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## Session 7: Definition of a common risk assessment procedure for Pesticide Application Equipment (PAE) to be exempted from the inspection (TWG 2)

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### Results of the enquiry carried out on the NAP of the MS about the PAE to be exempted from the inspection and about the Risk Assessment methods applied.

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### Summary

The European Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides sets rules to reduce the risks and impacts of pesticide use on people's health and the environment. The Article 4 of this Directive requests the Member States (MS) to adopt a National Action Plan (NAP) to set up their quantitative objectives, targets, measures and timetable to reach the Directive's objectives.

Article 8/3 of the Directive allows the MS to derogate from the mandatory inspection at regular intervals for certain types of pesticide application equipment (PAE). The derogation is based on a risk assessment for human health and environment and an assessment of scale of use.

The purpose of this paper is to report on an enquiry carried out on the NAPs about the PAE to be exempted from the inspection and about the risk assessment methods developed and applied by the MS.

### Introduction

Article 8/1 and 8/2 of European Directive 2009/128/EC on the sustainable use of pesticides establish the main scope of the mandatory inspection in EU. Covering all types of Pesticides Application Equipment (PAE), this scope is extremely large.

Article 8/3 allows the Member States to derogate from the mandatory inspection at regular intervals of certain types of pesticides application equipment (PAE) based on a risk assessment for human health and environment and an assessment of scale of use. The FWD does not give any clear instruction and/or indication on these assessments. Nevertheless the MS will have to carry out these ones if they want to introduce derogation and without having a clear protocol, an uneven situation may occur within the MS.

During the SPISE 2009 and 2012, the discussion about this subject led to the conclusion that:

- Specific and standardized protocol for Risk Assessment doesn't exist,
- MS haven't defined the PAE list of derogation,
- Common sprayer Risk Assessment methodology is recommended,
- It seems that EU and MS take a low interest in that matter.

However Article 4/1 of the Directive requests the MS to adopt a National Action Plan (NAP) explaining how they intend to reach the Directive's objectives. Indeed, MS have different available resources. This means that they could follow distinctive paths to meet the requirements and obligations of the Directive. In their national action plans, they explain how they intend to do this.

The NAPs might be communicated by 14 December 2012 to the Commission and are available on the DGSanco website (Health and Food Safety). A survey has been conducted on the available NAP, aiming at collecting the information and/or decision given/taken by the MS about the derogation from the PAE inspection and the Risk Assessment.

## Results and discussion

The NAPs of the 28 MS have been uploaded, read and analyzed. The five following questions have been posed and the answers have been found in the NAP.

1. Which MS mention a notion of derogation in their NAP?
  - 19 countries on 28 mention the notion of derogation (Notice that in Austria, the derogation has been mentioned in the NAP of only one Länder on 9: Burgenland),
  - Denmark, France, Germany, Greece, Lithuania, Poland, Slovenia and Spain don't refer to this derogation in their NAP.
2. Which MS consider the possibility to derogate from the inspection?
  - 16 countries on 19 agree on a possible derogation from the inspection,
  - Czech Republic, Romania and Slovakia reject the possibility of any derogation from the inspection.
3. Which PAE are considered by the MS to derogate from the inspection?
  - Knapsack sprayer: exemption Belgium,
  - Handheld PAE: exemption Portugal, longer interval (6 years) Luxembourg,
  - Lance sprayer: exemption Belgium,
  - Herbicides PAE in vertical crops: exemption Austria – Burgenland,
  - PAE with boom < 3 m: exemption Austria – Burgenland,
  - PAE not used for spraying PPP: exemption Portugal,
  - Estonia:
    - Longer interval (without precision): seed-treatment equipment and misting devices,

- Sweden:
    - Different timetables and inspection intervals (without precision): equipment in greenhouses and for killing fungi on tree trunks,
  - UK:
    - Interval of no > 6 years (listed in annex 4 of the UK NAP): ground crop sprayer (< 3 m), granule applicator, boat mounted applicators (< 3 m), boat mounted granule applicators, fogging-misting and smoking equipment, batch dipping equipment, seed treating equipment, conveyor-roller table-other moving equipment, sub-surface liquid applicator,
    - Other equipment may fall into this category.
4. Which MS mention the Risk Assessment in their NAP?
- 7 countries on 28 mentioned the notion of Risk Assessment in their NAP: Belgium, Croatia, Czech Republic, Estonia, Latvia, The Netherlands and Sweden.
5. Which Risk Assessment protocol is described in the NAP?
- Estonia gives a kind of Risk Assessment which is based on an inquiry done in 2010 on the use of plant protection equipment in the country.
  - Belgium returns to the European Commission the responsibility to develop and describe the Risk Assessment protocol.

## Conclusion

The enquiry carried out on the NAPs allows evaluating how so far the MS are involved in the issue of the derogation and the related Risk Assessment methods requested by the Directive 2009/128/EC.

The results show clearly that the MS doesn't feel concerned by the derogation and certainly not by the Risk Assessment.

On one hand, some MS don't refer at all to the derogation in their NAP, taking for granted that the entire Directive's scope is covered by their actual Inspection Scheme for sprayers. It is difficult to define if these countries misunderstood the requirements of the Directive or if they made confusion between the sprayer and the PAE.

On the other hand, the MS, having established a PAE list for derogation, don't justify how, why and on what grounds they could derogate these PAE from the inspection.

Finally, the Risk Assessment concept doesn't meet a real success with the MS. It highlights the fact that this requirement isn't clear and isn't a priority for most of the MS. COM didn't give clear indication/instruction on this risk assessment and the priority in many Member States is at least to start the inspection of boom and orchard sprayers before the end of 2016.

However, the Article 8/3, by introduction derogation possibilities, makes lighter the implementation of the Directive, considering the MS particularities and the unavailability of standards or valuable protocols.