2) The areas considered specific in terms of pesticide use and the measures for minimising the risks from pesticide use, as well as restrictions and prohibitions on using certain pesticides in the aforementioned areas shall be prescribed by the Minister in an ordinance.

(3) The measures to reduce the pesticide use or to prohibit thereof may be prescribed through general acts on protecting and conserving the protected area, which are adopted pursuant to separate act regulating nature protection.

(4) The general acts referred to in paragraph 3 of this Article shall be adopted by the minister competent for environment and nature protection with prior endorsement from the minister competent for agriculture.

(5) The Ordinance referred to in paragraph 2 of this Act shall be adopted with prior endorsement from the Central State Administrative Authority competent for environmental and nature protection activities.

Application, Handling and Storage Requirements for Pesticides and Treatment of Their Packaging and Residues with Pesticide Users

Article 20

(1) During the treatment, the users shall use the appropriate personal protection equipment and special protective equipment, as well as pesticide application equipment and equipment in accordance with the instructions on the label or the decision on registration and permit for a particular pesticide, depending on the applied pesticide and treatment method.

(2) The pesticides shall be kept in a special room or a special cabinet in its original packaging, separate from the food and feed and other objects of general use, out of reach of children, according to certain requirements regarding the temperature, humidity and light and in accordance with other conditions indicated on the label.

(3) The user shall not possess, keep or apply pesticides, which are not registered in the Republic of Croatia, which do not have a valid decision on the registration or decision on the permit or if their shelf life has expired, or if the sale and application deadline of the existing stock has expired.

(4) The users shall separately collect and temporarily keep the empty pesticide packaging, packaging with pesticide residues, pesticides with expired shelf life, pesticides with an expired registration or permitted stock application deadline, and spray residues until they are received by the authorised person pursuant to regulations governing waste management.

(5) In case of an accident, which presents a risk for human or animal health or the environment, the professional users shall act in accordance with the instructions on the label and the safety data sheet and immediately inform the National Centre 112 of the accident.

(6) If during or after the treatment the professional user notices a hazard or an adverse effect of the pesticide or pesticide residues on human and animal health, the environment, treated crops or crops, which follow in crop rotation, they shall immediately inform the Ministry or the competent agricultural inspector of the aforementioned.

(7) The professional user shall clean the pesticide application equipment in accordance with the instructions on the label of a particular pesticide.

(8) The professional user shall keep record on pesticide use pursuant to Article 67 of the Regulation (EC) No. 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and submit the aforementioned data at the request of the Ministry.

(9) During the performance of treatment, the professional users shall have the identification card referred to in Article 7 of this Act and the personal ID card.

Integrated Pest Management

Article 21

(1) The Ministry shall take measures to promote low pesticide-input pest management, giving wherever possible priority to non-chemical methods of pest management, and professional users of pesticides shall always give priority to practices and products with the lowest risk to human health and the environment and when selecting the pesticide among those available for the purpose, always give priority to pesticides of lower risk to environment and people and animal health.

(2) Low pesticide-input pest management is based on the implementation of integrated pest management principles, as well as organic farming according to Council Regulation (EC) No. 834/2007 of 28 June 2007 on organic production and labelling of organic products (OJ L 189, 20.7.2007).

(3) Through reporting and forecasting activities implemented pursuant to a separate act regulating plant health, dynamics of occurrence, damage and suppression measures for certain harmful organisms are systematically monitored and registered, as well as the intensity of their attacks and spread and negative effects of pesticide treatments.

(4) In addition to collecting the data on harmful organisms, the reporting activities also include collecting data on the presence, occurrence, spread and number of useful organisms. Forecasting activities anticipate the intensity of occurrence, establish the optimum deadlines and harmful organism suppression measures, on the basis of reporting activities results.

(5) Recommendations and information on the reporting and forecasting activities are publically available to pesticide users at the regional level on the internet site of the Advisory Service (<http://www.savjetodavna.hr>), and at the national level on the internet site of the Croatian Centre for Agriculture, Food and Rural Affairs – Institute for Plant Protection (<http://www.hcphs.hr>).

(6) For additional implementation of integrated pest management, technological instructions for the integrated plant production are prepared. Technological instructions are prepared and published on the internet site of the Ministry pursuant to a separate regulation governing integrated plant production.

(7) The basic principles of integrated pest management, as well as the deadline for their mandatory implementation shall be prescribed by the Minister in an ordinance.

Service Provision

Article 22

Professional users providing the treatment service shall fulfil the requirements, which shall be prescribed by the Minister in an ordinance.

Risk Assessment Indicators

Article 23

(1) Risk indicators are used for the purposes of assessing the improvements in reducing the risk of pesticide use for the environment and human and animal health, as well as for monitoring the improvements in achieving the general and particular objectives of the NAP, and for risk management at the national level and for the purposes of data processing and reporting.

(2) Risk indicators shall be prescribed by the Minister in an ordinance.

(3) The information on the results and improvements in reducing the risk of pesticide use for the environment and human and animal health shall be published on the internet site of the Ministry and submitted to the European Commission and other EU Member States.

IX DATA COLLECTIONS, KEEPING RECORDS, OBTAINING DATA AND COLLECTING INFORMATION

Maintenance of Data Collections and Records, Obtaining Data and Information

(1) For the purposes of ensuring the implementation of this Act, the Ministry collects data and information on pesticides, professional users, advisors and distributors, sales and application of pesticides, pesticide application equipment and their owners or permanent users, authorised lecturers, institutions authorised for training implementation, authorised inspection stations, as well as other data required for the implementation of this Act.

(2) The data are kept in electronic form as databases within the PIS.

(3) The Ministry submits to the European Union, other EU institutions and authorities and other member states the data on pesticides, pesticide application equipment, training of professional users, distributors and advisors, application of the

basic principles of integrated pest control, the results of official controls of pesticides, pesticide residues and the sustainable use of pesticides, as well as other data and information pursuant to EU regulations.

(4) The data referred to in paragraph 3 of this Article shall be exchanged and submitted by the Ministry to other state and local government bodies, legal and physical persons if such data are necessary for the purpose of implementing the activities established by law or other regulation or if such data are necessary for the performance of the activities from their scope of work.

(5) The Ministry collects and uses the data and information kept by other state administrative authorities, legal or physical persons within the prescribed data collections and records, and which are necessary for the performance of the activities from their scope of work.

(6) Data and information referred to in paragraph 5 of this Article shall be submitted to the Ministry free of charge.

(7) The Ministry shall connect the data collections kept within the PIS with the data collections kept by other state administration authorities, as well as legal and physical persons.

(8) The data collections kept within the PIS are financed from the State Budget of the Republic of Croatia.

(9) Legal and physical persons shall submit the data and information for the purposes of keeping and maintaining the data collections and records.

(10) The manner of obtaining and submitting the data and information, deadlines within which the data shall be submitted, their entry, manner of collections and records maintenance, changing and deleting the data, as well as removal of legal and physical persons from the records and data collections shall be prescribed by the Minister in an ordinance.

Committee on Pesticides

Article 25

(1) For the performance of activities relating to plant protection products, pesticide residues and the sustainable use of pesticides, a Committee on Pesticides (hereinafter: Committee) shall be established as an advisory body of the Ministry.

(2) The Minister appoints the members of the Committee by means of a decision from the ranks of relevant scientific and professional employees.

(3) Committee members are entitled to compensation for their work in the amount, which shall be determined by the Minister.

(4) Detailed requirements regarding the Committee composition, scope and manner of work shall be prescribed by the Minister in an ordinance.

X FEES AND CHARGES

Fees

Article 26

(1) The legal and physical persons shall pay the fees for the following:

1. training of professional users, distributors and advisors, taking exams and issuing of the identification card referred to in Article 7 of this Act,

2. professional control of regular inspections of pesticide application equipment performed by the authorised inspection stations referred to in Article 13 paragraph 1 of this Act,

3. training of responsible persons and employees of the authorised inspection stations and taking exams referred to in Article 13 paragraph 4 of this Act,

4. regular inspection of the pesticide application equipment and issuance of the label on the performed inspection referred to in Article 12 paragraph 1, 2 and 3 of this Act.

(2) Fees referred to in paragraph 1 of this Article present an income of the persons who perform the activities or provide services for which the fee is paid. The income from the fees may be used to settle material expenditures and expenditures for the procurement of the non-financial assets regarding the performance of the activities prescribed by this Act.

(3) The amount of the fee referred to in paragraph 1 of this Article shall be prescribed by the Minister in an ordinance.

Costs

Article 27

The costs for the implementation of the post registration control of the plant protection products programme referred to in Article 68 of the Regulation (EC) No. 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market shall be financed from the State Budget of the Republic of Croatia.

XI SUPERVISION

Administrative Supervision

Article 28

Administrative supervision of the implementation of this Act and regulations adopted on the basis thereof, as well as the supervision of the professional institutions involved in the professional activities and tasks regarding the sustainable use of pesticides shall be performed by the ministry.

Inspection

Article 29

Inspection over the implementation of this Act and regulations adopted on the basis thereof shall be performed by the agricultural inspection pursuant to regulations governing the scope and authorities of the agricultural inspection and to the separate act on the implementation of the Regulation (EC) No. 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and to the separate Act on the implementation of the Regulation (EC) No. 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin.

Authorities of the Inspector

Article 30

(1) In addition to the authorities referred to in Article 29 of this Act, on the basis of this Act, the agricultural inspector shall also have the following authorities:

1. to verify whether the persons subject to training have the appropriate training referred to in Article 5 of this Act, a completed exam referred to in Article 5 paragraph 2 of this Act and an appropriate identification card referred to in Article 7 of this Act,
2. to verify whether the authorised lecturers meet the requirements referred to in Article 6 of this Act and if they possess the appropriate identification card referred to in Article 7 of this Act,
3. to verify whether the legal and physical persons authorised for the implementation of the training meet the prescribed requirements pursuant to Article 6 of this Act,
4. to verify whether the persons dealing with sales and distribution of pesticides meet the prescribed requirements regarding employees, premises and equipment, pesticide storage, packaging, record

keeping and other prescribed requirements pursuant to Articles 8 and 9 of this Act,

5. to verify whether the authorised stations for the inspection of pesticide application equipment meet the prescribed requirements referred to in Articles 12 and 13 of this Act,

6. to verify whether the pesticide application equipment owners or their permanent users meet the prescribed conditions referred to in Articles 12 and 13 of this Act,

7. to verify whether the professional pesticide users meet the prescribed requirements and obligations referred to in Articles 5, 7, 12, 14, 16, 17, 18, 19, 20, 21, 22 and 24 of this Act,

8. to verify whether the professional institutions referred to in Article 15 perform their tasks and undertaken obligations,

9. to propose revoking or considering as invalid the identification card of the authorised lecturer or person subject to training in the case referred to in Article 7 paragraph 5 of this Act or in case of frequent failure to meet the requirements referred to in Articles 5, 6, 7, 8, 9, 12, 14, 16, 17, 18, 19, 20, 21, and 22 of this Act,

10. to propose issuance of the decision on revoking the authorisation to the legal and physical persons authorised for training implementation in case of not meeting the requirements referred to in Article 6 of this Act,

11. to propose issuance of the decision on revoking the authorisation to the authorised inspection stations in case of not meeting the requirements referred to in Articles 12 and 13,

12. to propose removal from the PIS records of the persons dealing with sales and distribution of pesticides in case they fail to remove the deficiencies which resulted in prohibition of sales and distribution of pesticides within six months,

13. to perform other activities necessary for the implementation of this Acts and regulations adopted on the basis thereof.

(2) When performing the inspection, the agricultural inspector shall take measures pursuant to regulations governing their scope of activities and agricultural inspection authorities and, pursuant to this Act, the following measures:

1. prohibit the performance of pesticide sales and distribution to legal and physical persons who are not entered into the PIS records and who do not meet the requirements regarding the employees, facilities, premises, equipment, storage, pesticide

handling and their packaging, keeping and submitting the data for the purposes of entry into the PIS records and data on sales pursuant to Articles 9 and 24 of this Act,

2. prohibit the sales of pesticides intended for professional users if they are not sold in specialised stores, that is, if they are sold at the locations where their sales is prohibited pursuant to Article 8 of this Act,

3. prohibit the sales of pesticides intended for non-professional users if they do not meet the requirements referred to in Article 8 of this Act,

4. prohibit the use of pesticides intended for professional users to the persons who do not have the training referred to in Article 5 of this Act, a completed exam referred to in Article 5 paragraph 2 of this Act or the identification card referred to in Article 7 and Article 20 paragraph 9 of this Act and do not meet the requirements referred to in Article 22 of this Act,

5. prohibit the performance of advisory activities regarding pesticides to the advisors who do not have the appropriate training pursuant to Article 5, a completed exam referred to in Article 5 paragraph 2 and the identification card pursuant to Article 7 of this Act,

6. prohibit the performance of pesticide sales and distribution activities to the distributors who do not have the training pursuant to Article 5, a completed exam referred to in Article 5 paragraph 2 and the identification card pursuant to Article 7 of this Act,

7. prohibit the performance of activities to professional users, distributors, advisors and lecturers who have obtained the right to identification card on the basis of false documents pursuant to Article 7 paragraph 5 of this Act or in case of revoking the identification card referred to in Article 7 paragraph 6 of this Act,

8. seize the revoked identification cards and identification cards considered invalid pursuant to Article 7 of this Act,

9. order the measures of mandatory submission of data if the professional user fails to submit the data on pesticide use upon the request of the Ministry pursuant to Article 20 paragraph 8 of this Act,

10. prohibit the pesticide use to the user applying the pesticide incorrectly or not complying with the provisions referred to Article 20 of this Act,

11. prohibit the implementation of training to legal and physical persons if they do not have the Ministry authorisation, or fail to meet the prescribed requirements regarding lecturers,

premises, equipment and other requirements referred to in Article 6 of this Act,

12. prohibit the performance of training to the lecturers who do not have the Ministry authorisation or fail to meet the prescribed requirements referred to in Article 6 of this Act and do not possess the identification card referred to in Article 7 of this Act,

13. prohibit the use of pesticide application equipment if they do not have a valid label on inspection pursuant to Article 12 of this Act,

14. prohibit the the inspection station the performance of inspection of pesticide application equipment if they do not possess the Ministry authorisation or fail to meet the prescribed requirements referred to in Article 13 of this Act,

15. prohibit the pesticide users the use of non-registered pesticides, pesticides with expired shelf life or expired stock sales and application deadline pursuant to Article 20 paragraph 3 of this Act,

16. order the professional institutions referred to in Article 15 of this Act to remove the established deficiencies within an acceptable deadline,

17. order to legal and physical persons referred to in Article 31 of this Act to remove the established deficiencies within an acceptable deadline,

18. perform other activities and order other measures for the purpose of implementation of this Act and regulations adopted on the basis thereof.

(3) Implementation of the measures referred to in paragraph 2 of this Article shall be ordered by means of a written decision adopted through an administrative procedure.

(4) An appeal against the decisions adopted on the basis of the provisions of this Article shall not postpone the implementation of the decision.

(5) An appeal against the decisions referred to in paragraph 3 of this Article may be made to the Appeal committee within 15 days from receiving the decision.

(6) The members of the Committee referred to in paragraph 5 of this Article shall be appointed by the Government of the Republic of Croatia.

(7) The Committee referred to in paragraph 5 of this Article is comprised of three members, two of which come from the ranks of agricultural inspectors of the Ministry, and one comes from the ranks of Ministry civil servants, holding at least a graduate level degree of legal profession.

(8) The Committee referred to in paragraph 5 of this Article adopts the Rules of Procedure.

(9) Proposals referred to in paragraph 1 of this Article are submitted by the inspector to the Ministry directorate competent for the sustainable use of pesticides.

(10) No appeal can be made against the Ministry decisions adopted on the basis of this Act, however, an administrative dispute may be initiated.

Obligations of Persons Subject to Inspection

Article 31

(1) The legal and physical persons subject to inspection pursuant to this Act shall enable the performance of inspection, provide the necessary data and information, as well as ensure the conditions for undisturbed activities of the inspector.

(2) The legal and physical persons referred to in paragraph 1 of this Article shall, at the request of the inspector, submit or prepare the data and material necessary for the performance of inspection activities within the specific deadline.

XII MISDEMEANOUR PROVISIONS

Article 32

(1) A fine ranging from HRK 50,000.00 to 100,000.00 shall be imposed on a legal person if they:

1. perform training of persons subject to training without the Ministry authorisation, that is, if they fail to meet the requirements pursuant to Article 9 paragraph 1 of this Act,
2. perform pesticide sales and distribution without being registered into the PIS registry or if they do not have a seat and address in the Republic of Croatia pursuant to Article 9 paragraph 1 of this Act,
3. sell pesticides intended for professional users to the persons who do not have the training referred to in Article 5 of this Act, a completed exam referred to in Article 5 paragraph 2 of this Act and the identification card referred to in Article 7 of this Act pursuant to Article 9 paragraph 8 of this Act,
4. perform pesticide application equipment inspection without the Ministry authorisation referred to in Article 13 paragraphs 1 and 9 of this Act,

5. implement aerial spraying without the Ministry authorisation pursuant to Article 16 paragraphs 3 and 5 of this Act,

6. provide treatment services, without meeting the prescribed requirements referred to in Article 22 of this Act,

7. do not act in accordance with the decision of an inspector pursuant to Article 30 paragraph 2 of this Act,

8. fail to enable undisturbed performance of inspection to the inspector in accordance with this Act or if they obstruct them, offend or do not provide the requested documentation, explanations, information and data, or necessary items for the insight while performing those activities pursuant to Article 31 paragraph 1 and 2 of this Act.

(2) A fine ranging from HRK 10,000.00 to 15,000.00 for offences referred to in paragraph 1 of this Article shall also be imposed on a responsible person of the legal person.

(3) A fine ranging from HRK 30,000.00 to 50,000.00 for offences referred to in paragraph 1 of this Article shall be imposed on a legal person – craftsman.

(4) A fine ranging from HRK 10,000.00 to 30,000.00 for offences referred to in paragraph 1 of this Article shall be imposed on a physical person.

Article 33

(1) A fine ranging from HRK 20,000.00 to 50,000.00 shall be imposed on a legal person if:

1. they perform the activities of pesticide distribution and sales, provide advice on safe and proper pesticide application, without having a prescribed training pursuant to Article 5 paragraphs 1, 2 and 3 of this Act and the identification card pursuant to Article 7 paragraphs 1, 3, 4 and 6 of this Act,
2. they purchase, own or use pesticide intended for professional users without having the training referred to in Article 5 of this Act, a completed exam referred to in Article 5 paragraph 2 of this act and the identification card referred to in Article 7 and Article 20 paragraph 9 of this Act,
3. a lecturer who is not an authorised lecturer pursuant to Article 6 paragraph 3 and 5 of this Act and who does not have the identification card pursuant to Article 7 paragraphs 2, 3 and 6 of this Act hold lectures and take part in training implementation,

4. they conclude a contract with a person who is not an authorised lecturer pursuant to Article 6 of this Act for the purposes of training implementation,

5. they fail to handle the revoked and invalid identification card in a prescribed manner and fail to comply with the obligations of the identification card owner pursuant to Article 7 paragraph 6 of this Act,

6. they perform the activities of distribution, treatment, lecturing, providing advice with the identification card, which has not been issued pursuant to Article 7 of this Act,

7. they continue performing the activities of distribution, providing advice, perform treatments or hold lectures when the identification card is considered invalid pursuant to Article 7 paragraph 5 of this Act or when the identification card has been revoked pursuant to Article 7 paragraph 6 of this Act, that is, if they continue performing the activities of distribution, providing advices and treatment after the expiry of the identification card,

8. they sell pesticides contrary to Article 8 of this Act,

9. they fail to meet the requirements for pesticide distribution and sales regarding the employees, facilities, sales locations, premises, equipment, storage, pesticides and their packaging handling, keeping records on pesticide sales and the submission of the data on sales, keeping other records and submission of data, as well as other requirements pursuant to Articles 8 and 9, and Article 24 paragraphs 9 and 10 of this Act,

10. they fail to submit the data changes to the PIS pursuant to Article 9 paragraph 2 and Article 24 paragraph 9 of this Act,

11. they use pesticide application equipment which have not been inspected or which do not have a label on the performed inspection pursuant to Article 12 paragraphs 1, 3, 4 and 6 of this Act,

12. they fail meet the requirements regarding the employees and equipment, fail to keep necessary data on the pesticide application equipment in the Ministry computer application and to exchange the aforementioned data with a central Ministry computer application, fail to keep the reports on the inspection and fail to meet other requirements pursuant to Article 13, paragraphs 3, 4, 5, 6 and 8 of this Act, and they perform regular inspections of the pesticide application equipment,

13. they fail to report the new pesticide application equipment referred to in Article 11 of this Act to the authorised inspection station or if they fail to request the acceptance of the inspection, fail to

keep the reports on the inspection, fail to report to the inspection station the change in ownership data or if they fail to withdraw from use the pesticide application equipment pursuant to Article 14 of this Act,

14. they fail to inform the public, interested parties or persons who might be exposed to pesticides during treatment pursuant to Article 17 of this Act,

15. the pesticide user fails to take the prescribed measures for the purpose of the aquatic environment and drinking water protection pursuant to Article 18 of this Act,

16. the pesticide user fails to implement measures for pesticide use risks reduction pursuant to Article 19 of this Act,

17. the pesticide user performs treatment without using the appropriate personal protective equipment pursuant to Article 20 paragraph 1 of this Act,

18. fails to store pesticides pursuant to Article 20 paragraph 2 of this Act and in accordance with other conditions stated on the label,

19. they own, keep or apply the pesticide, which is not registered in the Republic of Croatia, does not have a valid decision on registration or licence, if the deadline for stock sales and pesticide application has expired pursuant to Article 20 paragraph 3 of this Act,

20. they fail to handle the pesticide packaging, pesticide residues in packaging, spray drift residues pursuant to regulations governing waste management in accordance with Article 20 paragraph 4 of this Act,

21. in case of accident, they fail to act pursuant to Article 20 paragraphs 5 and 6 of this Act,

22. they fail to clean the pesticide application equipment in accordance with the instructions on the particular pesticide label pursuant to Article 20 paragraph 9 of this Act,

23. they do not possess the identification card and personal ID card while performing the treatment pursuant to Article 20 paragraph 9 of this Act,

24. they fail to apply the basic principles of integrated pest management pursuant to Article 20 paragraph 9 of this Act,

25. they fail to submit the data required for maintaining the data collections and records in accordance with the prescribed manner of submission and deadline within which the data shall be submitted pursuant to Article 24 paragraphs 9 and 10 of this Act,

26. the professional institutions referred to in Article 15 fail to perform their tasks or fail to correct the deficiencies established during inspection pursuant to Article 30 paragraph 2 item 16 of this Act.

(2) A fine ranging from HRK 3000.00 to 10,000.00 for offences referred to in paragraph 1 of this Article shall also be imposed on a responsible person of the legal person.

(3) A fine ranging from HRK 5000.00 to 20,000.00 for offences referred to in paragraph 1 of this Article shall be imposed on a legal person – craftsman.

(4) A fine ranging from HRK 2000.00 to 15,000.00 for offences referred to in paragraph 1 of this Article shall be imposed on a physical person.

XIII TRANSITIONAL AND FINAL PROVISIONS

Adoption of Regulations

Article 34

(1) The regulations referred to in Article 4 paragraph 10, Article 5 paragraphs 3 and 5, Article 6 paragraph 5, Article 7 paragraph 6, Article 8 paragraph 5, Article 9 paragraph 12, Article 10 paragraph 2, Article 12 paragraph 6, Article 13 paragraph 8, Article 16 paragraph 4, Article 17 paragraph 2, Article 18 paragraph 2, Article 19 paragraph 2, Article 21 paragraph 7, Article 22, Article 23 paragraph 2, Article 24 paragraph 10, Article 25 paragraph 4 and Article 26 paragraph 3 of this Act shall be adopted by the Minister within 12 months from the into force of this Act.

(2) Until the entry into force of the regulations referred to in paragraph 1 of this Article, the following regulations adopted on the basis on the Act on Plant Protection Products (Official Gazette of the Republic of Croatia, No. 70/05.) shall remain in force:

- Ordinance on Establishing an Action Framework to Achieve the Sustainable Use of Pesticides (Official Gazette of the Republic of Croatia, No. 142/12)

- Ordinance on the amount of charges and distribution of funds in the registration process for plant protection products, assessment of active substances and licensing of plant protection products (Official Gazette of the Republic of Croatia, No. 94/07, 36/10, 55/10 and 38/13)

- Ordinance on the composition, field of activity and working method of the Commission for

Plant Protection Products and Residues of Plant Protection Products.

(3) In addition to the regulations referred to in paragraph 1 of this Article, the Minister may adopt ordinances, orders and instructions for the implementation of the amendments to the Directive 2009/128 / EC and the European Commission delegated acts necessary for the implementation of this Act.

Transitional provisions

Article 35

(1) Until the adoption of the regulations referred to in Article 22 of this Act, the treatment services shall be provided only by those legal and physical persons registered in the Register of legal and physical persons performing control and eradication of harmful organisms in agriculture and forestry by using pesticides pursuant to the Act on Plant Protection Products (Official Gazette of the Republic of Croatia, No. 70/05.) and Ordinance on Establishing an Action Framework to Achieve the Sustainable Use of Pesticides (Official Gazette of the Republic of Croatia, No. 142/12).

(2) Distributors or holders of the decision on pesticide registration who performed pesticide distribution and sales activities until entry into force of this Act shall submit the data for the entry into the central PIS records referred to in Article 9 paragraph 2 of this Act, as well as data on the sales of pesticides referred to in Article 9 paragraphs 2 and 3 of this Act no later than on 1 April 2014.

Regulations, which shall cease to be in force

Article 36

By the entry into force of the Act, the Act on Plant Protection Products (Official Gazette of the Republic of Croatia, No. 70/05, 25/09 and 80/13) shall cease to be in force.

Entry into Force

Article 37

This Act enters into force on the eight day after its publication in the Official Gazette of the Republic of Croatia.

Class: 022-03/13-01/318

In Zagreb, 24 January 2014

CROATIAN PARLIAMENT

Speaker of the Croatian Parliament

Josip Leko