

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 (Text with EEA relevance)

CHAPTER VI

FINAL PROVISIONS

*Article 17*

**Penalties**

Member States shall determine penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

[<sup>X1</sup>Member States shall notify those provisions to the Commission by 26 November 2012 and] shall notify it without delay of any subsequent amendment.

**Editorial Information**

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 309 of 24 November 2009\)](#).

*Article 18*

**Exchange of information and best practice**

The Commission shall put forward as a priority for discussion in the expert group on the thematic strategy on the sustainable use of pesticides the exchange of information and best practice in the field of sustainable use of pesticides and integrated pest management.

*Article 19*

**Fees and charges**

1 Member States may recover the costs associated with any work pursuant to obligations under this Directive by means of a fee or charge.

2 Member States shall ensure that the fee or charge referred to in paragraph 1 is established in a transparent manner and corresponds to the actual cost of the work involved.

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## Article 20

### Standardisation

1 The standards referred to in Article 8(4) of this Directive shall be established in accordance with the procedure provided for in Article 6(3) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services<sup>(1)</sup>.

The request for developing these standards may be established in consultation with the Committee referred to in Article 21(1).

2 The Commission shall publish the references of the standards in the *Official Journal of the European Union*.

3 When a Member State or the Commission considers that a harmonised standard does not entirely satisfy the requirements which it covers and which are set out in Annex II, the Commission or the Member State concerned shall bring the matter before the Committee set up by Article 5 of Directive 98/34/EC, giving its arguments. The Committee shall, having consulted the relevant European standardisation bodies, deliver its opinion without delay.

In the light of the Committee's opinion, the Commission shall decide to publish, not to publish, to publish with restriction, to maintain, to maintain with restriction or to withdraw the references to the harmonised standard concerned in or from the *Official Journal of the European Union*.

The Commission shall inform the European standardisation body concerned and, if necessary, request the revision of the harmonised standards concerned.

### <sup>f1</sup>Article 20a

#### Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 5(3), Article 8(7), Article 14(4) and Article 15(1) shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. 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.

3 The delegation of power referred to in Article 5(3), Article 8(7), Article 14(4) and Article 15(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>(2)</sup>.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 5(3), Article 8(7), Article 14(4) and Article 15(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.]

**Textual Amendments**

F1 Inserted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).

*Article 21*

**Committee procedure**

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(3)</sup>.

F2 .....

**Textual Amendments**

F2 Deleted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).

<sup>F3</sup>Article 22

[<sup>F3</sup>Expenditure]

**Textual Amendments**

F3 Deleted by Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal

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health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC.

### *Article 23*

#### **Transposition**

[<sup>X1</sup> Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 26 November 2011.]

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The method of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### **Editorial Information**

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 309 of 24 November 2009\)](#).

### *Article 24*

#### **Entry into force**

This Directive shall enter into force on the day following its publication in the *Official Journal of the European Union*.

### *Article 25*

#### **Addressees**

This Directive is addressed to the Member States.

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- (1) OJ L 204, 21.7.1998, p. 37.
- (2) [<sup>F1</sup>OJ L 123, 12.5.2016, p. 1.]
- (3) OJ L 31, 1.2.2002, p. 1.

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