

OFFICIAL INSPECTIONS ON PLANT PROTECTION PRODUCTS

**Inspection Procedure of farmers – users of
Plant Protection Products**

***Coordinating National Authority
Directorate of Plant Produce Protection
Ministry of Rural Development and Food***

Index

		Page
1.	Introduction	5
2.	General inspection guidelines	6
2.1.	Inspection purpose	8
2.2.	Legal powers	9
2.3.	Time of inspection. Without prior warning of the inspected person	9
3.	Inspection’s plan – Farmer selection based on risk analysis	11
4.	Conducting an inspection on site	16
4.1	Checking document and records of plant protection products use	16
4.1.1.	Invoices of purchased plant protection products	16
4.1.2.	Checking records of plant protection products use	16
4.1.3.	Farmer’s self-inspection	18
4.1.4.	Identifying other infringements	18
4.1.5.	Documenting of infringements	18
4.1.6	Report of the inspection	18
4.1.7.	Required inspection tools	18
4.1.8.	Completion of inspection	19
4.2.	Training on inspection in PPPs topics	19
4.3.	On-site inspection of the warehouse where the farmer stores plant protection products	19
4.3.1.	Inspection of storage conditions of plant protection products	20
4.3.2	Inspection for non-authorized plant protection products	21
4.3.3.	Management of obsolete, non-authorized and damaged plant protection products	23
4.3.4.	Identify other infringements	24
4.3.5.	Acute poisoning. Maintaining antidotes for use in cases of acute poisoning	24
4.3.6.	Providing technical advice	25
4.3.7.	Documenting of infringements	25
4.3.8.	Report of the inspection	25
4.3.9.	Required tools to inspection	25
4.3.10.	Completion of inspection	25
4.4.	Inspection spraying mixture and application of plant protection product	26
4.4.1.	Evidence of infringement	27

4.4.2.	Report of the inspection	27
4.4.3.	Required tools to inspection	27
4.4.4.	Completion of inspection	27
4.5.	Inspection use of plant protection products through sampling and testing for plant protection products residues in leaves and plant parts	28
4.5.1.	Sampling procedure	28
4.5.2.	Advantages of the method	29
4.5.3.	Weakness of the method	29
4.5.4.	Results evaluation	30
4.5.5.	Collaboration with Test Laboratory	30
4.5.6.	Combination with other means of inspection	31
4.5.7.	Required mean for inspection	31
4.5.8.	Completion of inspection	31
4.6	Inspection use of plant protection products through sampling and testing for plant protection products residues in adduced products of plant origin	32
4.7.	Inspection use of plant protection products through sampling soil and laboratory testing for plant protection products residues	34
4.7.1.	Procedure of taking samples	34
4.7.2.	Advantages of the method	34
4.7.3.	Weakness of the method	35
4.7.4.	Results evaluation	35
4.7.5.	Collaboration with Test Laboratory	36
4.7.6.	Combination with other means of inspection	36
4.7.7.	Required mean for inspection	36
4.7.8.	Completion of inspection	36
4.8	Inspection use of plant protection products through sampling and testing of the spraying liquid of the plant protection product	37
4.8.1.	Collaboration with Test Laboratory	38
4.8.2.	Combination with other means of inspection	38
4.8.3.	Required mean for inspection	38
4.8.4.	Completion of inspection	39
5	Actions in the event of infringement	40
6	Evaluation of application of the inspection procedure	41
7	Application of corrective actions	42
8	Rights of the inspected person	42
8.1.	Access to documentation	42

8.2.	Appealing a decision	42
9	Annual inspection report to the Coordinating National Authority	43
10	Start of application	45
11	Applicable legislation and regulations	45
ANNEXES		
A1	Report of the inspection to the farmer – user of plant protection products	47
A2	Form for inspection the farmer - user of plant protection products	50
A3	Form for inspection documents and records of use of plant protection products	51
A4	Form for inspection training in plant protection products	52
A5	Form for inspection warehouse of plant protection products	53
A6	Form for inspection preparation of spraying liquid and application of plant protection product	54
A7	Record for seizing plant protection products	56
A8	Factsheet for sample plant tissue for testing residues of plant protection products and minute of sampling	59
A9	Factsheet for soil sampling for testing residues of plant protection products and minute of sampling	60
A10	Factsheet for sample spraying liquid for testing residues of plant protection products and minute of sampling	61
A11	Factsheet for sample for testing residues of plant protection products and minute of sampling	62
A12	Annual evaluation of inspections on farmers – users of plant protection products	63

1. Introduction

This circular describes the procedure of inspection on the farmer - user of plant protection products, applied by the legally competent official authorities.

This procedure includes the legislative provisions, the actions taken by the supervisory authorities, the forms to fill and any other necessary information required by the enforcement authorities for the inspection.

The process of inspection the farmer - user of plant protection products is based on the principle "Plan - Do - Check - Act". It consists on the following parts: design of inspections, realization of inspections, evaluation of inspections and their review. The evaluation and the taking of appropriate corrective actions are made at the level of the competent inspection authority and the Coordinating National Authority.

This procedure for inspection the farmer - user of plant protection introduces the broad use of electronic technologies, such as the use of digital camera and global positioning system (GPS) during the conducted inspections.

This circular will be reviewed by the Coordinating National Authority, whenever is necessary according to legislative change, need to improve the process or introduction of additional objects for inspection.

In each chapter of this procedure, a reference to the existing ratification legislation is given in order to facilitate the inspector. Also, in parentheses, where appropriate, a reference is made in the literature to the legislation and to the implementing provisions issued with regard to this inspection.

By broken frame and shaded, the ratification legislation applicable in each case is indicated.

Close attention should be given to the fact that it is not required to simultaneously implement all inspection techniques during the inspection of a farmer but to select on a case-by-case basis the proper technique. For example, if the farmer is being inspected during spraying of a plant protection product, it can be selected to monitor the spraying and to complete of Form 7: "Inspection of plant protection products application" or to take sample from the spray solution. Also, where deemed adequate by the inspector, it is recommended to check out only the farmer documentation or only to take leaf samples and thereby to multiply the farmers – users of plant protection products inspected, while saving resources. Detailed instructions for multi-inspections are given in the relevant section of this circular.

The circular also contains points where the provisions of the National Action Plan, when adopted, will be introduced.

The purpose of this circular is to provide detailed instructions for the homogenization of inspections carried out and to facilitate the inspection team in its work. For this reason it is necessary to continuously improve the process by submitting proposals and comments of the supervisory authorities, whenever is necessary.

The purpose of this circular also aims to improve the quality and effectiveness of inspections on farmers – users of plant protection products while saving costs. It aspires to become manual for inspections for the competent supervisory authorities.

2. General inspection guidelines

Firstly it should be clear to each participant in an inspection team that the inspection must be objective, fair and that leads to evidence of compliance or not with the legislation in force through document checking or field review of an activity.

CNA	Annual or multi-annual program of inspections	Planning inspections (PLAN)
	↓	
Inspection Authority	Local program of inspections	Conducting inspections (DO)
	✓ Crop factor	
	✓ PPP user factor	
	✓ Pursued objective factor	
	↓	
	On-site check of documents and records of using PPPs	
	Inspection of training in PPPs	
	On-site inspection of PPPs warehouse	
	On-site inspection of preparing spraying liquid and of applying PPP	
	Sampling leaves and tissues	
	Sampling harvested production	
	Sampling soil	
	Sampling spraying liquid	
↓		
Analysis and evaluation of planning and conducting inspections	Evaluating inspections (CHECK)	
Suggestions for improvement		
↓	Taking corrective measures (ACT)	
Implementation of proposals to improve the local procedure of inspections		
Update CNA for integrating improvements on the annual or multi-annual program of inspections		

For the objectivity of the inspection, there should not be in any case a “conflict of interest” between the inspectors and the inspected person or company. A “conflict of interest” means any relationship, personal, social, financial or otherwise between the inspectors and the inspected person or company that may influence favorably or unfavorably the inspection. Furthermore, all inspections are advised to be conducted by more than one person who will co-sign the relevant inspection forms for ensuring the procedure.

The inspector must be aware that during the inspection he/she represents the official authority and through him/her the Greek State.

The inspection team should bring along the existing legislation in order to be able to give law answers to any questions that may occur from the inspected person. Also, the inspector must bring along the order for the inspection or any other legal document that records his/hers status and the inspection forms. Finally, the inspection team, prior the on-site inspection, must be properly prepared and that means at least:

- Have drawn up the day's program.
- Have checked the crops and pesticides that are used on the areas crops.
- Have discussed the methodology to be followed, the questions asked. The allocation of work among the member of the inspection team, etc.
- Have established the availability of the necessary inspection forms, transportation etc.

When we begin the inspection, it is necessary:

- To introduce themselves to the inspected person by stating the purpose of their visit. E.g. *«Good morning. Our names are P.T., D.T. and M.K. and we come for the Regional Unit of Athens to do a provisional inspection on the pesticides you use».*
- To the extent that it is possible, without negating the inspection, it is recommended not to disturb any on-going activity and generally to ensure that there is an atmosphere of cooperation with the inspected person.
- To make clear to the inspected person that the inspection is based on the current legislation by which everyone must abide.

During the inspection, it is necessary:

- The questions made should not be “closed” but to urge the inspected person to express his opinion. For example, it is not recommended to ask a farmer: “Do you use unauthorized products?” Instead of this and for the same purpose, more information may be acquired by the inspection team if they ask: “What are you looking at when purchasing a pesticide?” Therefore, it is recommended to start the questions with: What, where, who, when, why, how, show me and from the answer to complete the inspection form and not to repeat verbally the same questions of the inspection form.
- An important component is the on-site inspection and the collection of objective evidence. The inspection team observes and records with clarity and details any infringements found. The recording is complemented by data that prove the infringement such as invoices, copies of documents or preparations, samples, photographs, etc.
- The inspection team is obliged to fill in the documents in the presence and awareness of the inspected person, who will also be asked to co-sign. To sign or to agree with the findings is not necessary and in case of disagree, this is marked on the checklist. The inspected person is allowed by law to access the documents related to his case, which can be made either by reading them on site or to request them in hardcopies and to obtain certified copies.
- The inspection team should ensure that its general behavior is such as to ensure the credibility and reliability of the service.

Completing the inspection, it is necessary:

- The inspection team has ensured that all the required documents have been properly filled.
- A copy of the inspection report has been served to the inspected person.

- It has been made clear to the inspected person that the finding of deviations or infringements to the current legislation does not automatically entail a penalty. The inspected will be asked to express his view in writing within fifteen (15) days, which will be evaluated and during the evaluation it will be determined whether or not to impose any sanctions. It should also be communicated the possibilities of making an appeal depending on the type of the inspection.

The competent authorities should be aware that mistakes made during the inspection are highly possible to lead to a legal collapse of the case even if the infringement is based on undisputed facts. For example, if unauthorized pesticides are found and these are not counted or seized.

Finally, each inspected must be aware that penalties imposed on offenders must be and are:

- Effective
- Proportionate
- Dissuasive.

Special topics:

A. Providing documents to the inspected person

The inspected person has the right under the Code of Administrative Procedure - Law 2690/1999 (Government OJ A' 45) to be communicated with his/her case's documents as he/she is entitled with special legal interest, upon written request, to receive even classified documents that are held by the public services and are relevant with his/her pending or closed case. The right is carried out: a) by studying the file at the service's office, or b) by providing a copy, unless the reproduction may damage the original. Special case should be paid when an inspection is carried out (e.g. following a complaint) and the inspected person requests to take notice of complainant or the contents of the complaint. In such cases and in general when the allowance of this right may **impede essentially the investigation**, the competent inspection authority can deny this right [article 5 of law 2690/1999, as amended by par.2 of article 8, law 2880/2007 (OJ A'9)].

B. Farmers of professional user of plant protection products

The inspected person might be a farmer that uses plant protection products on his/her crops or a professional user of plant protection products. The inspection team has to register in the inspection report his/her attributes and to carry accordingly the inspection. For example, if the inspection is carried out during the mix and loading, the responsible person for the dosage, mixing and all the general activities is the professional user of plant protection products. If the inspection is carried out at the field during the mix and loading from the professional user, the responsibility for the use of PPPs on a crop is of the producer, unless it is established that he/she had agreed the spraying of another than the agreed product that was used.

2.1. Inspection purpose

This procedure applies to the inspection of farmers – users of pesticides that are plant protection products. The inspections carried out concern:

- A. In the case of the farmers of primary food of non-animal origin, the inspection of natural and legal persons, who produce food and use plant protection products (food safety legislation).
- B. In the case of the users of pesticides that are plant protection products, inspection of natural and legal persons using pesticides in professional activities. These activities include pesticide use for primary food production, pesticide application as a professional service (sprayers), or pesticide post-harvest

treatments by a person other than the farmer (application of plant protection products in packaging, disinfection of stored fruits, etc.).

2.2. Legal power of inspections (article 8 of I.4036/2012)

The inspection of plant protection products is carried out by the competent authorities of respective Regional Units and the Regional Centers of Plant Protection and Quality Control of the Hellenic Ministry of Rural Development and Food have parallel legal power to conduct inspections.

According to article 8 of I.4036/2012 on detecting infringements of this law, the appointed for the inspections employees in particular:

- «a) check any evidence related to plant protection products. Specifically for legal persons, they can also check the e-mails of the entrepreneurs, administrators, directors, managers and generally the designated managers or personnel, including the staff of the businesses or of the associations, regardless of the storage format and anywhere even if they are stored in the premises, and take copies or extracts,*
- b) conduct research in offices and other places and in the transport means of their businesses,*
- c) seal any business premises or documents during the inspection and as necessary for the research».*

The relevant command for inspection is given in writing by the Head of the local Department of the Region or the Regional Unit or the Head of the Regional Center for Plant Protection and Quality Control of the Ministry of Rural Development and Food and contains the topic of the investigation and the consequences for blocking or obstructing or denial for showing the requested information or rest of documentation or refusing providing copies or their extracts.

The desk officer conducting inspection writes a report, copy of which is communicated to the local businesses and business associations.

In case of refusal or obstruction in any way of the desk officers or the designated employees of the European Commission to exercise their duties, the assistance of police and prosecuting authorities may be asked for. This assistance may be requested proactively.

Special topic

Inspection at the home of the inspected person

The inspection authorities under law 4036/2012 have no right to perform inspections at the home of a person unless there is a proper authorization under applicable law by a judicial officer.

But if the inspected person has at the **exterior** of the house a storehouse for plant protection products or other important facilities for the inspection, the inspection authority, according to article 8, par.3b, may conduct an inspection. If the inspected person refuses access, then directly the infringement for obstructing the inspection is recorded and the judicial and police authorities' aid is requested for conducting the inspection.

2.3. Time of inspection. Without prior warning of the inspected person

On-site inspections to farmers – users of plant protection products are carried out **WITHOUT PRIOR WARNING**, especially in cases involving use of pesticides on crops related to food production within the scope of Regulation (EC) 882/2004. It is possible to give notification to the farmer only if the following conditions are met:

- ✓ It is absolutely necessary for conducting the inspection,

- ✓ It is certain that the time and the way of noticing does not provide a way for the inspected person to alter the inspected state,
- ✓ Is given the latest 1-2 hours before the inspection.

Cases of inspection for pesticide use on non-edible crops such as flowering plants, amenity, cotton, forest species etc are excluded and notification may be made. Nevertheless, even in these cases it is recommended that the inspection is carried out without prior warning.

3. Inspections planning – Farmer selection based on risk analysis

The local control authority for the preparation of the annual control program for farmers – users of plant protection products takes first consideration the general principles set out in the national annual control program in plant protection products, issued by the Coordinating National Authority.



The local control authority has the responsibility to draw up a specific plan for the selection of farmers that will be tested in the regular program, which will be based on specific risk factors, which are:

A. Risk factor: «Crop»

- Risk Factor RFC1. The crops cultivated in the region to a significant extend and for every crop the estimated percentage of the crop area to the total cultivated one, as a rated ranking. For example:

Crop	Points
Olive trees	28
Vineyard	18
Orange trees	13
Greenhouse tomato	9
Potato	9
Apple	7
Pear	7
Bean	5
Cucumber	2
Eggplant	2

- Risk Factor RFC2. A classification of these crops is done with the criterion of protected (greenhouse) or not. In case of a positive answer, the score is 100; in case of a negative answer, the score is 0.
- Risk Factor RFC3. The intensity of use of plant protection products per crop if existent or not, estimated by the competent inspection authority. In the same risk factor, the availability and cost effectiveness of plant protection products are included. In case of a positive answer, regarding the intensity of the use or the unavailability and cost effectiveness of plant protection products the score is 100; in case of a negative answer, the score is 0.

- Risk Factor RFC4. The finding or not of MRL excesses in pesticide residues in respective crops during the last three (3) years. In case of a positive answer, the score is 100; in case of a negative answer, the score is 0.
- Risk Factor RFC5. The finding or not of pesticide residues not registered for use to these crops during the last three (3) years. In case of a positive answer, the score is 50; in case of a negative answer, the score is 0.
- Risk Factor RFC6. The finding or not of unauthorized products residues to these crops during the last three (3) years. In case of a positive answer, the score is 100; in case of a negative answer, the score is 0. As a positive response is considered also the possession of unauthorized products from farmers with only or major the rated crop.

Based on the above, the competent authority has a special program in a spreadsheet (e.g. Excel or any other software program). In this file the data are entered in order to assess the risk per crop concerning the use of plant protective products.

For example the result could be:

Crop	RFC1	RFC2	RFC3	RFC4	RFC5	RFC6	TOTAL
Olive tree	28	0	0	0	50	0	78
Vineyard	18	0	100	0	50	100	268
Orange	13	0	0	0	0	0	13
Greenhouse tomato	9	100	100	0	50	100	359
Potato	9	0	100	0	0	0	109
Apple	7	0	100	100	50	0	257
Pear	7	0	100	0	50	0	157
Bean	5	0	0	100	0	0	105
Cucumber	2	0	100	100	50	0	252
Eggplant	2	0	100	0	50	0	152

From the above analysis, three (3) crops are selected which present an increased risk. For each of these crops a number of farmers will be picked for inspection the same year. It may be possible for the inspection authority to select more than three crops.

The number of crops that will enter the above analysis can be increased or decreased according to the situation in each region. So in the area of responsibility, the control authority may decide that it has four (4) important crops while another one may estimate that it has fifteen (15) crops cultivated to a considerable extent.

B. Risk Factor: «Farmer – user of plant protective products»

The competent inspection authority based on its capacity designs the number of the farmers who will be inspected, the most suitable time of the inspection and the control tools to be used. For example, it can decide to inspect thirty (30) farmers in total and the inspections to include the tools mentioned in the following chapters (warehouse inspection or sampling plant tissues etc.). Specifically, let's suppose to inspect 10 warehouses of tomato farmers, 7 warehouses of apple farmers, to take 10 samples of vine leaves and to inspect the sprayings in 3 cases.

It is recommended to design combined inspections, e.g. to combine the inspection of a farmer and also the inspection of a neighboring pesticide retailer or sampling for the residues program, in order to save resources and to intersect information where possible.

The programming shall be notified to the competent auditors and will not be released to third parties and may be modified according to the findings and the necessities of the inspection.

- Risk Factor RFA1. The finding of illegal residues of a farmer – user of plant protection products in the previous year by the official inspection for residues program. On a positive answer the farmer falls within the inspection program.
- Risk Factor RFA2. The finding of illegal residues of a farmer – user of plant protection products in the previous year by the self-check program. On a positive answer even if the residue findings from the self-check have not been confirmed by official inspection programs, the farmer falls within the inspection program.

It is underlined for the fore mentioned cases that the farmer will be immediately inspected, as a result of the above findings and the following years as part of the regular program will be re-checked without prior warning regarding the use of plant protection products.

- Risk Factor RFA3. Inspections carried out by other services and include checks on plant protection products for which the competent authority has been informed for the infringement, such as cross compliance. On a positive answer the farmer falls within the inspection program.
- Where there are specific data on the areas the farmers cultivate in the region by the EU subsidies paying authority or any other agency, an electronic form state of the fifty (50) largest farmers is established. Shortly before issuing the inspection order, preferably on the eve of the inspection, the competent authority shall decide which of the fifty farmers will inspect.
- If there are no specific data on the areas the farmers cultivate in the region, farmers are selected meeting the following criteria:
 - ✓ It is estimated that the cultivated area of their fields significantly exceeds the mean value of that crop in the area.
 - ✓ In that area, illegal residues have been recorded or claims have been made for possession and use of unauthorized plant protective products or illegal use of plant protective products.
 - ✓ The particular regional soil and weather conditions favor the development of insects, weeds and pathogens and increase the use of plant protection products.
 - ✓ In the crop region there are specific and serious insects, pathogens or weeds that are dealt with extensive applications of crop protection.

C. Risk factor: «Intended control purpose»

The inspection authority after having identified the cultivation and the characteristics of farmers to be checked, should detect what is the main intended purpose of the inspection. Based on the intended purpose, the authority will decide which are the main tools that can be used and to achieve it. This can be:

- If the intended purpose is to support the exports of the products of primary production, the inspection tools can be residues inspection and the records of pesticide use.
- If the intended purpose is to reduce the acute poisoning by pesticide in the region, the inspection tools can be inspection of warehouses (in particular measures of protection) and the inspection of plant protection products application.
- If the intended purpose is to reduce the environment pollution, the inspection tools can be records of plant protection products application and leaves samplings.
- If the intended purpose is the consumer's safety, the inspection tools can be samples of harvested fruits.
- If the intended purpose is the inspection of unauthorized pesticides, it may be necessary to place many inspections in farmers' warehouses.

The above inspection tools are indicative and not restrictive and are subject to post evaluation of the results by the inspection authority. It is most probable that the inspection tool although mentioned above may not be effective for a specific area and the inspection authority knowing the area’s specifics to propose and implement another inspection tool as it deems most appropriate.

Design of inspections to farmers – users of plant protection products with risk analysis	
Annual inspection program of the Coordinating National Authority	
Crop selection	<ul style="list-style-type: none"> ▪ Acreage (%) ▪ Green house or not (Y/N) ▪ Intensity for use of PPP (Y/N) ▪ Finding MRL excess (Y/N) ▪ Finding residues of PPPs unauthorized for use on the crop found (Y/N) ▪ Finding use of unauthorized PPP (Y/N)
Farmer – user of PPP selection	<ul style="list-style-type: none"> ✓ Finding non acceptable residues after official inspection (Design to inspection) ✓ Finding non acceptable residues after business self-check (Design to inspection) ✓ Finding non acceptable residues after inspection form other authorities (Design to inspection) ✓ Acreage much larger than the average ✓ Reports for illegal use or unauthorized PPPs in the area located ✓ Intensity of use of PPP due to soil and climatic conditions ✓ Presence of a serious enemy or pathogen in the area
Selection for inspection	<ul style="list-style-type: none"> ✘ Export support ✘ User safety ✘ Environment safety ✘ Consumer safety ✘ Inspection of unauthorized

The above analysis refers only to the annual inspection program and not to emergency inspections which are conducted immediately after the finding of illegal residues or after reports or by relative documents of the Coordinating National Authority.

It is recommended to conduct combined inspections for saving time and costs of transportation, as long as the programming of the inspections is benefited. For example, in the same day a inspection to a warehouse is good to be combined with a inspection to a local sale point. In that case, the cross-checking of the farmer’s registered data is benefited by the corresponding registered data of PPPs sales from the retailer.

4. Conducting an inspection on site

During every inspection, the person under inspection is obliged to cooperate with the inspector. A strong point of cooperation is for the person to provide access to every professional installation that is used or could be used for the storage or use of PPPs and to every relevant document.

Possible denial to provide access is sanctioned with administrative penalties according to article 9 paragraph 12 of Law 4036/2012 [fine from a thousand (1000) up to fifty thousand (50.000) euros] and with criminal penalties according to article 10 paragraph 7 of Law 4036/2012 [imprisonment from three (3) months up to (1) year].

4.1. Checking documents and records of use of PPPs

Every inspection on site of the farmer must begin with the examination of documents which refer to PPPs. Such documents may be:

4.1.1. Invoices of purchased PPPs. The invoices are examined in order to determine if the PPP bears authorization. If it does not, administrative and criminal penalties are sanctioned.

According to article 9 par.3 of Law 4036/2012 (OJ A'8): *a fine of 1,000 € up to 30,000 € is posed to the responsible for importing, producing, packaging, **holding**, forwarding, exchanging, marketing, **using** or advertizing not authorized ppps, or ppps which authorization has been recalled, or ppps not covered by a parallel import permit, or ppps not cover by a trial permit. Ppps are set under official detention and in case of imported ppps, they are re-exported to the country of origin, in case of EU origin, they are return to the MS of origin or destructed. All expenses are paid by the owner of the products. For the same infringement, according to article 10, par.3 of Law 4036/2012 additional criminal penalties are foreseen and specifically imprisonment from three (3) months to one (1) year.*

It is also checked if the supplied product has an authorization for the crop. If not, the farmer must be asked for which use did he/she purchase it and if deemed necessary a sample is taken from the leaves of the crop so as to be analyzed possible illegal use (of the product). It is noted that even if there is a verbal statement from the farmer that he/she used it in a crop that was not allowed, a sample is required to be taken so as to validate the infringement.

Finally, the retailer shop(s) which issued the invoices for selling the PPPs is/are noted. The scope of this note is, if deemed necessary; to cross-check the farmer's declared information with those from the electronic registration system of PPPs' sales.

For the check of the documents and the invoices which the user of PPPs holds, the corresponding form is filled: **"Form for inspecting registers/records of PPPs' use/training"** (See Annex with Forms of this decision).

The data from the invoices can be cross-checked, when necessary and possible, via the Integrated Administration and Inspection System declaration.

4.1.2. Checking records of PPPs' use. The records of PPPs' use will be asked in every inspection on site and will be examined. Possible non-keeping of records will be sanctioned with administrative penalties.

According to article 67, par. 1 of Regulation (EC) 1107/2009: «Professional users of plant protection products shall, **for at least 3 years**, keep records of the plant protection products they use, containing the name of the plant protection product, the time and the dose of application, the area and the crop where the plant protection product was used». According to article 9, par.13 of Law 4036/2012 (OJ A'8): For any other infringement of the Regulation (EC) 1107/2009 and the implementation acts, a fine of 1,000 € up to 5,000 € is posed to the responsible.

According to document No. 2538/23216/12-3-2012 of the Coordinating National Authority (CNA), the below points were clarified:

- ✓ The recording of PPPs' use in daily or weekly calendars, as long as it contains the above information, fulfills the above legislative requirement.
- ✓ The recording of PPPs' use especially for the needs of certifying products according to a specific model, such as AGRO 2, GlobalGap, etc., as long as it contains the above information, fulfills the above legislative requirement.

The recording of PPPs' use is advised to be cross-checked with the invoices of purchasing the plant protection products that are found in the farmer's warehouse. This way, it can be proved and documented the absent or deficient recording of use of PPPs since the farmer-user is not in a position to justify the difference.

The recording of PPPs' use must be used from the farmers – professional sprayers for the goals of the sustainable use of PPPs and specifically for the reduction of the risks of their use and their relative cost, the mitigation of risk and of their impact on human health and on the environment and for the promotion of implementing integrated crop management and alternative approaches or techniques, such as non-chemical alternate solutions instead of pesticides.

It is noted that third parties such as the industry of drinking water, retailers or citizens, can ask access to these information by contacting inspection agencies (Extension Services of Periphery Regional Units and Regional Centers of Plant Protection & Quality Check). These services provide access to this information, according to article 5 of Law 2690/1999 (OJ.A'45). The form in which the requested information is communicated is as follows:

Name of plant protection product	Time of application	Application dosage	Area of application	Crop on which it was applied

For inspection the registries of use of PPPs the corresponding form is filled: **“Form for inspection inputs/registries of use of PPPs/certification”** (See Annex with Forms).

4.1.3. Farmer’s self-check.

Farmer’s self-checks considered for the purpose of this procedure are any laboratory analysis of residues of plant protection products in what he/she produced, either for the needs of integrated crop management standards (Agro 2.1-2.2, GlobalGap etc.), or by his/her initiative. Self-checks are not obligatory, but they indicate the farmers professionalism, especially when he/she have proceeded to corrective or preventive actions taking into account the laboratory results.

The farmer is asked if he/she has done self-checks and if yes the lab results are inspected if available. It is noted even in case the analysis is demonstrated by a private laboratory, which proves infringement of law; the infringement is not registered but only the suspicion and the need for official sampling.

4.1.4. Finding other infringements (illegal marketing of PPPs) during inspections of farmer’s-user’s of PPPs registers

It is likely that during the inspection of documents of farmer – user of PPPs, another infringement is identified, for example the supply of PPPs from a retailer store that has not announced the business initiation (not registered retailer) or other infringement.

These findings do not need to be recorded in the Inspection Report of the farmer of PPPs or even better not to be notified to the farmer and not to be recorded in the report delivered; so there is no chance to warn the novel involved by the inspected farmer.

In these cases, copies (images) taken of the corresponding objective data and a new inspection to the directly involved person is in order to gather additional factual information and to investigate the realization of other infringements. In the example of the above paragraph, a copy is obtained and directly an unannounced inspection is programmed since there is evidence of infringement of legislation in power.

To identify other offences, the verbal references of the farmer cannot be considered as a fact. But if he/she resorts to written complaint of any illegal activity after the inspection, or wished to attribute the liability of some findings in some other natural or legal person and to sign this in the Inspection Report, then an immediate unannounced inspection to the implicated person is required.

4.1.5. Evidence of infringements:

In case of infringement it is required to obtain specific objective evidence proving the infringement for the needs of inspection. This can be done by duplicating the document or if this is not possible by taking a photograph of the document. Objective data collected should be referred in the inspection report.

4.1.6. Inspection report

With the completion of the inspection, the completion of the relevant report is required and to give a copy of it to the inspected person.

4.1.7. Required tools for inspection

The inspection team is required to have with:

- The legislation in force and the inspection order
- Blank inspection forms and blank inspection report
- Digital camera
- If the farmer's crops are already known, a recent printing from the database of the Ministry of Rural Development and Food of the approved PPPs for the specific crop(s).

4.1.8. Inspection completion

After the completion of the inspection and the dispatch of the inspection report, the inspection team notifies in brief the inspected person on the findings. In case of infringement, the inspected person is informed about the actions to follow.

According to article 9, par.16 of Law 4036/2012, the agency that has made the investigation communicates with a document (with proven receipt) the infringement to the responsible, which is called to submit in writing his opinion in a 15 days period. After this period and regardless of submitting or not his opinion, the service forwards the file to the competent authority.

4.2. Inspection of training on PPPs topics

The inspection team checks the training of the farmer on PPPs topics. Up to the completion of the design and the application of the training system as described in article 19 of L.4036/2012 (OJ A'8), the absence of special training does not prove infringement of legislation.

4.3. On-site inspection of the warehouse where the farmer stores plant protection products

The warehouse where the PPPs the farmer bought are reserved is a critical point for inspection. The position of the warehouse must be described not in vague but through GPS so that there is no doubt.

GPS (Global Positioning System): Through GPS coordinates there is no doubt of the positioning of the inspection. GPS devices (Garmin) have been supplied to the relevant competent authorities for the needs of OSDE (Integrated Administration and Inspection System, IACS) and are used during the overviews for phytosanitary inspections. The measurement can be taken either with the presence of the inspected person (as in the warehouse), or without him/her (as during the sampling of plant tissues or soil at a field).

It is advised that the farmer should not even store PPPs but to buy only the needed for the application quantity. By this:

- Money is saved by not buying products that may not be needed to use and the possibility the products will become obsolete may be also avoided.
- It is avoided to use the PPPs after their expiration date.
- The PPPs possible use in a non-approved crop is avoided, under the wrong conception that since the products were effective in a specific crop they might be also in an another not approved crop.
- The possibility of application at a wrong timing is avoided.
- The risks for accidents in the warehouse of the farmer are minimized (fire, packaging deterioration etc) as well as risks of poisoning or even inhaling odors from the products.

- The risks of poisoning or even inhaling odors from the products is avoided.

However, there must be a special storage room for pesticides, because even for the case of buying only PPPs for the next application there is a chance to postpone or cancel the application due to weather conditions.

The inspection in the PPPs warehouse of the farmer includes elements mentioned in the relevant Inspection form: **“Warehouse inspection form”** (See Annex of Forms). During the inspection the inspector must be very observative. The infringements in the warehouse are:

- ✓ Possession of non-authorized PPPs.
- ✓ Possession of obsolete PPPs that bear no sign for being not appropriate.
- ✓ Storing PPPs in inappropriate conditions as contrary to the instructions of their packaging.

4.3.1. Inspecting the storage conditions of PPPs

Generally there are no horizontal requirements to be met for the warehouses of PPPs of the farmers - users of PPPs (it is foreseen to be issued in the National Action Plan). The holder of each PPP is however required to keep it in storage according to the label instructions. Below there are some phrases according to the PPP label:

“Keep it locked and out of the reach of children”

“Keep the container tightly closed in a well-ventilated area”

“Keep it away from food, drinks and animal feed”

“Kept only in the original container in a cool and well-ventilated area away from . . .”

For herbicides there is the phrase: “Keep it separate from other pesticides, fertilizers and seeds”.



Attention. Plant protection products are kept in their original packaging. Any repackaging from the farmer is considered as manufacture and possession of unauthorized plant protection product.

According to article 45, par.3 of Law 4036/2012 (OJ A'8) «a fine of 300 € up to 30,000 € is posed to the responsible for using pesticides not in accordance with labeling»

NATIONAL ACTION PLAN

According to article 18, par.1 of Law 4036/2012, the National Action Plan is set for defining quantitative and other targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides. According to article 31, par.1 of Law 4036/2012: «a Joint Ministerial Decision of the Minister of Rural Development and Food, the Minister of Environment, Energy and Climate Change and the Minister of Health is issued to establish National Action Plan for the implementation of Directive 2009/128/EC for human health and environment protection». According to article 27, par.1 of Law 4036/2012: «C.N.A. establishes the adoption of the necessary measures to ensure that the following operations by professional users and where applicable by distributors do not endanger human health or the environment». According to article 27, par.3 of Law 4036/2012: «C.N.A. establishes the adoption of the necessary measures to ensure that storage areas for pesticides for professional use are constructed in such a way as to prevent unwanted releases. Particular attention is paid to location, size and construction materials». According to article 42, par.2 of Law 4036/2012: «The procedures for awareness raising and keeping of users obligations as well as commitments of distributors, especially in safe storage and disposal matters are incorporated to the National Action Plan of Article 32»

Non compliance to NAP will be sanctioned according to article 45, par.2 of Law 4036/2012.

4.3.2. Inspection of unauthorized plant protection products

Particular attention should be given by the inspection team to unauthorized PPPs. Unauthorized are those which are not authorized for marketing in our country or do not have a parallel trade permit.

How to recognize unauthorized products:

1. Not labeled in Greek language, but in another language. In this case it is usually easy to identify the containing active substance and the country of origin by the label. It is emphasized that even if a product of the same trade name, active substance content and formulation has an authorization for marketing, the found products with foreign language are unauthorized and the possession constitutes infringement punishable by administrative and criminal sanctions.

In these cases it is not necessary to do sampling and laboratory testing of the product.

Moreover, in cases where the origin of the product is not of EC, the inspector who discovers the infringement must immediately inform customs authorities to check whether the relevant duties have been paid (Smuggling Prosecution).



Formulation with a.s. trifluralin, of Turkish origin, found in farmer's warehouse during on-site inspection.

2. They do not bear any indication on the packaging regarding their content (“blank bottles”) or bear stickers or manuscripts which by all means cannot be considered as official label. In this case, even if the farmer declares that he is aware of its content and he declares it, sampling and analysis are required to substantiate the content.

In these cases it is good to register if the packaging condition of the products is optimal or if there were fragments of the label on the packaging, specific to loss of existing label due to moisture or accident.



3. They bear forged label. Those illegal products require the maximum observing capability of the inspector to be recognized, since critical points on the label might be missing such as authorization number, or even though it bears coloring and design of the authorized one, there is no indication of the authorization holder. In these cases it is not needed to do sampling and laboratory analyzing, unless there is doubt of the product's content.



4. Products that were authorized but later were withdrawn and the time of use of any reserves has elapsed (phase-out period) but are still hold and used by farmers.

In all above cases a detailed recording and photographing of the products in place found is required and also their seizure by the inspection team.

According to article 9 par.3 of Law 4036/2012 (OJ A'8): *a fine of 1,000 € up to 30,000 € is posed to the responsible for importing, producing, packaging, **holding**, forwarding, exchanging, marketing, **using** or advertizing not authorized ppps, or ppps which authorization has been recalled, or ppps not covered by a parallel import permit, or ppps not cover by a trial permit. Ppps are set under official detention and in case of imported ppps, they are re-exported to the country of origin, in case of EU origin, they are return to the MS of origin or destructed. All expenses are paid by the owner of the products. For the same infringement, according to article 10, par.3 of Law 4036/2012 additional criminal penalties are foreseen and specifically imprisonment from three (3) months to one (1) year.*

Particular attention should be given in investigating the supply of these products. It is obvious that the objective of the inspection is to identify who entered the illegal plant protection products to the market and not to be restricted to one of the farmers who purchased the products and to whom they were found.

The unauthorized products are seized and destroyed or re-exported to the country of origin, in case of non EU countries, or returned to the Member State of dispatch, in case of E.U. Member States, in accordance to Article 9 paragraph 3 of Law 4036/2012. The costs are borne entirely by the owner of the seized products.

If the holder of the seized plant protection products refuses to destroy, to export or to forward them in the country of origin, this is done by the Competent Authority in collaboration with the relevant State Agencies.

4.3.3. Management of obsolete, unauthorized and damaged plant protection products

It is frequent several questions to be put to the Coordinating National Authority regarding the management of obsolete, unauthorized and damaged plant protection products.

Obsolete pesticides are considered hazardous waste (code 02 01 08 of Annex I of Joint Ministerial Decision no. HP 135881725/2006). For managing them the following legislation is applied:

- (a) JMD No. HP 135881725/2006 (OJ 383 B) “Measures, conditions and restriction for managing dangerous waste in compliance with the provisions of Guidance 91/689/EEG”
- (b) JMD No. HP 2494411159/2006 (OJ 791 B) “Approval of General Technical Specifications for managing dangerous waste according to article 5 (annex B) of JMD 135881725 “Measures, conditions and restriction for managing dangerous waste” (B’383) and in compliance with article 7 (par.1) of Guidance 91/156/EC of the Council from the 18th of March 1991”.
- (c) JMD No. 8668/2007 «Approval of National Plan for Managing Dangerous Waste, according to article 5 of JMD No. 135881725» (OJ 287 B).

The first consideration should always be prevention, i.e. activities and practices from the farmer user of plant protection products that help minimizing the improper plant protection products. The best way to achieve this goal is the farmer to obtain solely the needed quantity and only for the next spraying. Thus, the farmer saves money that would otherwise be spent on unused products and the farmer reduces expenses.

The management of inappropriate plant protection products is done as hazardous waste from licensed from The Ministry of Environment and Climate Change companies, which can transport hazardous waste and are allowed to operate round Greece. The cost for the products management is paid by the holder.

The Directorate of Plant Production as the Coordinating National Authority intends to explore all possibilities to improve the management of hazardous waste.

4.3.4. Management of empty containers of plant protection products

The establishment of guidance for management of empty containers of plant protection products is part of the National Action Plan.

Nevertheless it is indicated on the plant protection products labels:

Instructions for the safe removal of plant protection product from the packaging:

Empty containers are rinsed with special machinery under pressure or via triple rinsing manually (the washings are disposed in the spraying liquid), then they are punctured in order not be re-used and then they are placed at collection points for recycling or energy recovery.

The farmers – users of plant protection products are obliged to follow these instructions and therefore to follow the fore mentioned practice. Non-compliance, such as:

- ❖ Discharging without rinsing the empty containers
- ❖ Burning of empty containers

is sanctioned with administrative penalties according to article 45, par.3 of Law 4036/2012 (OJ A’8) “a fine of 300 € up to 30,000 € is posed to the responsible for using pesticides not in accordance with labeling” with the aggravating element of posing risk to the environment.

The best practice is to triple rinse **RIGHT** after the use of the packaging of the plant protection product.

4.3.5. Identifying other law infringements (not regular packaging of plant protection products) during inspection at the farmer's warehouse.

It is likely that during the inspection at the farmer's warehouse, other infringements are identified not related to the farmer's activity, such as not regular packaging of plant protection products.

These findings is not needed to be recorded in the Inspection Report unless they are linked to a causal connection with proved or under investigation infringements of the inspected farmer. For example, if on the PPP's label a crop is incorrectly indicated for which the farmer has purchased the PPP, then it should be reported.

In these cases, photographs of the products are taken which reflect the infringement and then are cross checked after a special order for inspection at retailer points and production companies.

Special attention should be paid to cases where the PPP label has been deliberately torn by the inspected person, for example obvious erasing of the products expiration date. In this case, the farmer is inspected for the possession of illegal product since his/her actions tampered the characteristics of the product.

Identifying other infringements is not convicted only based on the verbally reporting the inspected farmer. But if he/she proceeds in written report of some illegal activity after the inspection, or wishes to transpose the responsibility of the some findings to another person or legal entity and to put this in written in the Inspection Report, then an immediate unannounced inspection to the emergent implicated party is required.

4.3.6. Acute poisoning. Maintaining antidotes for use in case of acute poisoning.

Acute poisoning from plant protection products can be fatal to the victim, so the warehouse for PPPs must have:

- ✓ A door always locked and letting no access to children or people not associated with professional use.
- ✓ A sign: "WARNING PESTICIDES" to avoid any confusion with other products.
- ✓ A sign with sizeable letters with the telephone of the poisoning center : "POISONING CENTER: 210-77.93.77"

In case of accident, the most critical action is to get medical help as soon as possible having along the label of the plant protection products that caused the poisoning. If possible, the victim must directly be transported to the hospital having along the label of the plant protection products that caused the poisoning.

The use of antidotes by unskilled personnel without medical advice is CONTRAINDICATED. It is emphasized that if we wrongly assume poisoning from an organophosphate plant protection product (e.g. chlorpyrifos) and administer atropine, it might be fatal for the victim. Only a doctor of a hospital or after a phone call to the hospital or the poisoning center may recommend the best treatment.

It is advised to have available and visible a phone for the POISONING CENTER: 210-77.93.77 (e.g. by a written label at the storage are) or for the nearest hospital and to have an available source of water in case of accident.

4.3.7. Technical advice

The general rule is that the inspector should not provide advice during the inspection but only after its completion. The aim is not to confuse the inspected person about the inspection procedure and the consequences of its findings but also for saving time.

4.3.8. Documenting the infringements

In case of an established infringement it is required to take specific objective evidence proving the infringement for the needs of the inspection.

The objective elements may be taking pictures, samples of unauthorized or obsolete plant protection products etc. The objective data that are collected are included in the inspection report.

4.3.9. Inspection report

With the completion of the inspection it is required to fill in the inspection report and to service a copy to the inspected person.

4.3.10. Required tools for inspection

The inspection team must have along:

- The applicable law and the command for inspection
- Inspection forms and inspection report form
- Digital camera and GPS device.
- Since they know the active substances used in the area, a recent printing from the database of the Ministry of Rural Development and Food with the corresponding authorized plant protection products.

4.3.10. Completion of inspection

With the completion of the inspection and beyond the required service the Inspection report, the inspection team will briefly inform the inspected person for the findings. In case of infringement, the inspected person is informed of the action that will follow.

4.4. Check of spray solution preparation and the application of plant protection product

The preparation of the spraying liquid and the application of the plant protection product is quite important and has to be controlled. It is the final stage of using plant protection products and the following must be briefly checked:

- ✓ If the plant protection product is authorized and suitable for the purpose for which it is applied?
- ✓ If the information on the label according to the dosage, the time of spraying, the volume of the spraying liquid, to spraying interval, the last application before harvest etc.?
- ✓ If the appropriate protective equipment is used (mask, gloves, boots etc.)?
- ✓ If the empty containers are collected and managed according to their labels?
- ✓ If measures are taken to minimize excess of spray solution?
- ✓ If the application dose corresponds to the recordings (including by case a) the product's concentration and b) the volume per hectare of the spraying liquid)
- ✓ The drift the sprayings.
- ✓ The dosage instruments.

According to article 45, par. 3 of Law 4036/2012 (FEK A'8) "whoever uses pesticides without following the packaging or label instructions, is sanctioned with a fine from 300 to 30.000 euros"

It is imperative to register the positioning of the inspection with GPS device since by this way it is possible to check close of the spraying area if there are surface or underground waters or more information is needed to be investigated at the inspector's office.

GPS (Global Positioning System): Through GPS coordinates there is no doubt of the positioning of the inspection. GPS devices (Garmin) have been supplied to the relevant competent authorities for the needs of OSDE (Integrated Administration and Inspection System, IACS) and are used during the overviews for phytosanitary inspections. The measurement can be taken either with the presence of the inspected person (as in the warehouse), or without him/her (as during the sampling of plant tissues or soil at a field).

The inspection of the preparation of the spraying liquid and the application of the plant protection product contains the information specified in the corresponding inspection form: **“Form for inspection of preparation of the spraying liquid and the PPP application”** (see Annex with Form of current decision).

It has often been heard that when the activities of the farmer –user of plant protection product are done under the presence of the inspection team, it is not likely the farmer to make a infringement of the legislation. The response in this argument is that if the farmer always applies the current legislation he/she will not have any problem in repeating it during the inspection. But if the opposite happens, it is extremely difficult to set up a “performance” complying with the legislation and the proper preparation of the spraying liquid and application of the plant protection product. In this case, the “inspection demonstration” should be ensured that it will not be downgraded to a simple interview.

NATIONAL ACTION PLAN

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Noncompliance to NAP will be sanctioned according to article 45, par.2 of Law 4036/2012.

4.4.1. Infringement proof

In this specific inspection in order to prove the infringement, specific objective evidence must be taken and it is also likely required to take photographs or sample from the spraying liquid but it is equally likely to be sufficient to record the actions of the inspected farmer – user of plant protection product. The objective data that are collected are mentioned into the inspection report.

4.4.2. Inspection report

After completion of the inspection, it is required to write a inspection report and to service a copy to the inspected person.

4.4.3. Required tools for the inspection

The inspection team must have along:

- The applicable law and the command for inspection
- Inspection forms and inspection report from
- Digital camera and GPS
- Black A4 paper sheets for notes or extra information needed for the above documents
- Empty containers that can be used for taking sample from the spraying liquid.

4.4.4. Completion of inspection

With the completion of the inspection and beyond the required service the Inspection report, the inspection team will briefly inform the inspected person for the findings. In case of infringement, the inspected person is informed of the action that will follow.

4.5. Inspecting the use of plant protection products through sampling and analysis for plant protection products residues in leaves and plant parts

An important tool to inspect the use of plant protection products is the sampling of leaves and plant parts and their analysis for residues in an official laboratory. From the detected residues one can deduct conclusions regarding the use of plant protection products.

The inspection team visits the crop at any stage of its development and takes samples of leaves or stems or flowers or a mixed sample from various plants and mostly from the center of the field so as to minimize the probability to detect residues coming from sprayings of adjacent crops. The leaves should not be very young, so that there is possibility to bear on their surface residues of earlier spraying with PPPs.

The type and quantity of the sample in each case is examined in consultation with the relevant Laboratory for Residues from Plant Protection Products.

Particularly important is the identification of the field with the user of plant protection products either by written acceptance of the user on the field or through GPS system.

The sampling of leaves and tissues and their analysis for residues is a special tool for inspecting specific cases in the sense of questions. For example, to check for use of unauthorized in our country plant protection products.

For the optimal effectiveness of this method, the timing of sampling may affect a lot the effectiveness. Any early sampling will not make it possible to detect substances of subsequent sprayings and any late sampling will endanger the detecting of substances (over time substances are broken down) and the timely action by the inspection authorities.

Where it is planned to conduct random samplings of leaves or plant parts and send them to official laboratory for residues, it is good at the beginning of the period to announce the intention of the inspection authority with press releases, without of course to specify to who farmers or to which areas samplings will be conducted.

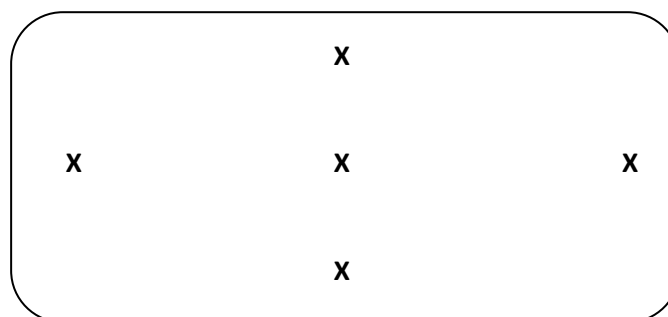
4.5.1. Sampling procedure

If the inspection team knows with certainty the farmer's field, it is not required to notify the farmer and proceeds to the field directly.

If it is not sure, the inspection team notifies the inspected farmer the day before the sampling and calls him/her to indicate the field the next day. If the farmer refuses or delays, he/she is called immediately and in three (3) days the most to indicate in writing the field. In case of refusal or delay or providing false information for the field the legislation in force is applied according to the provisions of article 9 par. 16 of Law 4036/2012.

According to article 9, par.12 of Law 4036: “anyone who denies or delays by any manner the inspections by the competent authority or denies to submit data or information or submits false data or information or hides data or information is punished with a fine of 1,000 € up to 50,000 €”.

Plant tissue samples are obtained from the crop of four (4) points around and in the center of the field by 80:20 ratio, i.e. 20% of plant tissues from each of the perimeter sides and 20% from the center. A schematic of the points is shown below:



At each sampling point, the selection of plant tissues is random. Any intervention in the choice of plant tissue from the farmer or a third party is forbidden. The samples are placed on a special bag that is sealed in the presence of the farmer concerned.

The sampling of plant tissue or leaves requires certainty for the owner of the crop of the field. For this either the owner is present during the sampling or if he/she is not present GPS coordinates are taken.

The sampling form is filled, according to the attached Annex with Forms of the current decision (“**Form for sampling plant tissues**”) and is sent immediately to the laboratory for residues inspection.

4.5.2. Advantages of the method

The specific method, as an inspection tool, presents the following advantages:

- ✓ Increased convenience. The inspection team exercises the activity simply by taking the samples thus the same day they can take samples from different farmers.
- ✓ Objectivity of the inspection. The laboratory results undoubtedly result the “history” of the use of plant protection products on the crop.
- ✓ Ability to investigate reports for use of plant protection products near populated areas etc., or use of illegal in the EU plant protection products.
- ✓ Conducting laboratory analysis of residues in crops where no MRLs are defined, such as the cotton crop.
- ✓ Ability to know early infringements and to prevent plant products on the market with pesticides residues exceeding the maximum allowed levels

4.5.3. Weaknesses of the method

Like all methods, there are weaknesses that must be aware of the inspector. These are:

- ✓ It is required from the crop owner to be certain, otherwise the method should not be applied.
- ✓ Spraying after the sampling are not inspected.
- ✓ From the active substances that are detected, we cannot decide whether their applied preparations had authorization or came from illegal imports.

- ✓ There are formulations of PPPs, such as hormones and antibiotics that leave no detectable residues. Also, the majority of herbicides that are used before sowing or before the plant emergence would not leave detectable residues in the crop.
- ✓ There are no maximum residue levels, as in the case of harvested fruits with MRLs defined by Regulation (EC) 396/2005. In these cases where the sample of plant tissue (leaves, etc.) was taken near the harvest period and the detected residues exceed significantly the MRLs of the harvest produce, then it is ordered to take more samples when the harvest is done and to be analyzed, so that to exclude the possibility to market these products bearing a.i.'s concentrations above the maximum permitted levels.

4.5.4. Evaluation of results

After the sampling and sending of the sample to the Laboratory of Pesticides Residues, an evaluation of the test's results should be made. The evaluation is carried out by the competent authority that sent the sample to the laboratory, and by the Coordinating National Authority to which the test results are notified.

- ✚ If the detected concentrations of plant protection substances unauthorized in our country are significant, the user of these plant protection products is questioned for use of unauthorized plant protection products.
- ✚ If the detected concentrations, correspond to plant protection products that are authorized in our country but not for use on the specific crop, the user of these plant protection products is questioned for use of plant protection products without applying the instruction on their label.
- ✚ If the detected concentrations correspond to plant protection products that are authorized in our country and for use on the specific crop, the levels of residues are evaluated and therefore the time of use of the plant protection product is according the product's registration. It is checked if there is a possibility of MRLs exceedance, when the crop will be harvested and if so the farmer is called to ask for official sample after the harvest and prior selling his products on the market, which is allowed only after the laboratory analysis for residues.
- ✚ If the detected concentrations corresponding to plant protection products that are unauthorized in our country are not significant, then it should be investigated whether the detected concentration is expected to illegal use of the plant protection product.

As significant concentrations of protection substances are considered concentrations more than 0,01 mg/kg, unless there are special technical reasons for more than of 0,01 mg/kg values (e.g. analytical capacity to detect an active substance etc.).

4.5.5. Cooperation with the Test laboratory

As sampling plant tissues for inspection purposes of plant protection products' use is a special inspection tool, the competent inspection authority is required, when planning inspections and before the sending of each sample, to communicate with the respective Test laboratory that will test the sample. The purpose of the communication is to investigate the technical competence and the availability of the resources but also to provide information to the competent authority regarding the necessary quantity of the sample and other technical specifications.

The Test laboratory must reject each sample which is not is good condition upon receipt.

4.5.6. Combination with other inspection tools

Sampling of leaves and tissues and the laboratory residue analysis can easily be combined with other screening tools to identify and prove any infringement.

One example is to investigate whether the recordings of use of plant protection products comply with the actual applications. Any detection of substances that are not recorded demonstrates the poor recording of the applications.

Another example is the electronic recording of the sales of plant protection products. From this recording we can identify if the purchase of the quantity of the plant protection product from a professional user corresponds to the cultivated crops or to their size. Conversely, if unauthorized substances are detected and the professional user has a constant collaboration with a retailer point, then reasonable suspicions towards the retailer are raised.

4.5.7. Required tools for the inspection

The inspection team must have along:

- The applicable law and the command for inspection
- Inspection forms and inspection report form
- Digital camera and GPS device. The X and Y coordinates that are taken either correspond to the center of the field, or to the four corners that define the field's area, or even better to the sampling points. In any case, it is good to register its measurement with a description.
- Blank A4 sheets of paper for any note or extra data next to the fore mentioned documents and forms.
- Bags and sealants that will be used for the sampling.

4.5.8. Completion of inspection

Just after the completion of the inspection and apart from the required service the Inspection report, the inspection team will briefly inform the inspected person for the findings. In case of infringement, the inspected person is informed of the action that will follow.

GPS (Global Positioning System): *Through GPS coordinates there is no doubt of the positioning of the inspection. GPS devices (Garmin) have been supplied to the relevant competent authorities for the needs of OSDE (Integrated Administration and Inspection System, IACS) and are used during the overviews for phytosanitary inspections. The measurement can be taken either with the presence of the inspected person (as in the warehouse), or without him/her (as during the sampling of plant tissues or soil at a field).*

4.6. Inspecting the use of plant protection products through sampling and testing for plant protection products residues in harvested products of plant origin

As it is known, in order to safeguard public health, according to the scheduled plan for residues, samples are taken for plant produce that are harvest and marketed.

The specific samples are primarily analyzed for if the detected concentrations exceed the MRLs, are defined by Regulation (EC) 396/2005. To evaluate the exceedance, the concentration level of the substance is compared by subtracting the uncertainty of the value from the relevant MRL value. If the exceedance is substantiated, the procedure defined in Article 13, par. 6 of Law 4036/2012 is immediately applied.

According to article 13, par. 1 of Law 4036/2012: *“whoever **produces**, imports or exports plant products or products of primary processing that bear levels of residues of plant protection products higher than the allowed levels as defined in Regulation (EC) 396/2005, a fine of a thousand (1000) up to fifty hundred (50.000) euros is imposed and the plant products are seized. The costs are borne by the person responsible for the infringement. Next release to the market of a product batch from the same origin is allowed only after inspection for residues by the competent authority and only it is established that the residues are below MRLs as defined in Regulation (EC) 396/2005. If the products are marketed before the inspection for residues, a fine of one thousand (1.000) up to sixty thousand (60.000) euros is imposed”.*

In case there are not MRLs exceedances, it is checked if the preparations containing the detected active substances are authorized for use on the crops that the samples originate from. If the preparations are not authorized for these crops and taking into account that the plant protection products might leave residues on and in the plant produce, then the farmer is inspected for use of plant protection products with disregard to its instructions and article 45, par. 12 of Law 4036/2012 is applied.

According to article 45, par. 3 of Law 4036/2012 (FEK A'8) *“whoever uses pesticides without following the packaging or label instructions, is sanctioned with a fine from 300 to 30.000 euros”*

Finally, in case that there are no MRLs exceedances, it is checked if the preparations that contain the detected active substances are authorized in our country. If these preparations lack authorization, the farmer is inspected for use of unauthorized plant protection products and article 9, paragraph 16 of Law 4036/2012 is applied.

According to article 9 par.3 of Law 4036/2012 (OJ A'8): *a fine of 1,000 € up to 30,000 € is posed to the responsible for importing, producing, packaging, **holding**, forwarding, exchanging, marketing, **using** or advertizing not authorized ppps, or ppps which authorization has been recalled, or ppps not covered by a parallel import permit, or ppps not cover by a trial permit. Ppps are set under official detention and in case of imported ppps, they are re-exported to the country of origin, in case of EU origin, they are return to the MS of origin or destructed. All expenses are paid by the owner of the products. For the same infringement, according to article 10, par.3 of Law 4036/2012 additional criminal penalties are foreseen and specifically imprisonment from three (3) months to one (1) year.*

In any case of infringement regarding residues of plant protection products in plant produce and especially in cases of MRLs exceedances, the competent inspection authority that sent the sample conducts on site inspection of recordings of use of plant protection products and the Coordinating National Authority conducts inspection on the supplied plant protection products from the farmer involved as these have been recorded by the electronic recording system during their purchase.

For the sample sampling, Annex A of document no. 3316/36486/28-3-2012 of NCA is applied which regards the Guidance for Conducting Samplings for Residues in raw foods of plant origin.

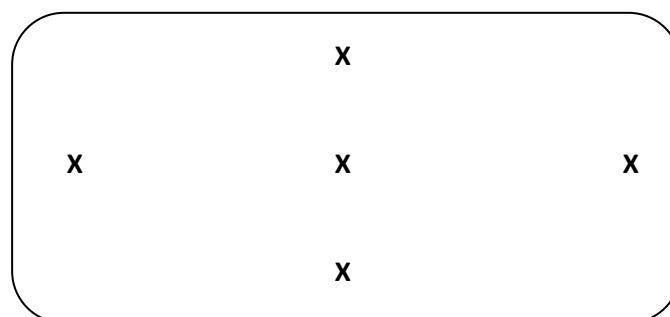
4.7. Inspecting the use of plant protection products through sampling soil and laboratory testing for plant protection products residues.

The soil sampling to inspection the use of plant protection products is a special tool that should be used only in the following cases:

- ✓ Inspection of use of unauthorized herbicides
- ✓ Inspection of herbicides' use after report about crop damage
- ✓ Inspection of insecticides' use, nematicides or fungicides for soil
- ✓ Inspection of use of plant protection products that are applied on the foliage, as through run-off or spray drift small drops of spraying liquid reach the soil.

4.7.1. Sampling procedure

The competent inspection authority takes soil samples from the crop of four (4) random points around and in the center of the field by 80:20 ratio, i.e. 20% of soil from each of the perimeter sides and 20% from the center. A schematic of the points is shown below:



At each sampling point, a volume of topsoil is taken and is placed in a special bag and sealed in the presence of the farmer. The sampling form is filled according to the attached one in the Annex of Forms of this current decision and a sample is taken to an official Laboratory for Quality Check of Plant Protection Products.

The sampling of plant tissue or leaves requires certainty for the owner of the crop of the field. For this either the owner is present during the sampling or if he/she is not present GPS coordinates are taken.

4.7.2. Method advantages

This method, as an inspection tool, presents the following advantages:

- ✓ Increased convenience. The inspection team exercises the inspection activity simply by taking the samples thus the same day they can take samples from different farmers.
- ✓ Objectivity of the inspection. The laboratory results undoubtedly result the "history" of the use of plant protection products in the soil.
- ✓ Ability to investigate reports for use of plant protection products near populated areas etc., or use of illegal in the EU plant protection products.
- ✓ Conducting laboratory analysis of residues in crops where no MRLs are defined, such as the cotton crop.

- ✓ Ability to know early infringements and to prevent plant products on the market with pesticides residues exceeding the maximum allowed levels. It is a particularly useful parameter for soil insecticides that are illegally applied to crops of short biological circle.

4.7.3. Weakness of the method

Like all methods, there are weaknesses that must be aware of the inspector. These are:

- ✓ Sprayings after the sampling are not inspected.
- ✓ From the active substances that are detected, we cannot inspection whether their applied preparations had authorization or came from illegal imports.
- ✓ There are no maximum residue levels, as in the case of harvested fruits with MRLs defined by Regulation (EC) 396/2005 and only in case there are suspicions on the level of the detected residues in the soil is this possible to lead to future MRL exceedance in the harvested production, then necessary precaution measures are taken, such as taking sampling from the production before its marketing.

4.7.4. Evaluation of results

After the sampling and sending of the sample to the Laboratory of Pesticides Residues, an evaluation of the test's results should be made. The evaluation is carried out by the competent authority that sent the sample to the laboratory, and by the Coordinating National Authority to which the test results are notified.

- ✚ If the detected concentrations of plant protection substances unauthorized in our country are significant, the user of these plant protection products is inspected for use of unauthorized plant protection products.
- ✚ If the detected concentrations of plant protection substances are authorized in our country but not for use on the specific crop, the user of these plant protection products is inspected for use of plant protection products without applying the instruction on their label.
- ✚ If the detected concentrations of plant protection substances are authorized in our country and for use on the specific crop, the levels of residues are evaluated and therefore the time of use of the plant protection product if it is according the product's registration. It is checked if there is a possibility of MRLs exceedance, when the crop is harvested and if so the farmer is called to ask for official sample after the harvest and to sell his/her products on the market after the laboratory analysis for residues.
- ✚ If the detected concentrations of plant protection substances unauthorized in our country are not significant, then it should be investigated whether the detected concentration is expected to illegal use of the plant protection product.

As significant concentrations of protection substances are considered concentrations less than 0,01 mg/kg, unless there are special technical reasons for more than of 0,01 mg/kg values (e.g. analytical capacity to detect an active substance etc.).

4.7.5. Cooperation with the Test laboratory

As the soil sampling to be used for inspection of plant protection products' use is a special inspection tool, the competent inspection authority is required when planning inspections and before the sending of each sample to communicate with the respective Test laboratory that will test the sample. Purpose of the communication is to investigate the technical competence and the availability of the resources but also to provide information to the competent authority regarding the need quantity of the sample and other technical specifications.

The Test laboratory must reject each sample which is not in good condition upon receipt.

4.7.6. Cooperation with other inspection tools

Soil sampling and the laboratory residue analysis can easily be combined with other screening tools to identify and to substantiate the infringements.

One example is to investigate whether the recordings of use of plant protection products comply with the actual applications. Any detection of substances that are not recorded demonstrates the poor recording of the applications.

Another example is the electronic recording of the sales of plant protection products. From this recording we can identify if the purchase of the quantity of the plant protection product from a professional user corresponds to the cultivated crops or to their size. Conversely, if unauthorized substances are detected and the professional user has a constant collaboration with a retailer point, then reasonable suspicions towards the retailer are raised.

4.7.7. Required tools for the inspection

The inspection team must have along:

- The applicable law and the command for inspection
- Inspection forms and inspection report form
- Digital camera and GPS device. The X and Y coordinates that are taken either correspond to the center of the field, or to the four corners that define the field's area, or even better to the sampling points. In any case, it is good to register its measurement with a description.
- Blank A4 sheets of paper for any note or extra data next to the fore mentioned documents and forms.
- Bags and sealants that will be used for the sampling.

4.7.8. Completion of inspection

With the completion of the inspection and beyond the required service the Inspection report, the inspection team will briefly inform the inspected person for the findings. In case of infringement, the inspected person is informed of the action that will follow.

4.8. Inspecting the use of plant protection products through sampling and testing of the spraying liquid of the plant protection product.

The sampling of spraying liquid of a plant protection product in order to inspect the use of plant protection products is an additional inspection tool for the inspection authorities. With the laboratory analysis of the specific sample we can substantiate the plant protection product (active substance) or the plant protection products (active substances), if there is a mixture in the spraying tank and their concentrations in the spraying liquid. After the sampling the farmer applies the spraying liquid (there is no stopping in using the spraying liquid).

A sample can be taken from the leftover spraying solution in the tank after completion of the spraying and it is preferable, because it can be connected with the recording that should have preceded.

The sampling of spraying liquid is conducted without announcement.

The inspection team must take a sample, which is at least one hundred c.c. (100 ml), place it in a special vial and seal it in the presence of the farmer. The counter sample is taken with the same method. The spraying liquid should be adequately mixed, prior to sampling.

The sample and counter sample are placed in ice blocks and are sent immediately and the latest within twenty-four (24) hours to the Test laboratory, which has been notified on the corresponding sampling form. For faster and safer handling of the postage it is desirable to send the samples in person or by a courier company and from Monday to Thursday.

The results evaluation from the laboratory analysis is done either by the competent authority that sent the sample or by the Coordinating National Authority to which the Test laboratory notifies the result. The evaluation of the results includes inspection:

- ✓ If the detected active substance or the detected active substances are unauthorized in our country.
- ✓ If the detected active substance or the detected active substances are authorized to be used in the crop on which the spraying liquid is or was applied.
- ✓ If according to the authorizations of the plant protection products, the detected active substances can be combined in a tank mixture.
- ✓ If the detected active substance or the detected active substances have concentrations within the limits that are referred to in the corresponding authorizations of the plant protection products.

If from the laboratory analysis an infringement is proved, article 45, paragraph 12 of Law 4036/2012 is immediately applied:

According to article 45, par. 3 of Law 4036/2012 (FEK A'8) "whoever uses pesticides without following the packaging or label instructions, is sanctioned with a fine from 300 to 30.000 euros"

Special attention needs to be given during the sampling, if the inspected person is the farmer of the crop and user of plant protection products or if he/she is the professional sprayer of the plant protection products. In the latter case, dosage or compatibility or management of empty containers or suitability of the spraying equipment can be checked but the case of spraying on a non-approved crop cannot be substantiated.

The farmer – user of plant protection product that prepared the spraying liquid has to provide exact data to the inspection team that are reflected in the corresponding Sampling Form. In case of denial in providing data or of misreporting, the legislation in force is applied.

According to article 9, par.12 of Law 4036: "anyone who denies or delays by any manner the inspections by the competent authority or denies to submit data or information or submits false data or information or hides data or information is punished with a fine of 1,000 € up to 50,000 €".

It is underlined that in many registrations (and labels of authorized products) of plant protection products, the cleaning of spraying equipment is after the use is provided. These registrations have to be checked after the sampling of spraying liquid. For example, it is written:

Cleaning of spraying equipment: Empty completely the spraying tank. Make sure to remove one traces of the product. Wash the tank and all its components with water and detergent and then rinse three (3) times with clean water. Before the next use, rinse once again with clean water.

4.8.1. Cooperation with the Test laboratory

As the sampling of spraying liquid used for inspection purposes is a special inspection tool, the competent inspection authority is required when planning inspections and before the sending of each sample to communicate with the respective Test laboratory that will test the sample. The purpose of the communication is to investigate the technical competence and the availability of the resources but also to provide information to the competent authority regarding the need quantity of the sample and other technical specifications.

The Test laboratory must reject each sample which is not is good condition upon receipt.

4.8.2. Cooperation with other inspection tools

Sampling spraying liquid is advised to be combined with inspection of mix and loading and application of plant protection product, according to paragraph 4.4 of this circular.

Sampling spraying liquid can easily be combined with other screening tools to identify and to substantiate the infringements.

One example is to investigate from where the farmer-user of plant protection product purchased the unauthorized PPP that was found in the spraying liquid.

Another example is the electronic recording of the sales of plant protection products. From this recording we can identify if the unauthorized PPP that was found in the spraying liquid was recorded.

4.8.3. Required tools for the inspection

The inspection team must have along:

- The applicable law and the command for inspection
- Inspection forms and inspection report form
- Digital camera
- Blank A4 sheets of paper for any note or extra data next to the fore mentioned documents and forms.
- Vials and sealants that will be used for the sampling.

4.8.4. Completion of inspection

With the completion of the inspection and beyond the required service the Inspection report, the inspection team will briefly inform the inspected person for the findings. In case of infringement, the inspected person is informed of the action that will follow.

5. Actions in the event of infringement

The competent inspection authority as soon as ascertains the infringement has to initiate the statutory process. This process is:

1. The authority that conducted the inspection notifies the offender in written and with proof the establishment of the infringement of this Article, who is called within fifteen (15) days of the notification to submit a written statement to his/her views. The written notification includes:
 - ✓ The notification of the infringement. For example: *«During the inspection conducted by the inspection team of our agency in .../.../201. at the warehouse for plant protection products you keep at the area of, unauthorized plant protection products were found, namely preparation a) ..., b) ... and c) ... as indicated in the Inspection Report from .../.../201., copy of which you received (or will receive)».*
 - ✓ The legislation in force. For example, following the above case: *«According to article 9 par. 3 of Law 4036/2012 (OJ A'8): A fine of 1,000 € up to 30,000 € is posed to the responsible for importing, producing, packaging, **holding**, forwarding, exchanging, marketing, using or advertizing not authorized ppps, or ppps which authorization has been recalled, or ppps not covered by a parallel import permit, or ppps not cover by a trial permit»*
 - ✓ The call to submit a written statement. For example: *«After the above you are requested within fifteen (15) days to submit a written statement with your views on the established infringement».*

If the person refuses to accept the fore mentioned document, its service is conducted via bailiff or by door announcement from a bailiff.

2. After the above deadline and regardless of whether the offender has submitted his/her views in writing, the authority that conducted the inspection forwards the case file to the Coordinating National Authority.

The case file must include all the relevant documents **on certified copies** and most of all:

- ✓ The Inspection report or in case of samplings, the sampling form and the laboratory analysis.
- ✓ The notification document of the infringement establishment and the call to the offender for submitting his/her views.
- ✓ The reply of the offender or in case of non-response it is explicitly stated in the cover letter of the file that there was no timely response of the concerned party.
- ✓ Any other relevant document, such as mail regarding the case with other agencies, commands for inspection, appeal investigation, etc. The agency that conducted the inspection is not required to submit its position on the inspected person's views regarding the case unless he/she is questioning the action of the inspection agency. In this case the agency submits its documented views.

6. Evaluation of the inspection program implementation

At December of each year the competent inspection authority conducts the assessment of the inspections performed, in order to determine flaws in the system and to highlight improvement proposals. For example because of the improvement of the analytical capabilities of a laboratory, the competent inspection authority is notified that it is longer possible to evaluate larger number of samples of plant tissues. Another example is that it may occur after a inspection the need to intensify the inspections of non-authorized products or tank mixes. The evaluation concerns staff matters where for example, based on the inspection results, it may be decided to handle cases of inspections of more employees.

The evaluation is consisted in filling the form available in the Annex.

The suggestions to improve the procedure that can be realized by the same competent inspection authority are realized immediately. For those suggestions that the Coordinating National Authority need to take action, a document is immediately send asking for actions.

7. Application of corrective actions

The Coordinating National Authority after the annual evaluation of the inspections made, proceeds to the taking of needed corrective measures.

The Coordinating National Authority, evaluating all the proposal of the competent inspection authorities, proceeds to the taking of needed corrective measures, which are shown in the annual inspection program in PPPs and are applied by all inspection authorities.

8. Rights of the inspected person

The inspected farmer has the rights provisioned by the general or special legislation in force. Below, reference is made to the rights of the inspected person with regard to the access to documentation and the possibility to appeal a decision.

8.1. Access to documentation

According to article 5 of L.2690/1999 (OJ A'45) Administrative Procedure Code, as amended and is in force:

1. Any interested party is entitled, by written application, to be informed of administrative documents. Administrative documents are documents drawn up by public services, such as reports, studies, minutes, statistical data, circulars, replies of the Administration, opinions and resolutions.
2. Any person having special legal interest is entitled, by written application, to be informed of private documents kept in public services that are related to his/her case pending before them or handled by them.
3. The right under the previous paragraph is not applicable in cases when the document concerns the private or family life of a third party or if there is infringement of confidentiality stipulated by special provisions. The competent administrative authority may refuse to satisfy this right if the document refers to the discussions of the Cabinet of Ministers or if the satisfaction of this right may substantially obstruct the investigation of judicial, **administrative**, police or military authorities concerning the commission of a crime or an administrative infringement.
4. The right of paragraphs 1 and 2 is exercised: a) by studying the document at the premises of the service or b) by issuing a copy, unless the reproduction thereof can prejudice the original. The

relevant reproduction cost is incurred by the applicant unless the law stipulates otherwise. If it is about medical information, they are notified to the applicant with the assistance of a medical doctor appointed for this purpose.

5. The right under paragraphs 1 and 2 is exercised subject to the existence of any copyright or industrial property right.
6. The refusal of the right under paragraphs 1 and 2 should be justified and notified in writing to the applicant within twenty (20) days after the submission of the application.

8.2. Appealing a decision

In L.4036/2012 (OJ A'8) which regulates sanctions to infringements regarding the PPPs legislation, there is no possibility envisaged for "special administrative or quasi-judicial appeal". According to article 5 of L.2690/1999 (OJ A'45) Administrative Procedure Code, as amended and is in force:

1. If the relevant provisions does not allow for the possibility to file the special administrative or remedial appeal under the following article, for the restitution of material or moral prejudice of lawful interests caused by an individual administrative deed, the interested party may, for any reason, apply for revocation or amendment thereof (**application for remedy**) to the administrative authority that issued the deed, or for cancellation thereof (**hierarchical appeal**) to the superior authority of the authority that issued the deed.
2. The administrative authority to which the above mentioned application is submitted should notify its decision to the interested party within thirty (30) days, unless special provisions stipulate a different time limit.
3. If another administrative authority is competent for the revocation or amendment or cancellation of the deed, the authority to which the application for remedy or the hierarchical appeal was filed should forward it to the competent authority within five (5) days. In this case as well, the competent authority should notify its decision to the interested party within the time limit stated in the previous paragraph.
4. If the deed is cancelled, the case is referred back to the authority that issued the deed, unless the relevant provisions stipulate power of the superior authority for its issuance.

9. Annual inspection reports by the Coordinating National Authority

According to Article 68 of Regulation (EC) 1107/2009: "Member States shall carry out official inspections in order to ensure compliance with this Regulation. They shall finalize and transmit to the Commission a report on the scope and the results of these inspections **within six months from the end of the year** to which the reports relate".

According to Article 55 of Regulation (EC) No 1107/2009: «Plant protection products shall be used properly. Proper use shall include the application of the principles of good plant protection practice and compliance with the conditions established in accordance with Article 31 and specified on the labeling. It shall also comply with the provisions of Directive 2009/128/EC and, in particular, with general principles of integrated pest management, as referred to in Article 14 of and Annex III to that Directive, which shall apply at the latest by 1 January 2014.»

According to Article 3 par. 1 of L.4036/2012 (OJ A'8), the Directorate of Plant Protection of the Ministry of Rural Development and Food is defined as Coordinating National Authority (NCA) for the application including the provisions of Regulation (EC) No 1107/2009.

Therefore until June 30 of each year, the Coordinating National Authority must send the Commission a report on the extent and results of official inspections on PPPs. Part of this report are the inspections on farmers – users of PPPs.

The competent supervisory authorities must forward by 31 March each year to the Coordinating National Authority, report with their inspections on farmers - users of PPPs at there are of responsibility during the previous year.

To facilitate the supervisory authorities, the table below must be completed for the specific inspections:

INSPECTION TO FARMERS – USER OF PLANT PROTECTION PRODUCTS		
INSPECTION AUTHORITY:	YEAR OF INSPECTION:	
INSPECTIONS	Number of inspections	Number of infringements
1. Inspection of documentations and recordings of use of plant protection products		
2. Inspections of training on plant protection topics		
3. Inspections of preparation of spraying liquid and application of plant protection product		
4. Inspections of use of plant protection products through sampling and checking for residues of plant protection product in leaves and plant tissues		
5. Inspections of use of plant protection products through sampling and checking for residues of plant protection product in harvested product of plant origin		
6. Inspections of use of plant protection products through soil sampling and laboratory checking for residues of plant protection product.		
7. Inspection of use of plant protection products through sampling and checking of spraying liquid of plant protection product.		
OVERALL INSPECTION FINDINGS		
SUGGESTIONS FOR IMPROVEMENT FROM THE COMPETENT INSPECTION AUTHORITY:		

10. Start of application

The inspections to farmers – users of PPPs from 1-1-2013 will be conducted in accordance with the provisions of this circular.

The design of these inspections will be conducted by the competent authorities at the end of 2012 in accordance with the provisions of this circular.

11. Applicable laws and regulations

A. European case law

1. **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
2. **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.
3. **Regulation (EC) No 396/2005** of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC
4. **Regulation (EC) No 882/2004** of the European Parliament and of the Council of 29 April 2004 on official inspections performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules

B. Law – Ministerial Decisions – Presidential Decrees

1. Law 4036/2012 (OJ A'8) "*Pesticide marketing, sustainable use and other provisions*".
2. JMD No. 91972/2003 (OJ B'123): «Establishing EU methods of sampling for the official inspection of pesticide residues in and on products of plant and animal origin and repealing JMD No.236429/1983 (B106), in line with Directive 2002/63/EC of July 11th 2002».

C. Circulars - documents

1. The document No 1061/14189/3-2-2012 of CAN relevant to official inspections and the penalties under L. 4036/2012.
2. The document No 2538/23216/12-3-2012 of CAN relevant to the requirements for recording use of PPPs.
3. The document No 3316/36486/28-3-2012 of CAN relevant to the Guidance Directive της Κατευθυντήρια Οδηγία of Residue sampling PPPs in primary food of plant origin.
4. The document No 3317/36487/28-3-2012 of CAN relevant to linking self-checking food businesses and official inspections on pesticide residues.

ANNEXES

- A1 Report of the inspection to the farmer – user of plant protection products
- A2 Form for inspecting the farmer - user of plant protection products
- A3 Form for inspecting documents and records of use of plant protection products
- A4 Form for inspecting training in plant protection products
- A5 Form for inspecting warehouse of plant protection products
- A6 Form for inspecting preparation of spraying mixture and application of plant protection product
- A7 Record for seizing plant protection products
- A8 Factsheet for sample of spraying mixture of plant protection products and record for sampling
- A9 Factsheet for sample of plant tissue for testing residues of plant protection products and record of sampling
- A10 Factsheet for sample for testing residues of plant protection products and record of sampling
- A11 Factsheet for sample and record of soil sampling for testing plant protection products
- A12 Annual evaluation of inspections on farmers – users of plant protection products

Inspecting authority data:

INSPECTION REPORT OF FARMER – USER OF PPPS

Today, .../.../..... and ata panel of consisted of the following officials : conducting a inspection to the farmer Mr., Fiscal Registration No:, in accordance with inspection order and completed the following inspection forms :

A.	1. Coordinates of farmer-user of PPPs
B.	2. Inspection form of documents and records of PPPs
Γ.	3. Inspection form of training in PPPs
Δ.	4. Inspection form of PPPs storage
E.	5. Inspection form of mixing / loading and application of PPPs

(Choose the relevant form, which is completed. In any case, fill the form with the coordinates of farmers-users of PPPs)

Results of spot inspection: From the inspection the following is found:

.....

“Form Inspection Report ”

(If it is demanded the additional pages are filled and countersigned by the inspectionler and the inspected person)

Also the following samples were taken:

A.	Sample of plant tissues from the crop. (leaves, stems, flowers, mixed sample)
B.	Sample of spray solution from pesticides applied
C.	Sample of soil from the crop.

(If a sample was taken, tick the relative answer)

The farmer was officially informed of the inspection report and received a copy:

A.	Immediately after completion of the inspection
B.	By letter of the competent inspection authority

(Tick the relative answer)

The farmer has the right to refuge against the inspection report as defined in article 24 paragraph 1 of the Law 2690/1999 (OJ A'45), as amended and being currently in force.

The officials who did the inspection report

The inspected farmer-user of PPPs

(name-signature)

(name-signature)

"Form Inspection Report"

Inspecting Authority data

INSPECTION FORM FARMER- USER OF PPPs

COORDINATES FARMER-USER OF PPPs

A2.1 SURNAME		
A2.2 NAME		
A2.3 FATHER'S NAME		
	FARMER	PROFFESIONAL SPRAYER
A2.4 ADDRESS- FISCAL REGISTRATION NO		
A2.5 INSPECTED INSTALLATION		
GPS Coordinates of the conducted inspection		

	Full name	Signature
INSPECTION PANEL:	1.	
	2.	
DATE:		

"Form Inspection Farmer-User PPPs"

FORM FOR INSPECTION TRAINING IN PPPS TOPICS

Question	REQUIREMENT	ANSWER (*)
4.1.	Did he attend training on PPPs topics;	
4.2.	Owned training certificate, as proof of sufficient knowledge of the topics Annex B of the law 4036/2012 (O J A'8)	

Status Description:

.....

.....

.....

.....

.....

.....

DATE:

SIGNATURE FARMER-USER PPPS:

INSPECTOR SIGNATURE:

"Form inspection of documents / records PPPs users"

INSPECTION FORM OF PPPs STORAGE

Question	REQUIREMENT	ANSWER (*)
5.1	Are the stored products authorized?	
5.2	Are the plant protection products stored in a place locked away from children?	
5.3	Are the plant protection products maintained in their original packaging?	
5.4	Are the plant protection products stored in a place away from foodstuffs, beverages and animal feed?	
5.5	Do the plant protection products storage conditions comply with the requirements on their labels?	
5.6	Are the plant protection products stored within the stated on the label expired date?	
5.7	Are other requirements stated on the label kept?	

(*)If not any requirement is covered to give a short description of the situation and to take evidence (e.g. photographing with a digital camera of the instance status).

Status Description:

.....

.....

.....

.....

.....

DATE:

SIGNATURE FARMER-USER PPPs:

INSPECTOR SIGNATURE:

“FORM INSPECTION STORAGE PPPs”

FORM INSPECTION PREPARING SPRAY SOLUTION & APPLICATION OF PPPs

Question	REQUIREMENT	ANSWER (*)
6.1	Is the used product suitable for the purpose for which is applied (approved for the particular crop and target)?	
6.2	Priority was given to implementing non-chemical methods to address the problem? In case they are available.	
6.3	Has the farmer been informed for the instructions on the label of a plant protection product?	
6.4	Is the appropriate personal protective equipment used as specified on the label of PPPs (masks, coveralls, gloves, and boots)?	
6.5	Is appropriate measuring equipment used?	
6.6	Is care taken the amount of spray solution to be approximately the required for the application (minimize spraying remnants)?	
6.7	Is the dosage used within the range on the label of the plant protection product?	
6.8	Are the empty containers collected and managed in accordance with the stated on the label way?	
6.9	Is the stage of the crop suitable for the application of this product/formulation?	
6.10	Is the stated interval between two sprays met? If it is indicated.	
6.11	Are all necessary protective measures for the user's health as provided on pesticide labels, taken?	
6.12	Is there close to the application are any water source available for use in case of accidents?	

"FORM INSPECTION PREPARING SPRAY SOLUTION & APPLICATION OF PPPs"

6.13	Do the prevailing weather conditions (wind, rain, etc.) allow the application of the ppp?	
6.14	Is any care taken to avoid contamination of neighboring crops by applying the formulation?	
6.15	Where there are relevant provisions on the label of a plant protection product, is the equipment used suitable for this use?	
6.16	Where there are relevant provisions on the label of plant protection product, are any measures taken to protect bees or the livestock?	
6.17	Measures taken to minimize the excess spray solution	
6.18	Are other requirements stated on the label kept?	

(*)If not any requirement is covered to give a short description of the situation and to take evidence (e.g. photographing with a digital camera of the instance status).

Status Description:

DATE:

SIGNATURE FARMER-USER PPPs :

SIGNATURE INSPECTIONER:

“Form inspection preparing spray solution & application PPPs”

Coordinates of Service

Conducting the Inspection

MINUTE OF SEIZURE OF PPPs

Today the .../.../20....., day, the under signed

.....

During the inspection of Mr/Mrs.
 resident IDENTITY CARD NUMBER &
 Fiscal Registration No, and specifically at PPPs store which was located in
 address.....

.....

We proceeded to the seizure of the following PPPs:

Trade name	Packaging	Quantity	Batch Number	Expiration date	Reason of Seizure
					Not registered (art.9§2 of law.4036/2012) Expired (art.9§6 of law.4036/2012)
					Not registered (art.9§2 of law.4036/2012) Expired (art.9§6 of law.4036/2012)
					Not registered (art.9§2 of law.4036/2012) Expired (art.9§6 of law.4036/2012)

(Additionally seized pesticides are mentioned in additional sheets and countersigned by the inspectionler and the inspected person)

The seized amount was sealed by our service

“Minute of Seizure PPPs”

These seized PPPs are delivered to their holder, who is appointed as fiduciary and sequestrator of them, under the provisions of Articles 256 and 259 of the Criminal Code. He promises to our Service his due diligence and attention for the safe storage of them, talking over all the necessary expenditures, as well as the liability by mortgaging all his movable and immovable property for any intentional damage, destruction or loss of them. Moreover additionally inspected for defrauding the Greek government (Article 397 CC).

The Inspection panel:

The Recipient

1.

2.

3.

(name-signature)

(name-signature)

“Minute of seizure PPPs”

Continue recording seized PPPs

Trade name	Packaging	Quantity	Batch Number	Expiration date	Reason Of Seizure
					Not registered (art.9§2 of <i>law.4036/2012</i>) Expired (art.9§6 of <i>law.4036/2012</i>)
					Not registered (art.9§2 of <i>law.4036/2012</i>) Expired (art.9§6 of <i>law.4036/2012</i>)
					Not registered (art.9§2 of <i>law.4036/2012</i>) Expired (art.9§6 of <i>law.4036/2012</i>)
					Not registered (art.9§2 of <i>law.4036/2012</i>) Expired (art.9§6 of <i>law.4036/2012</i>)
					Not registered (art.9§2 of <i>law.4036/2012</i>) Expired (art.9§6 of <i>law.4036/2012</i>)
					Not registered (art.9§2 of <i>law.4036/2012</i>) Expired (art.9§6 of <i>law.4036/2012</i>)
					Not registered (art.9§2 of <i>law.4036/2012</i>) Expired (art.9§6 of <i>law.4036/2012</i>)
					Not registered (art.9§2 of <i>law.4036/2012</i>) Expired (art.9§6 of <i>law.4036/2012</i>)
					Not registered (art.9§2 of <i>law.4036/2012</i>) Expired (art.9§6 of <i>law.4036/2012</i>)

Signature Inspector:

Signature Inspected Person:

" Minute of Seizure PPPs "

**DATA SHEET FOR SAMPLING PLANT TISSUES FOR RESIDUES INSPECTION
OF PPPs AND SAMPLING MINUTE**

Protocol Number of the document (which accompanies the sample)	
Sample number (e.g. 1or 2 or etc)	
Date of sampling:	
Crop sampled (eg cotton):	
Crop growth stage:	
Description of sample (delete as appropriate)	leaves, flowers, stems, mixed sample
Sampling point (field position)	
Laboratory sample (units or Kg)	
GPS Coordinates of the sampling	
Laboratory counter sample (units or Kg)	
Packaging & seal sample - counter sample	
Coordinates of farmer	
Date of dispatch to the laboratory	
Authority carrying out the sampling	
Requested tests	

THE FARMER PRESENT IN SAMPLING

THE UNDERSIGNED PERSON

(Fullname –Position)

**I received a sample to be carried out laboratory
test for pesticide residues**

(Fullname-Signature)

“Minutes of sampling plant tissues”

**DATA SHEET FOR SAMPLING OF SOIL FOR INSPECTION OF RESIDUES OF PPPs
AND SAMPLING MINUTE**

Protocol Number of the document (which accompanies the sample)	
Sample number (e.g. 1 or 2 or etc)	
Date of sampling:	
Sampling point: (point of the field)	
GPS Coordinates of the sampling point:	
Is there a crop in the field that can be sampled and if yes which (e.g. cotton):	
History of the crop's development:	
Previous crop (if know):	
Laboratory sample (Kg) and counter sample (kg):	
Packaging & seal sample - counter sample	
Farmers coordinates:	
Date of dispatch to the laboratory	
Authority carrying out the sampling	

THE USER OF PPPs PRESENT IN SAMPLING

THE UNDERSIGNED PERSON

(Fullname –Position)

**I received a sample to be carried out laboratory
test for PPP residues**

(FULLNAME-SIGNATURE)

“Minute of sampling spray solution”

**DATA SHEET FOR SAMPLING OF SPRAY SOLUTION of PPPs
AND SAMPLING MINUTE**

Protocol Number of the document (which accompanies the sample)	
Sample number (e.g. 1 or 2 or etc)	
Date of sampling:	
Sampling point:	
Coordinates of the user who prepared the spray solution:	
PPPs used (declared by the user who prepared the spray solution):	
Type of spray equipment:	
Spray solution volume (volume Tank):	
Intended Crop or Crop treated :	
Laboratory sample and counter sample (ml)	
Packaging & seal sample - counter sample	
Date of dispatch to the laboratory	
Authority carrying out the sampling	
Requested tests	

THE USER of PPPs PRESENT IN SAMPLING

THE UNDERSIGNED PERSON

(Fullname –Position)

I received a sample to be carried out laboratory test

(FULLNAME-SIGNATURE)

“Minute of sampling spray solution”

**DATA SHEET FOR SAMPLING FOR RESIDUES OF PPPs
AND SAMPLING MINUTE**

Sampling is done in accordance with the No 91972/2003 Ministerial Decree (OJ B123) [Directive 2002/63/EC]

Protocol Number / Date of dispatching the document ⁽¹⁾	
Sample number ⁽²⁾ or counter sample number ⁽³⁾	
Date of sampling	
Species , Variety ⁽⁴⁾	
Trade name ⁽⁵⁾	
Sampling point (place, store, address)	
Origin (country, county, region)	
Total quantity of cargo or inspected batch ⁽⁶⁾	
Laboratory sample and counter sample (units or Kg)	
Packaging & seal sample - counter sample ⁽⁷⁾	
Coordinates of trader- importer or trafficker	
Evidences of the traceability of sample	
Coordinates trader sender or packer	
Farmer's coordinates	
Data for the crop ⁽⁸⁾	
Production date	
Code number of production	
Authority which carrying out the sampling	

**THE FARMER OR HIS REPRESENTATIVE
PRESENT IN SAMPLING**

(Fullname)

(Signature)

THE UNDERSIGNED PERSON

(Fullname-Position)

**I received a sample from the above load to be
carried out laboratory testing for pesticide
residues**

LOCATION:

DATE:

THE PERSON WHO CARRIED OUT THE SAMPLING

(Signature - stamp)

"Minute of sampling harvested production"

Coordinates of Service
which conducts the Inspection

DATE: .../.../20...

**ANNUAL ASSESSMENT INSPECTIONS
OF FARMERS-USERS OF PPPs**

Inspected stage	Assessed activity	Results of assessment
Inspection design	Competent Authority's program	Is the CA's program covered sufficiently?
	Objectives	From the inspections carried out, is there a need to revise the objectives pursued?
Conduct inspections of	A process improvement is required?	
	A Forms improvement is needed?	
	Is additional staff required?	
	Are the stated objectives covered?	
	The Inspection tools used were adequate for the objectives?	
	Is additional training to the supervisors required?	

Suggestions for improvement	
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