

Session 1: Inspection at regular intervals – Inspection of new equipment (according article 8/1 and 8/2)

Introduction paper

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Summary

With the Frame Work Directive (FWD) the Member States (MS) are obliged to introduce regular inspections for plant protection equipment (PAE).

The FWD provides a framework which allows the MS to implement these stipulations taking into consideration their experience and situations in the past.

The MS are given leeway to set other times and intervals for certain types of construction and to exclude certain types entirely from obligatory inspections..

Because the FWD does not automatically have the force of the law in the MS, but requires a legal regulation for transferring it into national law in each MS, the SPISE 3-Workshop will provide a proposal for discussion which uses the FWD's stipulations and specifies, or rather makes use of, the leeway remaining with the MS.

This specification primarily involves technical matters; in addition, legal/administrative situations in the MS may lead to regulations which deviate from these. It is nevertheless important that the MS agree with one another on the regulations which concern other MS, because otherwise the mutual recognition of inspections is not possible.

Experience which has been gained up until now in other MS is also to be taken into consideration when fixing the scope of inspection and the requirements (EN 13790) to form the basis for these.

The wording of article 8

With the Pesticide Framework Directive the Member States are obliged to introduce regular inspections for pesticide application equipment (PAE). The Directive provides the framework and stipulates essential requirements which have to be specified and adjusted to the situations in the Member States according to the principles of subsidiarity.

In the following both the article 8 of the FWD and the proposal for uniform enforcement of the inspection in the member States are explained.

The key words of the article 8 are listed on the left side of the figure 1:

- 1) The article 8 indicates the frame and the structure within the inspection of PAE in the MS should comply.
- 2) Because the FWD does not automatically have the force of the law in the MS, but requires a legal regulation in each MS, the SWG is providing a proposal for uniform enforcement of the inspection in the MS, see Book of Abstract, page 28 to 35.
- 3) However, if such regulations should apply throughout the Member States in an effective and uniform way and the Member States should agree on those regulations amongst themselves.
- 4) This essential requirements of article 8 gives the MS leeway to supplement the article 8 by additional regulations taking the special situations of the MS into consideration according the principles of subsidiarity.

Wording of Framework Directive/art.8		Proposal for uniform enforcement ...	
\$1	<ul style="list-style-type: none"> MS ensure PAE inspection Obligatory inspection of all PAE Regular interval 	<ul style="list-style-type: none"> Obligatory inspection of all PAE Inspection service Interval 	\$1
\$2			\$2&3
\$3	<ul style="list-style-type: none"> Derogation & exemptions 	<ul style="list-style-type: none"> PAE not used for spraying Additional PAE Handheld PAE & knapsack sprayers 	\$4&5
\$4			\$6
\$5	<ul style="list-style-type: none"> Regular calibrations & checks 	<ul style="list-style-type: none"> Calibrations & checks/session 4 	
\$6			\$7-12
\$7	<ul style="list-style-type: none"> Amending Annex II 		\$13-14

Fig. 1 The article 8 of the FWD consists of 7 paragraphs and provides the framework and stipulates essential requirements

Though such regulations should be applied throughout the Member States in an effective and uniform way there is indeed the necessity for the Member States to agree on those regulations amongst themselves. The key words of this proposal are listed on the right side of the fig 1. This proposal focusing on technical aspects taking the limited availability of harmonized EN standards into consideration.

This proposal is characterized by the following items:

- 1) First of all the inspection is focused on PAE already included in the European standard EN 13790 P.1 & P.2 (at the moment only addressed to field crop and air assisted sprayers).
- 2) For PAE not yet included in the EN 13790 series the inspection is according to article 8.3 postponed until the relevant harmonized EN standards are published.
- 3) Certificate system for mutual recognition of inspection among the Member States is recommended taking sticker, minor defects and test report into account.
- 4) The use of PAE without a valid sticker is prohibited and non-compliance will be punished.

The complete version of the proposal is attached in **annex 2**

The stipulations of article 8/1 and 8/2

Now I would like to come back to §1 & §2 of the FWD and explain these more precisely. The MS are requested in article 8.1 to ensure that PAE in professional use shall be inspected at regular intervals.

For purposes of interpretation, the definitions in article 2 (e.g. professional use, pesticide application equipment, ...) should be used.

This Directive shall apply to pesticides that are plant protection products as defined in point 10(a) of article 3. (article 2(1)).

"Pesticide" means a plant protection product as defined in Regulation (EC) No 1107/2009 (article 3(10)).

“Pesticide application equipment” means any apparatus specifically intended for the application of pesticides, including accessories that are essential for the effective operation of such equipment, such as nozzles, manometers, filters, strainers and cleaning devices for tanks. (article 3(4)).

“Professional user” means any person who uses pesticides in the course of their professional activities, including operators, technicians, employers and self-employed people, both in the farming and other sectors. (article 3(1)).

“PAE in professional use” means a PAE used from “professional user” as defined article 3(1).

What kind of pesticide application equipment shall be subject to inspections at regular intervals: This classification scheme shows a collection of PAE used for the different kinds of plant protection measures grouped according §1 & §3 of the article 8, figure 2.

Pesticide application equipment in professional use accord. article 8 FWD

Session 1: Inspection at regular intervals – new equipment	1) Pesticide Appl. Equipment (PAE) used				
	2) for spraying incl. fogging				
	3) & hand-operated PAE				
	4) PAE not used for spraying pesticide				
	5) PAE handheld & knapsack sprayers				
	6) knapsack sprayers				
	7) Additional PAE: (boom < 3m)				
	8) Addition: (train, aircraft, boom > 3m)				

Different timetables, intervals, very low scale; acc. Article 3(a)
Exempt from inspection 3(b)
No low scale 3(a)

Fig. 2 Pesticide application equipment in professional use according article 8 FWD

This scheme shows 3 categories of PAE:

- 1) PAE, that have to be inspected without derogations,
- 2) PAE, that have to be inspected, but with some derogations,
- 3) PAE, that are exempt from inspection.

By the way of derogation the MS can apply different timetable, different intervals for certain types of PAE or exempt hand held or knapsack sprayers from inspection. The derogations and exemptions from inspection is be explained very clear and detailed in session 2. The regulation in §1 of the FWD at first includes all PAE in mandatory inspections, of which certain constructions can then be excluded according to §3(a) und §3(b). The interval between inspections shall not exceed five years until 2020 and shall not exceed three years thereafter.

The European survey from 2009 in the countries of Europe, made be my colleague Mr. Wehmann, shows that the intervals vary between 1 and 5 years, figure 3.

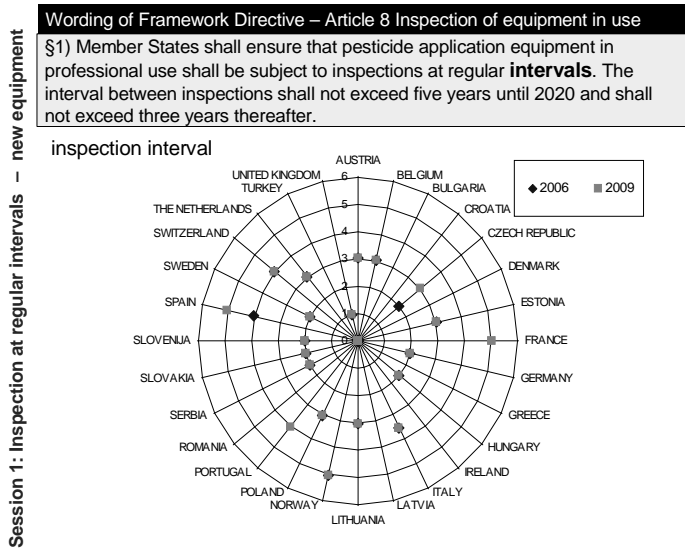


Fig. 3 Different inspection intervals in the countries of Europe

This is a very wide range and I estimate, it will be difficult to come to a harmonized interval for all MS. MS shall ensure that PAE shall be inspected at regular intervals. Nothing is said about, who should do it. However, the MS can decide itself, who and where to have these inspections conducted. To this end it is useful to be able to make use of the experience gathered by the MS on official or officially recognized inspection service.

Particular attention should be paid to the experience and regulations in Belgium, Germany and the Netherlands who reported on this matter on the occasion of the 2nd SPISE-Workshop (theoretically and practically) and also made their experience available in the form of information packages on the SPISE website.

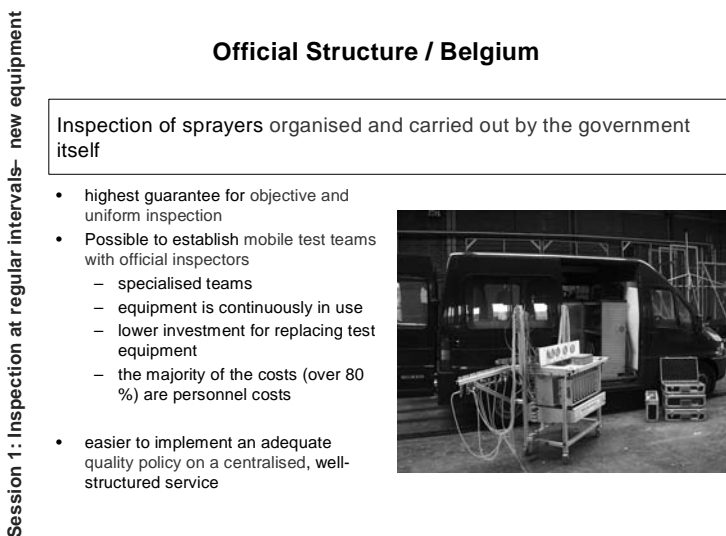


Fig. 4 Example of an official inspection service in Belgium where the inspection is organized and carried out by the government itself

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Official Structure / Germany

Inspection of sprayers is delegated to the Federal States and carried out by approved agricultural workshops (or official teams if required)

- Agricultural workshops have to be approved to guarantee reliable & independent inspections (Approval- & inspection regulations)
- Inspections only acc. official rules (e.g. EN 13790) if not the approval will be rejected
- High-quality inspections by well experienced & trained specialists
- Agricultural workshops are more suitable than authorities (reduction of bureaucracy)
- Inspection & repairing by approved workshops in one operation
- Dense network of workshops makes farmer participation easier



Fig. 5 Example from Germany where the inspection is delegated to the Federal States and carried out by approved agricultural workshops

The following proposal focusing on technical matters shows the action of implementation in the Member States taking the limited availability of harmonized EN standards into consideration. This proposal is characterized by the following items:

1. First of all the inspection is focused on PAE already included in the European standard EN 13790 P.1 & P.2 (at the moment only addressed to field crop and air assisted sprayers).
2. For PAE not yet included in the EN 13790 series the inspection is according to article 8.3 postponed until the relevant harmonized EN standards are published.
3. Certificate systems for mutual recognition of inspection among the Member States are recommended taking sticker, minor defects and test report into account.
4. The use of PAE without a valid sticker is prohibited and non-compliance will be punished.

Please focus on the right side of the figure 1.

As already mentioned the FWD does not automatically have the force of the law in each MS. The SWG will provide you

- a proposal for uniform enforcement of the inspection in the MS
- which is focused on technical matters
- for transferring the article 8 into national law on the MS level
- taking the limited availability of harmonized EN-standards into account

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Wording of Framework Directive – Article 8 Inspection of equipment in use	
§1) Member States shall ensure that pesticide application equipment in professional use shall be subject to inspections at regular intervals. The interval between inspections shall not exceed five years until 2020 and shall not exceed three years thereafter.	
Proposal for uniform enforcement of inspection in the Member States	
<ul style="list-style-type: none"> • 1) Persons who own pesticide application equipment (PAE) or have the right of disposal (owners) have to have the PAE inspected by an official or an officially recognised inspection service at (e.g. four half a year) intervals. 	
<div style="border: 2px solid black; padding: 5px; transform: rotate(-15deg); display: inline-block;"> Obligatory inspection of all PAE Inspection service Interval </div>	
<ul style="list-style-type: none"> • This proposal implies obligatory inspection of all PAE models. • Because not all PAE models could be tested yet, the obligation for inspection is limited according to article 8(3) to specific models. • It is proposed to fix the inspection interval at 2 years, meaning at four half-years. 	

Vary

Fig. 6 Wording of Framework Directive Article 8, § 1

FWD: The MS must assure that the inspection intervals not exceed 5 years until 2020 and not exceed 3 years thereafter.

Proposal: In the first § of this proposal, three items are laid down.

- 1) The proposal obliged the owners of all PAE models to have their PAE inspected, without any exceptions. Because of the fact that not all PAE models could be inspected yet, because of the limited availability of harmonized EN standards, the inspection is limited by derogations and exemptions according article 8.3. These aspects will be discussed more detailed in session 2.
- 2) It is recommended to keep the door open that the inspections can be carried out by an official or an officially recognised inspection service.
- 3) It is proposed to fix the inspection interval at 2 years, meaning at four half-years.

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Wording of Framework Directive – Article 8 Inspection of equipment in use	
§2(1) By ... Member States shall ensure that pesticide application equipment has been inspected at least once. After this date only pesticide application equipment having successfully passed inspection shall be in professional use. OJ: seven years after the date of entry into force of this Directive.	
Proposal for uniform enforcement of inspection in the Member States	
<ul style="list-style-type: none"> • 2) Owners of PAE have to have their equipment inspected at least once (e.g. in accordance with article 8(1) by seven years after the date of entry into force of this Directive). 	
<div style="border: 2px solid black; padding: 5px; transform: rotate(-15deg); display: inline-block;"> Deadline </div>	
<ul style="list-style-type: none"> • With this paragraph a deadline is defined by which all PAE have to be inspected at least once. • Paragraph 13) and 14) are necessary to meet the deadline. 	

Vary

Fig. 7 Wording of Framework Directive Article 8, § 2(1)

FWD: In §2(1) of the FWD the Member States are obliged to make sure that all PAE is inspected at least once within the 7 years after the FWD has entered into force.

Proposal: With this paragraph a deadline is defined by which all PAE have to be inspected at least once.

In order to guarantee this, the MS must set up further regulations concerning bans on use and offences as suggested in §§13 and 14 of the proposal. Example formulations are given in §§13 and 14. The suggestion (§§ 13 & 14) in the proposal addresses this stipulation.

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Wording of Framework Directive – Article 8 Inspection of equipment in use

§2(2) New equipment shall be inspected at least once within a period of 5 years after purchase.

Second European Workshop ... SPISE 2

Session 2.2.2: Options of very old / brand new sprayers (Holownicki & Hermansen)

Results and conclusions

- It is not necessary to have specific procedures; even very old sprayers have to fulfill the requirements according to EN 13790 but it is not necessary to retroactively meet EN 12761.
- Main problems with very old sprayers are insufficient pump and agitation, anti drip devices, filters, worn booms and missing protective guards.
- If necessary the sprayer should be modernized by high qualified staff and the inspection is to be repeated.

- Brand new sprayers have to be inspected before selling or they have to be manufactured in such a way to fulfill the EN 13790 standard.
- Inspection of new sprayers may be of reduced extent compared to sprayers in use because of no wear and tear

Further actions

- To define the minimum requirements from EN 13790 valid for brand new sprayers.

Fig. 8 Wording of Framework Directive Article 8, § 2(2)

How to deal with brand new PAE have been already discussed at the last SPISE workshop in Straelen 2007 with the following result:

- 1) Brand new sprayers have to be inspected before selling or they have to be manufactured in such a way to fulfill the EN 13790 standard.
- 2) Inspection of new sprayers may be of reduced extent compared to sprayers in use because of no wear and tear

FWD: New equipment shall be inspected at least once within a period of 5 years after purchase. A time period of 5 years before the first inspection is too long.

Proposal: Due to the positive experience gathered by some MS with the inspection of new equipment it is suggested:

- 1) to shorten this deadline to 6 months at the longest or
- 2) to conduct the inspection before the new equipment is used for the first time.

Here my explanations:

- 1) An inspection before the first use is especially advantageous because this guarantees that new PAE also fulfils the requirements of EN 13790.
- 2) The regulation in the Machine Directive for new PAE which only provides for certification carried out by the manufacturer himself cannot guarantee this because a technical inspection of the new equipment is not intended.
- 3) A further reason for favouring the inspection of new equipment is the fact that manufacturers are increasingly conducting performance tests before dispatching their equipment from the factory.
- 4) Shortening this deadline does therefore not mean additional costs.

However, it means a huge gain in safety for the environment, consumer and agriculture since each new piece of equipment is also inspected technically with regard to compliance with legal requirements.

Proposal: In the German procedure for testing brand new equipment only the features pertaining to

- 2. pump
- 6. pipe system
- 9. nozzles

shall be applied.

Conclusion

The FWD provides the frame for inspection of PAE in the MS with some derogations and exemptions. This enables the MS to implement these stipulations taking their own experiences & situations into account.

The SWG provides a proposal for uniform enforcement of inspection in the MS which have to be discussed & improved at this workshop.

There is indeed the necessity for the MS to agree on such regulations amongst themselves. The inspection of brand new PAE before they were taken into use is very advantageous, for this a reduced number of features should be applied.

Annex 1 Directive 2009/128/EC of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides (extract)

24.11.2009	EN	Official Journal of the European Union	L 309/71
DIRECTIVES			
DIRECTIVE 2009/128/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (Text with EEA relevance)			
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		other related Community legislation, in particular Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds ⁽¹⁾ , Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽²⁾ , Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽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 ⁽⁴⁾ and Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 on the placing of plant protection products on the market ⁽⁵⁾ . These measures should also not prejudice voluntary measures in the context of Regulations for Structural Funds or of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽⁶⁾ .	
Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,			
Having regard to the proposal from the Commission,			
Having regard to the opinion of the European Economic and Social Committee ⁽⁷⁾ ,			
Having regard to the opinion of the Committee of the Regions ⁽⁸⁾ ,			
Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽⁹⁾ ,			
Whereas:			
(1) In line with Articles 2 and 7 of Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme ⁽¹⁰⁾ , a common legal framework for achieving a sustainable use of pesticides should be established, taking account of precautionary and preventive approaches.	(4) Economic instruments can play a crucial role in the achievement of objectives relating to the sustainable use of pesticides. The use of such instruments at the appropriate level should therefore be encouraged while stressing that individual Member States can decide on their use without prejudice to the applicability of the State aid rules.		
(2) At present, this Directive should apply to pesticides which are plant protection products. However, it is anticipated that the scope of this Directive will be extended to cover biocidal products.	(5) National Action Plans aimed at setting quantitative objectives, targets, measures, timetables and indicators to reduce risks and impacts of pesticide use on human health and the environment and at encouraging the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides should be used by Member States in order to facilitate the implementation of this Directive. Member States should monitor the use of plant protection products containing active substances of particular concern and		
(3) The measures provided for in this Directive should be complementary to, and not affect, measures laid down in			
⁽¹⁾ OJ C 161, 13.7.2007, p. 48.	⁽⁵⁾ OJ L 103, 25.4.1979, p. 1.		
⁽²⁾ OJ C 146, 30.6.2007, p. 48.	⁽⁶⁾ OJ L 206, 22.7.1992, p. 7.		
⁽³⁾ Opinion of the European Parliament of 23 October 2007 (OJ C 263 E, 16.10.2008, p. 158), Council Common Position of 19 May 2008 (OJ C 254 E, 7.10.2008, p. 1) and Position of the European Parliament of 13 January 2009 (not yet published in the Official Journal), Council Decision of 24 September 2009.	⁽⁷⁾ OJ L 327, 22.12.2000, p. 1.		
⁽⁴⁾ OJ L 242, 10.9.2002, p. 1.	⁽⁸⁾ OJ L 70, 16.3.2005, p. 1.		
	⁽⁹⁾ See page 1 of this Official Journal.		
	⁽¹⁰⁾ OJ L 277, 21.10.2005, p. 1.		

Certification systems shall include requirements and procedures for the granting, renewal and withdrawal of certificates.

3. Measures designed to amend non-essential elements of this Directive relating to amending Annex I in order to take account of scientific and technical progress shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(2).

Article 6

Requirements for sales of pesticides

1. Member States shall ensure that distributors have sufficient staff in their employment holding a certificate referred to in Article 5(2). Such persons shall be available at the time of sale to provide adequate information to customers as regards pesticide use, health and environmental risks and safety instructions to manage those risks for the products in question. Micro distributors selling only products for non-professional use may be exempted if they do not offer for sale pesticide formulations classified as toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction pursuant to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations⁽¹⁾.

2. Member States shall take necessary measures to restrict sales of pesticides authorised for professional use to persons holding a certificate referred to in Article 5(2).

3. Member States shall require distributors selling pesticides to non-professional users to provide general information regarding the risks for human health and the environment of pesticide use, in particular on hazards, exposure, proper storage, handling, application and safe disposal in accordance with Community legislation on waste, as well as regarding low-risk alternatives. Member States may require pesticide producers to provide such information.

4. The measures provided for in paragraphs 1 and 2 shall be established by 14 December 2015.

Article 7

Information and awareness-raising

1. Member States shall take measures to inform the general public and to promote and facilitate information and awareness-raising programmes and the availability of accurate and balanced information relating to pesticides for the general public, in particular regarding the risks and the potential acute and chronic effects for human health, non-target

organisms and the environment arising from their use, and the use of non-chemical alternatives.

2. Member States shall put in place systems for gathering information on pesticide acute poisoning incidents, as well as chronic poisoning developments where available, among groups that may be exposed regularly to pesticides such as operators, agricultural workers or persons living close to pesticide application areas.

3. To enhance the comparability of information, the Commission, in cooperation with the Member States, shall develop by 14 December 2012 a strategic guidance document on monitoring and surveying of impacts of pesticide use on human health and the environment.

CHAPTER III

PESTICIDE APPLICATION EQUIPMENT

Article 8

Inspection of equipment in use

1. Member States shall ensure that pesticide application equipment in professional use shall be subject to inspections at regular intervals. The interval between inspections shall not exceed five years until 2020 and shall not exceed three years thereafter.

2. By 14 December 2016, Member States shall ensure that pesticide application equipment has been inspected at least once. After this date only pesticide application equipment having successfully passed inspection shall be in professional use.

New equipment shall be inspected at least once within a period of five years after purchase.

3. By way of derogation from paragraphs 1 and 2 and, following a risk assessment for human health and the environment including an assessment of the scale of the use of the equipment, Member States may:

- (a) apply different timetables and inspection intervals to pesticide application equipment not used for spraying pesticides, to handheld pesticide application equipment or knapsack sprayers and to additional pesticide application equipment that represent a very low scale of use, which shall be listed in the National Action Plans provided for in Article 4.

The following additional pesticide application equipment shall never be considered as constituting a very low scale of use:

- (i) spraying equipment mounted on trains or aircraft,

⁽¹⁾ OJ L 200, 30.7.1999, p. 1.

(ii) boom sprayers larger than 3 m, including boom sprayers that are mounted on sowing equipment;

(b) exempt from inspection handheld pesticide application equipment or knapsack sprayers. In this case the Member States shall ensure that operators have been informed of the need to change regularly the accessories, of the specific risks linked to that equipment, and that operators are trained for the proper use of that application equipment in accordance with Article 5.

4. The inspections shall verify that pesticide application equipment satisfies the relevant requirements listed in Annex II, in order to achieve a high level of protection for human health and the environment.

Pesticide application equipment complying with harmonised standards developed in accordance with Article 20(1) shall be presumed to comply with the essential health and safety and environmental requirements.

5. Professional users shall conduct regular calibrations and technical checks of the pesticide application equipment in accordance with the appropriate training received as provided for in Article 5.

6. Member States shall designate bodies responsible for implementing the inspection systems and inform the Commission thereof.

Each Member State shall establish certificate systems designed to allow the verification of inspections and recognise the certificates granted in other Member States following the requirements referred to in paragraph 4 and where the time period since the last inspection carried out in another Member State is equal to or shorter than the time period of the inspection interval applicable in its own territory.

Member States shall endeavour to recognise the certificates issued in other Member States provided that the inspection intervals referred to in paragraph 1 are complied with.

7. Measures designed to amend non-essential elements of this Directive relating to amending Annex II in order to take account of scientific and technical progress shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(2).

CHAPTER IV

SPECIFIC PRACTICES AND USES

Article 9

Aerial spraying

1. Member States shall ensure that aerial spraying is prohibited.

2. By way of derogation from paragraph 1 aerial spraying may only be allowed in special cases provided the following conditions are met:

(a) there must be no viable alternatives, or there must be clear advantages in terms of reduced impacts on human health and the environment as compared with land-based application of pesticides;

(b) the pesticides used must be explicitly approved for aerial spraying by the Member State following a specific assessment addressing risks from aerial spraying;

(c) the operator carrying out the aerial spraying must hold a certificate as referred to in Article 5(2). During the transitional period where certification systems are not yet in place, Member States may accept other evidence of sufficient knowledge;

(d) the enterprise responsible for providing aerial spray applications shall be certified by a competent authority for authorising equipment and aircraft for aerial application of pesticides;

(e) if the area to be sprayed is in close proximity to areas open to the public, specific risk management measures to ensure that there are no adverse effects on the health of bystanders shall be included in the approval. The area to be sprayed shall not be in close proximity to residential areas;

(f) as from 2013, the aircraft shall be equipped with accessories that constitute the best available technology to reduce spray drift.

3. Member States shall designate the authorities competent for establishing the specific conditions by which aerial spraying may be carried out, for examining requests pursuant to paragraph 4 and for making public information on crops, areas, circumstances and particular requirements for application including weather conditions where aerial spraying may be allowed.

ANNEX II

Health and safety and environmental requirements relating to the inspection of pesticide application equipment

The inspection of pesticide application equipment shall cover all aspects important to achieve a high level of safety and protection of human health and the environment. Full effectiveness of the application operation should be ensured by proper performance of devices and functions of the equipment to guarantee the following objectives are met.

The pesticide application equipment must function reliably and be used properly for its intended purpose ensuring that pesticides can be accurately dosed and distributed. The equipment must be in such a condition as to be filled and emptied safely, easily and completely and prevent leakage of pesticides. It must permit easy and thorough cleaning. It must also ensure safe operations, and be controlled and capable of being immediately stopped from the operator's seat. Where necessary, adjustments must be simple, accurate and capable of being reproduced.

Particular attention should be paid to:

1. Power transmission parts

The power take-off driveshaft guard and the guard of the power input connection shall be fitted and in good condition and the protective devices and any moving or rotating power transmission parts shall not be affected in their function so as to ensure protection of the operator.

2. Pump

The pump capacity shall be suited to the needs of the equipment and the pump must function properly in order to ensure a stable and reliable application rate. There shall be no leakages from the pump.

3. Agitation

Agitation devices must ensure a proper recirculation in order to achieve an even concentration of the whole volume of the liquid spray mixture in the tank.

4. Spray liquid tank

Spray tanks including indicator of tank content, filling devices, strainers and filters, emptying and rinsing systems, and mixing devices shall operate in such a way as to minimise accidental spillage, uneven concentration distribution, operator exposure and residual content.

5. Measuring systems, control and regulation systems

All devices for measuring, switching on and off and adjusting pressure and/or flow rate shall be properly calibrated and work correctly and there shall be no leakages. Control of pressure and operation of pressure adjustment devices shall be easily possible during application. Pressure adjustment devices shall maintain a constant working pressure at constant revolutions of the pump, in order to ensure that a stable volume application rate is applied.

6. Pipes and hoses

Pipes and hoses shall be in proper condition to avoid disturbance of liquid flow or accidental spillage in case of failure. There shall be no leakages from pipes or hoses when run with the maximum obtainable pressure for the system.

7. Filtering

In order to avoid turbulence and heterogeneity in spray patterns, filters shall be in good condition and the mesh size of the filters shall correspond to the size of nozzles fitted on the sprayer. Where applicable the filter blockage indication system shall operate correctly.

8. Spray boom (for equipment spraying pesticides by means of a horizontally positioned boom, located close to the crop or the material to be treated).

The spray boom must be in good condition and stable in all directions. The fixation and adjustment systems and the devices for damping unintended movements and slope compensation must work correctly.

9. Nozzles

Nozzles must work properly to control dripping when spraying stops. To ensure homogeneity of the spray pattern, the flow rate of each individual nozzle shall not deviate significantly from the data of the flow rate tables provided by the manufacturer.

L 309/84	EN	Official Journal of the European Union	24.11.2009
<hr/>			
10. Distribution			
The transverse and vertical (in case of applications in vertical crops) distribution of the spray mixture in the target area must be even, where relevant.			
11. Blower (for equipment distributing pesticides by air assistance)			
The blower must be in good condition and must ensure a stable and reliable air stream.			
<hr/>			

Annex 2 Proposal for uniform enforcement of inspection in the MS

Pesticide Framework Directive
- Article 8: Inspection of equipment in use -
and
Proposal for uniform enforcement of inspection in the MS

Preliminary remark

With the Pesticide Framework Directive the Member States are obliged to introduce regular inspections for pesticide application equipment (PAE). The Directive provides the framework and stipulates essential requirements which have to be specified and adjusted to the situations in the Member States according to the principles of subsidiarity.

Though such regulations should be applied throughout the Member States in an effective and uniform way there is indeed the necessity for the Member States to agree on those regulations amongst themselves.

The following proposal focusing on technical matters shows the action of implementation in the Member States taking the limited availability of harmonized EN standards into consideration.

This proposal is characterized by the following items:

1. First of all the inspection is focused on PAE already included in the European standard EN 13790 P.1 & P.2 (at the moment only addressed to field crop and air assisted sprayers).
2. For PAE not yet included in the EN 13790 series the inspection is according to article 8.3 postponed until the relevant harmonized EN standards are published.
3. Certificate systems for mutual recognition of inspection among the Member States are recommended taking sticker, minor defects and test report into account.
4. The use of PAE without a valid sticker is prohibited and non-compliance will be punished.

Wording of Framework Directive	Proposal for uniform enforcement of inspection in the MS
<p>1. Member States shall ensure that pesticide application equipment in professional use shall be subject to inspections at regular intervals. The interval between inspections shall not exceed five years until 2020 and shall not exceed three years thereafter.</p>	<p>1) <u>Persons who own pesticide application equipment (PAE) or have the right of disposal (owners) have to have the PAE inspected by an official or an officially recognised inspection service at (e.g. 1 or 2 or 3 or 4 or 5 year) intervals.</u></p> <p style="text-align: center;">obligatory inspection of all PAE inspection service intervall</p>
<p>2. By ...* Member States shall ensure that pesticide application equipment has been inspected at least once. After this date only pesticide application equipment having successfully passed inspection shall be in professional use.</p>	<p>2) <u>Owners of PAE have to have their equipment inspected at least once (e.g. in accordance with article 8(1) by maximum of seven years after the date of entry into force of this Directive).</u></p> <p style="text-align: center;">Deadline</p>
<p>New equipment shall be inspected at least once within a period of 5 years after purchase.</p>	<p>3) <u>Brand new PAE must be inspected</u> - e.g. at the latest by the end of the XXth calender month after they were taken into use. The owner must produce documents which plausibly show at which time the PAE was taken into use, or - e.g. before they were taken into use</p> <p style="text-align: center;">Brand new PAE</p>
<p>3. By way of derogation from paragraphs 1 and 2 and, following a risk assessment for human health and the environment including an assessment of the scale of the use of the equipment, Member States may:</p>	
<p>a) apply different timetables and inspection intervals to pesticide application equipment not used for spraying pesticides, to handheld pesticide application equipment or knapsack sprayers and to additional pesticide application equipment, which shall be listed in the national action plan foreseen in Article 4, that represent a very low scale of use.</p>	<p>4) <u>PAE which is not used for spraying pesticides and additional PAE has to be inspected at least once (e.g. within maximum seven years after the date of entry into force of this Directive).</u></p> <p style="text-align: center;">PAE not used for spraying & additional PAE</p>
<p>* OJ: seven years after the date of entry into force of this Directive.</p>	

<p>The following additional pesticide application equipment shall never be considered as constituting a very low scale of use:</p>	
<p>(i) spraying equipment mounted on trains or aircraft;</p>	
<p>(ii) boom sprayers larger than 3 m, including boom sprayers that are mounted on sowing equipment;</p>	
<p>b) exempt from inspection handheld pesticide application equipment or knapsack sprayers. In this case the Member States shall ensure that operators have been informed on the need to change regularly the accessories, on the specific risks linked to that equipment, and that operators are trained for the proper use of that application equipment in accordance with article 5.</p>	<p>5) Handheld PAE or knapsack sprayers (e.g. are excluded from the inspections at regular intervals).</p> <p style="text-align: center;">Hand held PAE & knapsack sprayers</p>
<p>4. The inspections shall verify that pesticide application equipment satisfies the relevant requirements listed in annex II, in order to achieve a high level of protection for human health and the environment.</p>	<p>6) The inspection has to extend the criteria spelled out in appendix 1.</p> <p style="text-align: center;">Inspection acc. EN 13790 series</p>
<p>5. Professional users shall conduct regular calibrations and technical checks of the pesticide application equipment according to the appropriate training received as provided for in article 5.</p>	<p style="text-align: center;">calibrations & checks / session 4</p>
<p>6. Member States shall designate bodies responsible for implementing the inspection systems and inform the Commission thereof.</p>	<p>7) <u>The(respective Institute of the Member State) is responsible for implementing the inspection system</u></p> <p style="text-align: center;">designate bodies</p>
<p>Each Member State shall establish certificate systems designed to allow the verification of inspections and recognise the certificates granted in other Member States following the requirements referred to in paragraph 4 and where the time period since the last inspection carried out in another Member State is equal to or shorter than the time period of the inspection interval applicable in its own territory.</p>	<p style="text-align: center;">Certificate systems:</p>

	<p>8) <u>The owner has to prove the (e.g. month or half-year or calendar year) when the sprayer has to be inspected according to paragraph (1) sentence 1 by a sticker or label as shown in appendix 2.</u></p> <p style="text-align: center;">▫ sticker</p>
	<p><u>The inspection service fills the label in with its address and with the (e.g. month or half-year or calendar year) when the next inspection is due and sticks it on the machine after the inspection has shown that the machine functions without fault. The inspection service may also imprint an inspection number on the label. The label may also be handed out if the PAE has minor defects which the owner undertakes to remove immediately.</u></p> <p style="text-align: center;">▫ minor defects</p>
	<p>9) <u>The label must be clearly visible and stuck on the machine firmly; it must be of such quality that it is destroyed when it is removed.</u></p>
	<p>10) <u>The inspection service complete a test report as shown in appendix 3 and hand over the original copy to the owner of the PAE</u></p> <p style="text-align: center;">▫ test report</p>
	<p>11) <u>The test label turns invalid with the end of the (e.g. month or half-year or calendar year) imprinted on it.</u></p>
<p>Member States shall endeavour to recognise the certificates issued in other Member States provided that the inspection intervals referred to in paragraph 1 are complied with.</p>	<p>12) <u>If used PAE subject to obligatory inspections are imported, they have to be inspected before they are first used in the country.</u></p> <p style="text-align: center;">Used PAE imported</p>
	<p><u>PAE which has already been inspected in another Member State of the European Community or within the European free trade zone in accordance with Framework Directive §8(4) is not subject to an obligatory inspection if the last inspection was carried out within the last (e.g. 1 or 2 or 3 or 4 or 5 years) and proof of this can be shown by the owner.</u></p> <p style="text-align: center;">PAE already inspected...MS</p>

<p>7. Measures designed to amend non-essential elements of this Directive relating to amending Annex II in order to take account of scientific and technical progress shall be adopted in accordance with the regulatory procedure with scrutiny referred to in article 21(2)</p>	
	<p>13) <u>PAE in the meaning of article 8(1) which has not undergone inspection or does not have a valid test sticker, must not be used.</u></p> <p style="text-align: center;">Prohibition of use</p>
	<p>14) <u>Anyone who, intentionally or negligently, uses a PAE in contravention of article 8(1), commits an offence within the meaning of article ... of the Plant Protection Act.</u></p> <p style="text-align: center;">Offences</p>

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