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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Directive 2009/128/EC of the European Parliament and of the Council on the sustainable use of pesticides

1. INTRODUCTION

Directive 2009/128/EC[1] establishes a common legal framework for achieving a sustainable use of pesticides, taking account of precautionary and preventive approaches. It was adopted in 2009 and had to be transposed into national laws of Member States by 26 November 2011.

This Directive establishes a framework to reduce the risks and impacts of pesticide use on human health and the environment and to promote the use of integrated pest management and of alternative approaches or techniques.

The Directive empowers the Commission to adopt delegated acts and imposes on it an obligation to report to the co-legislators on the exercise of the delegated powers it contains.

2. LEGAL BASIS

This report is required under Article 20a(2) of Directive 2009/128/EC. Pursuant to this provision, the power to adopt delegated acts concerning the matters listed therein is conferred on the Commission for a period of five years from 26 July 2019 and the Commission is required to prepare a report in respect of the delegation of power not later than nine months before the end of the five-year period.

As set out in Article 20a(2), the Commission is empowered to adopt delegated acts referred to in Articles 5(3), 8(7), 14(4) and 15(1) of Directive 2009/128/EC.

Article 20a(2) of that Directive lays down that the delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period, while Article 20a(3) states that the delegation of powers referred to in Articles 5(3), 8(7), 14(4) and 15(1) of Directive 2009/128/EC may be revoked at any time by the European Parliament or by the Council.

3. EXERCISE OF DELEGATION

During the reporting period, the Commission did not exercise any empowerments under Articles 5(3), 8(7), 14(4) and 15(1), referred to in Article 20a(2) of Directive 2009/128/EC. This period coincided with the preparation and negotiation of a proposal for a regulation on the sustainable use of plant protection products[2]. At the time this report was due, the Commission could not draw definitive conclusions as to whether the delegated powers under Directive 2009/128/EC would need to be extended as there would have been no need to extend the delegated powers if the Directive had been repealed.

On 27 March 2024, the Commission approved the withdrawal of the proposal and this was

[1] 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 L 309, 24.11.2009, p. 71,* http://data.europa.eu/eli/dir/2009/128/oj.

[2] COM(2022)305 final.

included in the list of withdrawn proposals published on 6 May 2024.[3]

4. CONCLUSION

With this report the Commission complies with its reporting obligation under Article 20a(2) of Directive 2009/128/EC. The implementation of Directive 2009/128/EC is advancing and scientific and technical progress is ongoing which may warrant the adoption of further delegated acts in the future in order to keep the legal framework up to date. The Commission invites the European Parliament and the Council to take note of this report.

[3] Withdrawal of Commission Proposals, OJ C, C/2024/3117, 6.5.2024, http://data.europa.eu/eli/C/2024/3117/oj.