

## EU legislation and policy relevant to turfgrass management

Representative as at June 2008

### WATER

#### Water framework Directive:

This Directive is the most substantial piece of water legislation from the EU to date. It requires all inland and coastal waters to reach at least “good status” by 2015. The UK government’s Environment Agency for England and Wales describes it as: “the most significant piece of European water legislation to be produced for over twenty years”.

EU legislation on water has a long and complicated history, going back to the 1st Environment Action Programme of 1973, which identified water pollution as a priority issue. Approximately 30 EU Directives now concern water. Their impact on golf has, up to now, been less noticeable because of the large number of piecemeal laws. This is set to change because all European water legislation has been wrapped up in the one Water Framework Directive with a more integrated approach to water management based on River Basin Districts, new more stringent targets for water quality, a new focus on water quantity and wider public participation in water management programmes. Many golf clubs across Europe will be familiar with the constraints imposed by other Directives concerning habitats and birds protection. The Water Framework Directive consolidates and amends the designation of protected areas with regards to water to give five categories of protected area:

- waters used for the abstraction of drinking water;
- areas designated to protect economically significant species (shellfish and freshwater fish);
- recreational waters designated under the Bathing Water Directive (coastal and freshwater);
- nutrient sensitive areas (nitrates and urban waste water);
- areas designated for the protection of habitats or species (the aquatic parts of Natura 2000 sites).

The River Basin Districts are areas of land and sea, made up of one or more river basins together with their associated groundwaters and coastal waters. The achievement of the 2015 objectives must be co-ordinated for the whole of the River Basin District. While several Member States already take a river basin approach, this is not the case everywhere in Europe. For each District - some of which will cross national frontiers - a “River Basin Management Plan”

will need to be established and updated every six years. In all Member States, the Directive presents new challenges, particularly to improve co-ordination of water planning arrangements.

At present in England, for example, the government's Environment Agency and other organisations use separate plans - Catchment Flood Management Plans, Catchment Abstraction Management Strategies, Shoreline Management Plans and Fisheries Actions Plans - for different aspects of water management. The Water Framework Directive will require a single process of Integrated River Basin Management with one Plan, based on detailed analysis of the pressure on water bodies and an assessment of their impacts, setting out how the environmental objectives for all water bodies within the river basin will be achieved. The assessment will identify those water bodies unlikely to achieve the environmental objectives set out in the Directive and highlight where improvement actions will be required.

Across Europe, the following fifteen river basins were chosen as pilots for the new legislation to ensure the consistency of national and European guidance.

- Scheldt transboundary river basin (Belgium, France, The Netherlands)
- Ordense river basin (Denmark)
- Oulujoki river basin (Finland)
- Moselle-Sarre transboundary river basin (France, Germany, Luxembourg)
- Marne river basin (France)
- Neisse transboundary river basin (Germany, Poland, Czech Republic)
- Pinlos river basin (Greece)
- Shannon river basin (Ireland)
- Ribble river basin (UK)
- Cecina river basin (Italy)
- Tevere river basin (Italy)
- Sulda Isvassdraget river basin (Norway)
- Guadiana river basin (Portuguese part) (Portugal)
- Samos transboundary river basin (Romania, Hungary)
- Júcar river basin (Spain)

These are the first regions to develop prototype integrated River Basin Management Plans. For the whole of Europe, Plans must be agreed by 2009 and operational by 2012. The overall key milestones set out in the Directive are:

2003

Transposition in national legislation Identification of River Basin Districts & Authorities

2004

Characterisation of river basin: pressures, impacts and economic analysis

2006

Establishment of monitoring network Start public consultation (at the latest)

2008

Present draft river basin management plan

2009

Finalise river basin management plan including programme of measures

2010

Introduce pricing policies

2012

Make operational programmes of measures

2015

Meet environmental objectives

**Why this is relevant to golf:**

This new Directive could impact on every golf course in Europe – on how you use water on your course, the way you source it and the way you drain it away. It could also affect the amount and nature of chemicals you use on the course that eventually find their way into water.

But the Directive presents opportunities as well. As we know, there are many golf clubs in Europe developing and using cutting-edge technologies and practices in sustainable water management and other environmentally-sensitive policies. The Directive offers us the opportunity to demonstrate golf's environmental achievements at local and national level and to enhance the game's environmental image.

Although 2015 is the key date, it's important not to be tempted into thinking that golf club managers don't need to do anything until then – as the milestones table above demonstrates.

A useful next step golf club managers can take is to familiarise themselves further with the Directive. An hour's surfing now (see below for web links) could help each golf club prepare for the future by answering the following key questions:

- are we in one of the fifteen pilot areas where work is most advanced?
- have the River Basin Districts been defined in our country and, if so, which one are we in and who is on our management committee?
- have any assessments been made which identify our area as being "at risk" of failing to meet the Directive's objectives?
- is our club in one of the five protected categories listed above?
- how best can we cooperate with other golf clubs locally to check on progress and participate in the implementation of the Directive in our area (remember that River Basins will not necessarily follow the usual administrative boundaries)?

There's no excuse for failing to get involved because public participation in water planning and management is central to the Directive. As the European Commission acknowledges on its website:

*"it is essential that the process is open to the scrutiny of those who will be affected ... Caring for Europe's waters will require more involvement of citizens, interested parties and non-governmental organisations ... the Directive will require information and consultation when River Basin Management Plans are established: the RBMP must be issued in draft and the background documentation on which the decisions are based must be made accessible. Furthermore a biannual conference in order to provide for a regular exchange of views and experiences in implementation will be organised".*

#### **Where to go for more definitive information:**

[2000 EU Water Framework Directive](#)

[Link to the European Commission website on the WFD](#)

#### **Groundwater:**

At the moment, groundwater protection relies on the 1980 Groundwater Directive (80/68/EEC) which the Water Framework Directive (WFD) repeals in 2013. Because the WFD does not contain comprehensive provisions for protecting groundwater against chemical pollution, it required the European Commission to propose a new Groundwater Directive. The new Groundwater Directive was formally adopted by the Council of Ministers and European Parliament in 2006. It complements the WFD and requires:

- groundwater quality standards to be established by the end of 2008;

- pollution trend studies to be carried out;
- pollution trends to be reversed so that environmental objectives are achieved by 2015 using the measures set out in the WFD;
- measures to prevent or limit inputs of pollutants into groundwater to be operational so that WFD environmental objectives can be achieved by 2015;
- reviews of technical provisions of the Directive to be carried out in 2013 and every six years thereafter;
- compliance with good chemical status criteria (based on EU standards of nitrates and pesticides and on threshold values established by Member States).

### **Why this is relevant to golf:**

The new Groundwater Directive is an important part of the overall package of EU water legislation. It complements not just the WFD but a range of other EU laws impacting on water quality such as the:

[Nitrates Directive \(91/676/EEC\)](#)

[Urban Wastewater Treatment Directive \(91/271/EEC\)](#)

[Plant Protection Products Directive \(91/414/EEC\)](#)

[Biocides Directive \(98/8/EC\)](#)

[Integrated Pollution Prevention and Control \(IPPC\) Directive \(96/61/EC\)](#)

[Landfill Directive \(99/31/EC\)](#) and

[Construction Products Directive \(89/106/EC\)](#)

### **Where to go for more definitive information:**

The new Groundwater Directive (2006/118/EC)

Guidance Document no. 17 on preventing or limiting direct and indirect inputs in the context of the Groundwater Directive 2006/118/EC

[Link to the European Commission website on groundwater](#)

### **CHEMICALS:**

The new [EU Regulation on chemicals, \(EC 1907/2006\)](#) known as REACH, was described by some as the most complex legislative proposal in EU history.

Certainly it attracted much argument between industry and environment lobby groups. The new law entered into force on 1 June 2007 and establishes a new EU regulatory framework for the Registration, Evaluation and Authorisation of Chemicals (REACH).

According to the [European Commission's Europa website](#), the aim of REACH is to improve the protection of human health and the environment through the better and earlier identification of the intrinsic properties of chemical substances. At the same time, innovative capability and competitiveness of the EU chemicals industry should be enhanced.

The REACH Regulation gives greater responsibility to industry to manage the risks from chemicals and to provide safety information on the substances. Manufacturers and importers will be required to gather information on the properties of their chemical substances, which will allow their safe handling, and to register the information in a central database run by the [European Chemicals Agency](#) (ECHA) in Helsinki. The Agency will act as the central point in the REACH system: it will manage the databases necessary to operate the system, co-ordinate the in-depth evaluation of suspicious chemicals and run a public database in which consumers and professionals can find hazard information.

The Regulation also calls for the progressive substitution of the most dangerous chemicals when suitable alternatives have been identified.

Stakeholders sent over 6000 responses during the REACH internet consultation and contributed to the REACH Impact Assessment both before and after the launch of the Commission REACH proposal in 2003.

REACH provisions will be phased-in over 11 years. Companies can find explanations of REACH in the guidance documents and can address themselves to a number of helpdesks.

The Commission will carry out a number of reviews of REACH Annexes by end 2009.

### **Why this is relevant to golf:**

A likely impact of REACH on golf will be to provide more data on chemicals used in the industry and more risk management measures. It may be that REACH also contributes to the further reduction in substances available for turfgrass management in the golf industry.

Many of the substances relevant to golf and turfgrass management are already subject to other EU legislation, e.g. on pesticides. This existing legislation has caused many products to be removed from the market. REACH has been designed to complement but not overlap with this other EU legislation. It will not apply to those cases considered to be addressed by equivalent Community legislation.

Substances used for plant protection products or biocides would be deemed already registered because other EU legislation requires the submission of substantial information. Downstream

users, who employ these substances, would be deemed to be making an identified use within the meaning of REACH. However, if downstream users make another, unidentified, use of such a substance, they may have to report this use to national authorities or the new European Chemicals Agency.

**Where to go for more definitive information:**

[Regulation \(EC\) No 1907/2006: the "REACH Regulation"](#)

Link to the European Commission website on chemicals

**PESTICIDES:**

"Pesticides" is a very detailed area of EU policy with a large stock of legislation going back to 1967. EU pesticides legislation emanates from a wide variety of sources, such as food safety, environment, internal market and health and safety at work. EU legislation distinguishes pesticides from their close relatives "biocides" (the latter broadly concern "non-plant" products).

[Council Directive 91/414/EEC on the placing of plant protection products on the market](#) is arguably the most important current EU legislation on pesticides. It sets up a harmonised authorisation system for the active substances used in plant protection products at EU level. National governments may then approve products containing such EU agreed substances for use on their territory. The 1991 rules make EU authorisations of active substances subject to a positive outcome of safety evaluations, for which producers must present data.

At the time of adoption of the Directive in 1991, there were over 850 such substances authorised for use in the Member States. A decision was taken in July 2002 to withdraw 320 substances from the market in July 2003. In July 2003, the Commission proposed to withdraw another 110 substances by December 2003. Some temporary derogations have been agreed in certain Member States for some "essential uses".

It is a complicated task for outsiders to monitor progress and decisions emanating from the 1991 Directive. It has been amended numerous times and over one hundred implementing measures have been adopted, approving or rejecting product placement on the market. The latest European Commission summary of progress posted on the Commission website is dated January 2007.

The [Pesticide Action Network \(PAN\) Europe](#) website presents a summary of the situation as of December 2006, considering 1,026 substances in total (984 existing substances in 1991 plus 42 other substances considered in the revision).

PAN Europe - Summary of the situation as of December 2006

## **Status**

### **Number of substances**

Banned

49

Withdrawn with "essential use" derogations

101

Registration withdrawn

362

Authorised

115

Pending

399

Total

1,026

Included amongst those products, where placement on the market has been approved by the 1991 Directive, are glyphosate, mecoprop, mecoprop-P and propiconazole.

Since the end of 2003, the European Food Safety Authority has dealt with risk assessment issues on plant protection products, whilst the European Commission has retained the risk management decision. EFSA is an agency of the EU, separate from the European Commission, with the task of giving independent scientific advice on pesticides and other food safety issues to the European Commission and EU Member States.

The pesticides package presented by the Commission in 2006 proposes a Regulation to update the 1991 Directive on the market authorisation of plant protection products and a Directive that covers the use of pesticides – see link to [What's coming next from Brussels](#). The UK government agency, the [Pesticides Safety Directorate](#), states on its website that:

*“The current system under Directive 91/414/EEC is based around each member state issuing authorisations for individual products. There is a system of ‘mutual recognition’ designed to encourage the same approvals in different member states but this has had limited impact. The Commission is now essentially proposing a major simplification involving a system of zonal authorisations under which, instead of up to 25 different national authorisations, there would be up to 3 different zonal authorisations for a particular product.”*

The 1991 Directive requires the peer review of all active substances that were on the EU market in 1993 to be completed by end 2008.

#### **Why this is relevant to golf:**

The combined impact on golf of these different legislative initiatives will be to restrict further the availability of pesticides for golf course maintenance. The importance of alternative products and maintenance techniques will grow, as may the temptation to stock-pile and trade illegal products. Users of plant protection products, such as golf clubs, will need to be fully aware of whether the products they use are likely to be withdrawn, so as to prevent them being left with stocks of unusable material. Close contacts should be maintained with national authorities to check the authorisation status for all plant protection products.

#### **Where to go for more definitive information:**

[Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market](#)

[Link to the European Commission website on pesticides authorisation](#)

[Link to the European Food Safety Authority](#)

#### **FERTILISERS:**

Between 1976 and 1998, a total of 18 Council and Commission Directives relating to fertilizers were adopted.

The provisions of these Directives were presented in a complex manner and were very difficult to understand. In order to address this, the European Commission proposed to recast these Directives into one single text in the form of a Regulation. The choice of a Regulation was justified by the fact that this type of instrument was required to bring about harmonisation of detailed technical norms requiring uniform application throughout the EU. This [Regulation was adopted in 2003](#) and only covers mineral fertilisers.

All types of fertiliser which comply with this Regulation are designated "EC fertilisers" and are subject to its provisions. They are listed in Annex I of the Regulation with the minimum and maximum content of fertilising elements set out for each type of fertiliser (nitrogen or phosphorus content, etc.). A type of fertiliser is designated an "EC fertiliser" only if:

- under normal conditions of use it does not adversely affect human, animal, or plant health, and the environment;
- it is effective;
- appropriate sampling, analysis, and if required, test methods are available.

In addition to the provisions regarding the designation of "EC fertilisers", the Regulation sets out provisions for the harmonisation of labelling and packaging in the Community. One of the areas covered is the method of indicating the content of different fertilising elements.

The Regulation also provides for compulsory identification on fertiliser packages and labels. These markings take the form of the words "EC fertiliser", details describing the fertilising elements and trace elements, the name or trade name or trade mark and the address of the manufacturer and, where appropriate, an indication of the blend of fertilisers.

If a type of fertiliser conforms with the Regulation, the Member States may not prevent the fertiliser being placed on the market in the territory of the EU. There is, nevertheless, a safeguard clause whereby a Member State may withdraw it temporarily from the market pending an investigation at Community level, if it believes that the fertiliser constitutes a risk to the safety or health of humans or animals or a risk to the environment.

The Regulation sets out detailed technical provisions regarding the scope, declaration and identification and packaging of four types of fertiliser:

- main inorganic nutrient fertilisers;
- secondary inorganic nutrient fertilisers;
- inorganic micro-nutrient fertilisers;
- ammonium nitrate fertilisers of high nitrogen content.

**Why this is relevant to golf:**

The 2003 Regulation is aimed primarily at large chemical enterprises which produce mineral fertilisers and at importers of mineral fertilisers manufactured outside the EU. The overall aim of the Regulation is to remove the fragmentation and barriers to free movement in the EU fertiliser market, which ultimately should benefit end users, such as golf clubs.

**Where to go for more definitive information:**

[Regulation \(EC\) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers](#)

[Link to the European Commission website on fertilisers](#)

**NITRATES:**

This aim of the [Nitrates Directive 91/676/EEC](#) is to reduce and prevent water pollution caused by nitrates from agricultural sources. The Directive obliges Member States to monitor the nitrate concentration and trophic status of bodies of water. Member States must identify “polluted waters” i.e. waters where nitrate is high or eutrophic (caused by nitrate). Once identified, all land draining into these waters is designated as one or more Nitrate Vulnerable Zones (NVZs).

An action programme applies to all farms within NVZs which limits the spreading of manure and application of fertilizers etc to reduce nitrate pollution in these zones. As examples of varying coverage, in Wales only 3% of land is designated as an NVZ, whereas more than half of England is NVZ designated.

The Water Framework Directive has incorporated several aspects of the Nitrates Directive in its provisions, e.g. the NVZs became protected areas under the Water Framework Directive and the measures under the Nitrates Directive became the measures of the River Basin Management Plan.

### **Why this is relevant to golf:**

Many golf courses across Europe are located in designated NVZs, although the prime focus of EU-funded actions programmes in NVZs so far has been on farmers.

Evidence suggests that less nitrate leaching occurs when land is taken out of agriculture and into golf, especially when exposed soil is replaced by a dense sportsturf sward. The golf sector generally is also moving towards more sustainable maintenance practices involving less fertiliser application. Nonetheless, nitrates can leach from golf courses and may impact on and cause problems for water quality. Golf course managers must be aware of and be prepared to act to resolve this potential environmental problem.

As the provisions of the Water Framework Directive (WFD) increasingly come into effect, so NVZ designations and NVZ action programmes will become part of wider river basin management plans. Whereas EU legislation on nitrates has so far had a piecemeal impact on golf, this may spread as WFD river basin planning becomes the norm throughout the EU. In the future, nitrate monitoring may change from being good golf management practice to an essential task for all golf course managers.

### **Where to go for more definitive information:**

Nitrates Directive 91/676/EEC

[Link to the European Commission website on nitrates](#)

### **NATIONAL LEGISLATION:**

The main forms of EU law are Directives and Regulations.

Regulations are directly applicable throughout the EU as soon as they come into force without further action by the Member State.

Directives establish a common aim for all Member States but leave it to national authorities to decide on the form and method of implementing (or “transposing”) the Directive. Normally, Member States are given one or two years to implement a Directive.