Basic information

2008/0172(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Machinery for pesticide application Amending Directive 2006/42/EC, Machinery Directive 2001/0004(COD) **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.10 Agricultural policy and economies 3.40.08 Mechanical engineering, machine-tool industry 3.70 Environmental policy 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 3.70.20 Sustainable development 4.20 Public health 4.60.04.02 Consumer security	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	RUTOWICZ Leopold Józef (UEN)	07/10/2008

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2963	2009-09-24

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	VERHEUGEN Günter

Key events

Date	Event	Reference	Summary
05/09/2008	Legislative proposal published	COM(2008)0535	Summary
23/09/2008	Committee referral announced in Parliament, 1st reading		
09/03/2009	Vote in committee, 1st reading		Summary
16/03/2009	Committee report tabled for plenary, 1st reading	A6-0137/2009	
22/04/2009	Decision by Parliament, 1st reading	T6-0247/2009	Summary
22/04/2009	Results of vote in Parliament		
24/09/2009	Act adopted by Council after Parliament's 1st reading		
21/10/2009	Final act signed		
21/10/2009	End of procedure in Parliament		
25/11/2009	Final act published in Official Journal		

Technical information

Procedure reference	2008/0172(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2006/42/EC, Machinery Directive 2001/0004(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/6/66715

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE418.349	26/01/2009	
Amendments tabled in committee		PE420.174	25/02/2009	
Committee report tabled for plenary, 1st reading/single reading		A6-0137/2009	16/03/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0247/2009	22/04/2009	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03662/2009/LEX	21/10/2009	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0535	05/09/2008	Summary
Commission response to text adopted in plenary	SP(2009)3507	25/06/2009	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0041/2009	14/01/2009	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Directive 2009/0127 OJ L 310 25.11.2009, p. 0029	Summary

Machinery for pesticide application

2008/0172(COD) - 05/09/2008 - Legislative proposal

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

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: the European Parliament and the Council have recognised, in the Decision adopting the 6th Community Environment Action Programme, that the impact of pesticides on

human health and the environment must be further reduced. As a first stage, this objective concerns plant protection products. Since then, the European Commission has adopted the "Thematic Strategy on the Sustainable Use of Pesticides" and proposed a Directive of the European Parliament and of the Council establishing a framework for Community action to achieve a sustainable use of pesticides to deal with the main legislative aspects of its implementation.

In its Thematic Strategy, and in the preamble as well as in the explanatory memorandum to the proposed Framework Directive, the Commission has made a commitment to introduce the necessary environmental protection requirements for new pesticide application equipment into a separate proposal.

Well designed, constructed and maintained machinery for pesticide application plays a significant role in reducing the adverse impacts of pesticides on human health, in particular on the operators of the machinery, and on the environment. Harmonisation of requirements for such machinery is a prerequisite for ensuring a high standard of protection while ensuring the free movement of such products in the Community. For this purpose, the Commission is now proposing a Directive amending Directive 2006/42/EC on machinery.

CONTENT: the objective of the proposal is to ensure that new machinery for pesticide application does not endanger the environment unnecessarily. To this end, the proposal introduces supplementary essential environmental protection requirements that must be fulfilled by new machinery for pesticide application before it is placed on the market and/or put into service in the Community. These supplementary essential requirements are mandatory provisions intended to ensure that the products do not endanger the environment unnecessarily.

In addition, amendments are made to the Annexes. In particular, the first General Principle set out in introduction to the Annex I is amended to include the obligation for manufacturers of machinery for pesticide application, where appropriate, to estimate the risks of damage to the environment.

Part 2 of Annex I sets out supplementary essential health and safety requirements for several categories of machinery. It is proposed to add a reference to machinery for pesticide application to the first paragraph defining the scope of Part 2. The new supplementary environmental protection requirements are introduced in a new Section 2.4. The requirements set out in the proposed new Section 2.4 apply to machinery for pesticide application. A definition of 'machinery for pesticide application' is given which makes it clear that the requirements apply to machinery intended for applying plant protection productsand biocidal products for pest control, in line with the scope of the Thematic Strategy and the Framework Directive.

Machinery for pesticide application includes self-propelled machinery, towed, vehicle-mounted and semi-mounted machinery, airborne machinery as well as stationary machinery intended for pesticide application, both for professional and consumer use. It also includes powered portable and handheld machinery and manually-operated portable and handheld machinery for pesticide application with a pressure chamber. However, the requirements set out in the Annex do not apply to manually-operated portable or handheld pesticide application equipment without a pressure chamber or to simple pesticide application equipment without moving parts, since such equipment is not in the scope of the Machinery Directive. Two new subsections set out essential requirements that aim to ensure that machinery for pesticide application is designed and constructed in order to minimise damage to the environment and is accompanied by the necessary instructions relating to its correct use, maintenance and inspection.

Lastly, the proposed new essential requirements are intended to be supported by technical specifications of harmonised standards for the various categories of machinery for pesticide application. To that end, the Commission will give an appropriate mandate to the European Standardisation Organisations.

Machinery for pesticide application

2008/0172(COD) - 22/04/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 644 votes to 11, with 33 abstentions, a legislative resolution approving, under the first reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council on machinery for pesticide application, amending Directive 2006 /42/EC of 17 May 2006 on machinery.

The amendments were the result of a compromise negotiated with the Council. The main amendments were as follows:

Scope of the Directive: the essential health and safety requirements are set out in Annex I of the Directive. Essential health and safety requirements for the protection of the environment are **applicable only to the machinery referred to in Section 2.4. of that Annex**.

A new recital stresses that the Directive is limited to the essential requirements with which the machinery for pesticide application must comply before being placed on the market and/or put into service while the European standardisation organisations are responsible for drawing up technical standards providing detailed specifications for the various categories of that machinery in order to enable manufacturers to comply with those requirements.

Machinery: under the compromise, 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.

General: 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 General Principle 1.

Machinery for pesticide application must be designed and constructed taking into account the results of the risk assessment so that it 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.

Distribution, deposition and drift of pesticide: the machinery must be designed and constructed to ensure that pesticide is deposited on target areas, to minimise losses to other areas and to prevent drift of pesticide to the environment. Where appropriate, an even distribution and homogeneous deposition must be ensured.

Tests: in order to verify that the relevant parts of machinery comply with the requirements, the manufacturer or his authorised representative must, for each type of machinery concerned, perform appropriate tests or have such tests performed.

Losses during stoppage: the machinery must be designed and constructed to prevent losses while the pesticide application function is stopped.

Marking and indication of pesticide in use: nozzles, strainers and filters must be marked so that their type and size can be clearly identified. Where appropriate, the machinery must be fitted with a specific mounting where the operator can place the name of the pesticide in use.

Provisions were also added in order to improve the **instructions** provided by the manufacturers of the machinery.

Involving interested parties: it is essential that all interested parties, including industry, farmers and environmental organisations, are equally involved in the establishment of the 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 too uncertain to allow an accurate risk estimation, Member States, when taking measures under this Directive, should apply the precautionary principle as contained in the Treaty and in the jurisprudence of the Court of Justice of the European Communities.

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.