

14 October 2007

A SUSTAINABLE USE OF PESTICIDES

CER-EIM-UIC Position on

Proposal for a directive establishing a framework for
Community action to achieve a sustainable use of
pesticides, and the EP Draft Report on the proposal
for a directive

POSITION PAPER

Introduction

The Commission proposed a Framework Directive on the sustainable use of pesticides (together with a non-binding thematic strategy on the same topic) in July 2006. The environment (ENVI) committee (Mrs Klass, EPP-ED, Germany) was responsible for drafting the European Parliament's 1st reading opinion and actually voted on 26 June 2007.

While the Commission proposal was satisfactory for railways, there is a need to react on several amendments of the Environment committee, taking into account the specific need for railways to use pesticides in order to ensure safe and efficient operations.

Railway undertakings and infrastructure managers use pesticides to maintain tracks. The deployment of plant protection products within the immediate railway track area is necessary for safety reasons. Otherwise safety within the immediate railway track area can not be assured as prescribed. Railways are obliged to ensure that rolling stock, installations, accessories and equipment comply with the requirements and the conditions for use specified, so that they can be safely put into operation by the railway undertaking and/or infrastructure manager. The ballast bed is necessary to lead off dynamic forces generated by running trains. Plant roots would close the coarse pores. The ballast bed loses its shearing strength and elasticity, so that uncontrollable forces occur, especially in winding route sections. Furthermore, track benches neighbouring the ballast bed are to be kept free as emergency routes and for track works.

Vegetation control on railway track needs application of plant protection products because non-chemical methods do not yield satisfactory results. This was confirmed by a UIC study that was presented to the EU Commission and is basis of UIC leaflet 723 ("Vegetation Control: technical and management aspects"). The UIC study shows that for more than 40 railways in Europe and Northern America only chemical methods have proven performance. There is currently no other method available able to replace chemical methods. This should be mentioned in the reasons section of the directive.

Avoiding double regulation

CER-EIM-UIC are of the opinion that in principle the directive regulates issues which are already clearly regulated by other European directives. This does not contribute to legal certainty of European legislation.

Should certain aspects need further regulation, this should be allocated to the proper regulation. For instance, the examination and the admission of plant protection products regulations already regulate the application of plant protection products. The water framework protection directive incorporates regulations on the protection of aquatic environments. The FFH directive and the bird protection directives incorporate regulations on the protection of Natura-2000 areas.

Specific concerns related to the ENVI Committee Report

- **Amendment 21 (Art 2 § 2a new)**
- **Amendment 46 Art 4 § 4a (new)**

Assuming all other measures contained in the directive operate effectively, i.e. deliver a reduction in the use of pesticides to the lowest optimal level, fiscal measures are seen as punitive and will only add to the overall cost of operating the railway.

CER-EIM-UIC therefore ask to reject these amendments

- **Amendment 22, article 2, paragraph 2b:**

Different regulations could result in higher obligations for local operators than for their competitors and thus distort competition.

CER-EIM-UIC therefore ask to reject this amendment

- **Amendment 34 (Art 4 § 1 sub§ 1)**

The need for consultation should not be restricted to any single groups, but extended to all users.

The hard targets defined appear to be random, and not based on what is achievable. More research should be done into what can be achieved plus some stretch on top.

CER-EIM-UIC therefore ask to reject this amendment

- **Amendment 70 (Art 10 § 2 sub§ 1)**

The exact definition of buffer zones around bodies of water or safeguard zones for the abstraction of drinking water closed to railway lines should be left to national legislation due to regional distinctions. The buffer zones should be adopted through the normal risk mitigation by users and land owners, referred to in the last sentence of Article 11.

CER-EIM-UIC therefore ask to reject this amendment

- **Amendment 75 (Art 11 point a)**

This prohibits the use of pesticides in "all areas used by the general public" and railway stations could fall under this definition, although not explicitly mentioned

in the amendment. In addition the areas linked with rail transport, such as rail yards, depots and tracks, can not be defined as "areas used by the general public" and they are often regarded as industrial areas. Sensitive areas (e.g. hospitals, playgrounds...) closed to railway lines are not affected by the application of pesticides on railway lines because of the pinpointed application of pesticides whereby driftage does not occur. Therefore it would be an unnecessary and disproportionately effort to identify all the mentioned sensitive areas.

CER-EIM-UIC therefore ask to reject this amendment

- **Amendment 76, article 11, point b:**

FFH directive 92/43/EEC and bird protection directive 79/409/EEC contain comparable regulations. The regulation in this paragraph comprises the risk of further unnecessary restrictions in the future.

CER-EIM-UIC therefore ask to reject this amendment

Conclusive remark

From a number of perspectives, rail is recognised as the cleanest transport mode with the least damaging impact on the environment. Railway companies very much support a more sustainable use of pesticides and have already implemented internal measures and management systems to reduce at minimum the use of pesticides and only to specific safety-related situations. They however advise that measures need to be adapted to specific situations.

Thus CER-EIM-UIC recommend that the European Parliament carefully considers the practicality and proportionality in relation to railway vegetation management activities of Article 10 and Article 11. We suggest that these should consider the challenge of railway operators to use best endeavours to reduce the application of pesticides on railway lines to the lowest reasonable level taking account of the safe and efficient operation of the railway network. The safety standards of railway installations must be guaranteed, i.e. not being compromised by unnecessary restrictions imposed by the Directive.