Machinery for pesticide application

2008/0172(COD) - 21/10/2009 - Final act

PURPOSE: to ensure that new machinery for pesticide application does not endanger the environment unnecessarily.

LEGISLATIVE ACT: Directive 2009/127/EC of the European Parliament and of the Council amending Directive 2006/42/EC with regard to machinery for pesticide application.

CONTENT: following an agreement with the Parliament under the second reading of the codecision procedure, the Council adopted this directive which aims to improve the design, construction and maintenance of machinery for pesticide application, with a view to reducing the adverse effects of pesticides on human health and the environment.

In its Communication of 12 July 2006 entitled 'A Thematic Strategy on the Sustainable Use of Pesticides', the Commission adopted a strategy aiming at reducing the risks to human health and the environment resulting from the use of pesticides. Furthermore, the European Parliament and the Council adopted Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides (the 'Framework Directive').

This new directive, which amends Directive 2006/42/EC on machinery, is limited to the essential requirements with which machinery for pesticide application must comply before being placed on the market and/or put into service.

The main features of the directive are as follows:

Scope: the Framework Directive applies to pesticides which are plant protection products. It is therefore appropriate to limit the scope of this directive to machinery for the application of pesticides that are plant protection products. Essential health and safety requirements for the protection of the environment are applicable only to the machinery referred to in section 2.4 of Annex I of Directive 2006/42/EC.

One of the recitals emphasises that this Directive is limited to the essential requirements with which machinery for pesticide application must comply before being places on the market and/or put into service, while the European standardisation organisations are responsible for drawing up harmonised standards providing detailed specifications for the various categories of such machinery in order to enable manufacturers to comply with those requirements.

Machines: according to the directive, machinery for pesticide application includes self-propelled, towed, vehicle-mounted, semi-mounted and airborne machinery, as well as stationary machinery intended for pesticide application, both for professional and non-professional use. It also includes powered or manually-operated portable and handheld machinery with a pressure chamber.

Placing on the market: Member States shall take all appropriate measures to ensure that machinery may be placed on the market and/or put into service only if it satisfies the relevant provisions of this directive and does not endanger the health and safety of persons and, where appropriate, domestic animals and property and, where applicable, the environment, when properly installed and maintained and used of its intended purpose or under reasonably foreseeable conditions.

Where a Member State ascertains that machinery covered by this directive, bearing the CE marking, accompanied by the EC declaration of conformity and used in accordance with its intended purpose or

under reasonably foreseeable conditions, is liable to endanger the health of safety of persons, or, where appropriate, domestic animals or property or, where applicable, the environment, it shall take all appropriate measures to withdraw such machinery from the market, to prohibit the placing on the market and/or putting into service of such machinery or to restrict the free movement thereof.

Risk assessment: the manufacturer of machinery for pesticide application or his authorised representative must ensure that an assessment is carried out of the risks of unintended exposure of the environment to pesticides, in accordance with the process of risk assessment and risk reduction referred to in the General Principles, point 1. Machinery for pesticide application must be designed and constructed taking into account the results of the risk assessment so that the machinery can be operated, adjusted and maintained without unintended exposure of the environment to pesticides. Leakage must be prevented at all times.

Controls and monitoring: it must be possible to easily and accurately control, monitor and immediately stop the pesticide application from the operating positions.

Provisions have also been included in order to improve the **instructions for use** provided by the manufacturers of such machines.

Involvement of interested parties: all interested parties, including industry, farmers and environmental organisations should be equally involved in the establishment of harmonised standards so as to ensure that they are adopted on the basis of a clear consensus amongst all stakeholders.

Precautionary principle: where the available scientific evidence is insufficient to allow an accurate risk assessment, Member States, when taking measures under this directive, should apply the precautionary principle of Community law as contained in the Treaty and in the jurisprudence of the Court of Justice of the European Communities.

ENTRY INTO FORCE: 15/12/2009.

TRANSPOSITION: 15/06/2011.

APPLICATION: from 15/12/2011.