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European Union

Brussels, 22 February 2023
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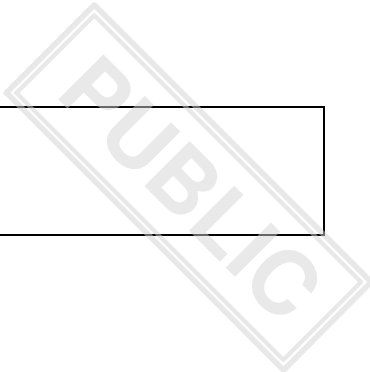
WORKING DOCUMENT

From: General Secretariat of the Council

To: Delegations

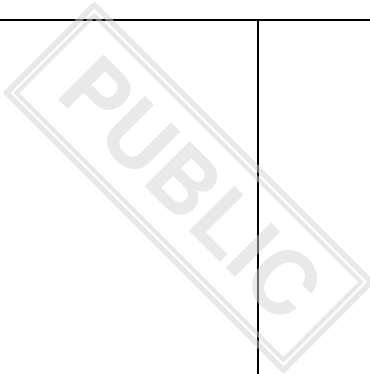
Subject: Proposal for a REGULATION ON THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 - Follow up to the Working Party on Plants and Plant Health Questions (Pesticides/Plant Protection Products) on 6 and 7 February 2023 – comments from the Netherlands on articles 20-28

Delegations will find in annex comments from the Netherlands on articles 20-28.

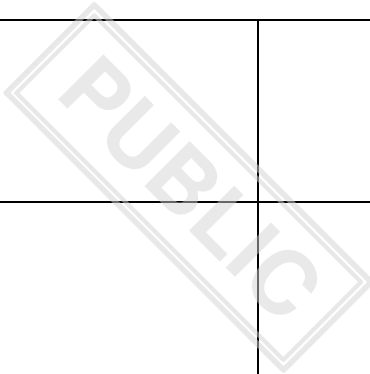


Member State:	The Netherlands
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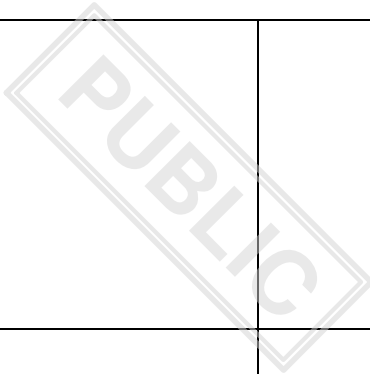
Commission proposal (SUR)	Drafting Suggestions	Comments
<i>Article 20</i> Aerial application of plant protection products		
1. Aerial application is prohibited.		
2. By way of derogation from paragraph 1, a competent authority designated by a Member State may permit aerial application by a professional user in any of the following situations: (a) there is no technically feasible alternative application method to the aerial application due to inaccessible terrain;		



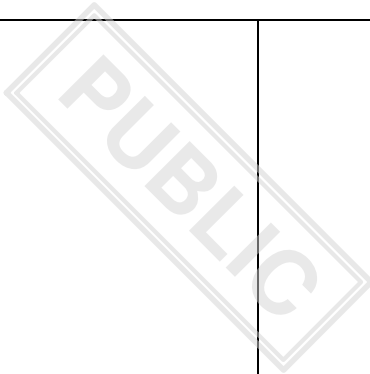
<p>(b) the aerial application has a less negative impact on human health and the environment than any alternative application method either because the aerial application equipment can be deployed on the relevant terrain in a faster timescale than land-based equipment and avoids a situation where the number of plant pests increases due to the longer time period required for land-based deployment or because it minimizes soil erosion when adverse weather conditions make the land unsuitable for land vehicles, and all of the following conditions are met:</p> <p>(i) the application equipment installed on the aircraft is registered in the electronic register of application equipment in professional use referred to in Article 33(1);</p> <p>(ii) the aircraft is equipped with accessories that constitute the best available technology to accurately apply the plant protection products and to reduce spray drift;</p>		
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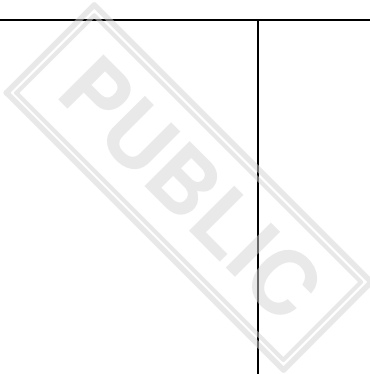
<p>(iii) the plant protection product is authorised for use via aerial application under Regulation (EC) No 1107/2009.</p>		
<p>3. An application by a professional user for a permit for aerial application shall include the information necessary to demonstrate that the conditions set out in paragraph 2 are met.</p>		
<p>4. Where a permit for aerial application is granted, before the first possible date of aerial application, the competent authority referred to in paragraph 2 shall make public the following information:</p> <p>(a) the location and surface area of the aerial application indicated on a map;</p> <p>(b) the validity period of the permit for aerial application, which shall be for a limited period with a precisely defined start and end date that is the shortest possible and shall not exceed 60 days;</p> <p>(c) the relevant weather conditions allowing a</p>		



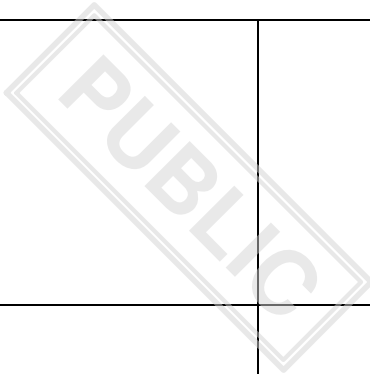
<p>safe application;</p> <p>(d) the name of the plant protection product or products;</p> <p>(e) the application equipment to be used and the risk mitigation measures to be taken.</p>		
<p>5. A professional user that has been granted a permit for aerial application shall at least 2 days before the date of each specific aerial application display notices to that effect on the perimeter of the area to be treated.</p>		
<p>Article 21</p> <p>Use of plant protection products in aerial application by certain categories of unmanned aircraft</p>		
<p>1. Where certain categories of unmanned aircraft fulfil the criteria set out in paragraph 2, a Member State may exempt aerial application by such unmanned aircraft from the prohibition laid down in Article 20(1) prior to any aerial application of plant protection products.</p>		



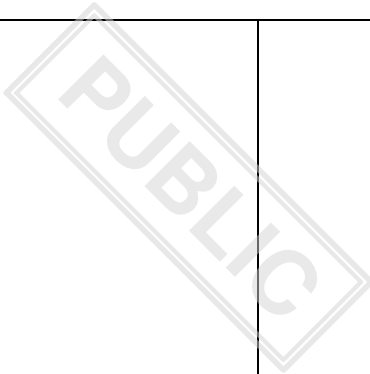
<p>2. An aerial application by an unmanned aircraft may be exempted by the Member State from the prohibition laid down in Article 20(1) where factors related to the use of the unmanned aircraft demonstrate that the risks from its use are lower than the risks arising from other aerial equipment and land-based application equipment. These factors shall include criteria relating to:</p> <p>(a) the technical specifications of the unmanned aircraft, including in relation to spray drift, number and size of rotors, payload, boom width and overall weight, operating height and speed;</p> <p>(b) the weather conditions, including wind speed;</p> <p>(c) the area to be sprayed, including its topography;</p> <p>(d) the availability of plant protection products authorized for use as ultra-low volume formulations in the relevant Member State;</p>		
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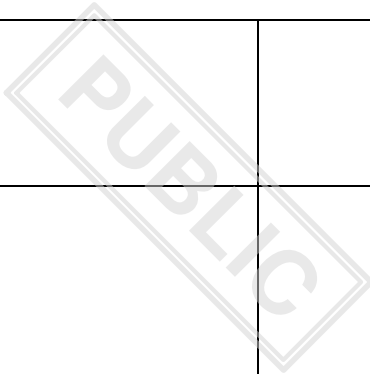
<p>(e) potential use of unmanned aircraft in conjunction with real time kinematic precision farming in certain cases;</p> <p>(f) the level of training required for pilots operating an unmanned aircraft;</p> <p>(g) potential concurrent use of multiple unmanned aircraft in the same area.</p>		
<p>3. The Commission is empowered to adopt delegated acts in accordance with Article 40 supplementing this Regulation to specify precise criteria in relation to the factors set out in paragraph 2 once technical progress and scientific developments allow for the development of such precise criteria.</p>		
<p>Article 22</p> <p>Storage, disposal and handling</p>		
<p>1. By ... <i>[OP: please insert the date of application of this Regulation]</i>, Member States shall have in place effective measures and establish the necessary structures to facilitate in</p>		



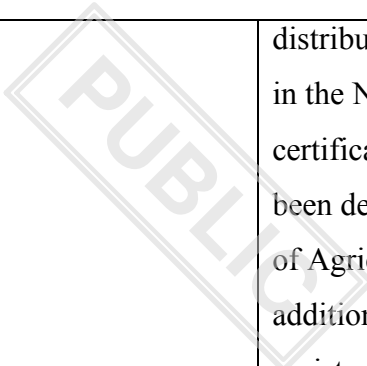
<p>a manner that does not endanger human health or the environment, the safe disposal of any unused plant protection products, any dilute solutions containing plant protection products and any packaging.</p>		
<p>2. As regards professional users, the measures referred to in paragraph 1 shall include detailed requirements on:</p> <ul style="list-style-type: none">(a) safe storage and handling of plant protection products, and their dilution and mixing before application;(b) handling of packaging and remnants of plant protection products;(c) cleaning of the equipment used after application;(d) disposal of obsolete plant protection products and remnants and their packaging.		
<p>3. Member States shall take all necessary measures regarding plant protection products authorised for non-professional users to prevent</p>		



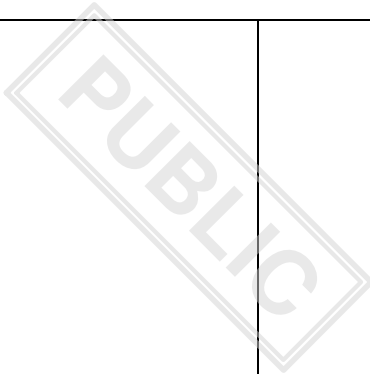
<p>and, where prevention is not possible, to limit dangerous handling operations. Those measures may include measures relating to size limits for packaging or containers. Those measures may provide that non-professional users may only use low-risk plant protection products and other plant protection products that are in the form of ready to use formulations and measures for the use of safe closure or a locking device for packaging or containers.</p>		
<p>4. Manufacturers, distributors and professional users shall ensure that plant protection products are stored in specific storage facilities for plant protection products that are constructed in such a way as to prevent unwanted releases.</p> <p>Manufacturers, distributors and professional users shall ensure that location, size, ventilation and construction materials of the storage facility are suitable to prevent unwanted releases and to protect human health and the environment.</p>		



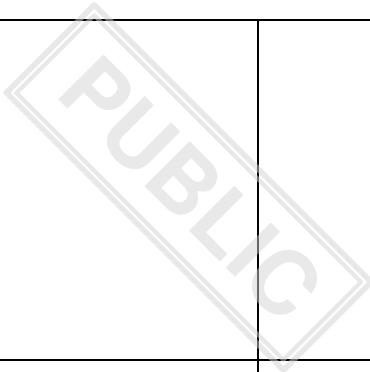
Article 23 Advice on the use of plant protection products		
Advice on the use of a plant protection product to a professional user may only be given by an advisor for whom a training certificate has been issued for following courses for advisors in accordance with Article 25 or who has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5).		
CHAPTER VI SALE OF PLANT PROTECTION PRODUCTS		
Article 24 Requirements for the sale of plant protection products		
1. A distributor shall only sell a plant protection product authorised for professional use to a purchaser or his or her representative when that		The Netherlands supports article 24. Since 1 January 2010, all companies that



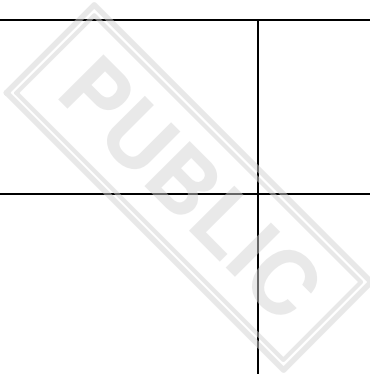
<p>distributor has checked, at the time of purchase, that the purchaser or representative is a professional user and holds a training certificate for following courses for professional users issued in accordance with Article 25 or has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5).</p>		<p>distribute professional plant protection products in the NL must comply with the private certification scheme “CDG”. This scheme has been declared generally binding by the Minister of Agriculture, Nature and Food Quality. In addition, all companies must be included in the register of the CDG Foundation. It is prohibited to distribute plant protection products without a CDG certificate and entry in the register.</p> <p>The CDG scheme already contains strict requirements i.e. on the sale of plant protection products and providing information on the use and risks of PPP’s. Possible the scheme needs some amendments to meet the requirements in article 24.</p> <p>The Netherlands supports the obligation to provide information on less hazardous control techniques in paragraph 6.</p>
<p>2. Where a purchaser is a legal person, a distributor may sell a plant protection product authorised for professional use to a</p>		



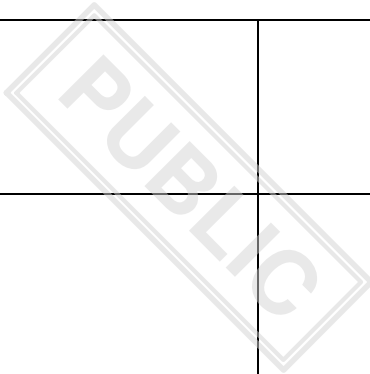
<p>representative of the purchaser of the plant protection product when that distributor has checked, at the time of purchase, that the representative is the holder of a training certificate for following courses for professional users issued in accordance with Article 25 or has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5).</p>		
<p>3. A distributor shall direct a purchaser of a plant protection product to read its label prior to use and to use the product in accordance with the instructions on the label and shall inform the purchaser of the website referred to in Article 27.</p>		
<p>4. A distributor shall provide general information to non-professional users on the risks to human health and the environment of the use of plant protection products, including the information on hazards, exposure, proper storage, handling, application and safe disposal</p>		



<p>in accordance with Directive 2008/98/EC of the European Parliament and of the Council⁵², and shall recommend alternative low-risk plant protection products and ways in which risks can be mitigated when using plant protection products.</p>		
<p>5. Each distributor shall ensure that it has sufficient staff that hold a training certificate for following courses for distributors issued in accordance with Article 25 or has a proof of entry in a central electronic register for following such courses in accordance with Article 25(5) available at the time of sale to provide adequate responses to purchasers of plant protection products at the moment of sale on their use, related health and environmental risks and the appropriate safety instructions to manage those risks.</p>		
<p>6. The distributor referred to in paragraph 5 shall inform the purchaser of a plant protection product about less hazardous control techniques</p>		

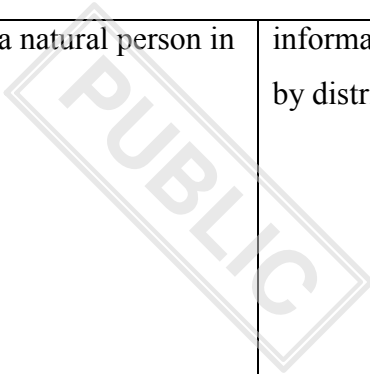


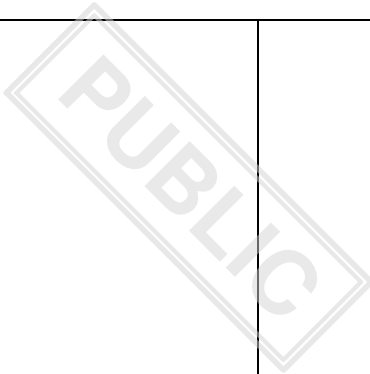
before the purchaser buys a plant protection product with a higher risk for human health and the environment.		
CHAPTER VII TRAINING, INFORMATION AND AWARENESS RAISING		
<i>Article 25</i> Training and Certification		
1. A competent authority designated in accordance with paragraph 2 shall appoint one or more bodies to provide the following training: (a) initial and follow up training to professional users and distributors on the subjects listed in Annex III; (b) practical training for professional users on the use of application equipment in professional use; (c) extensive training for advisors on the		



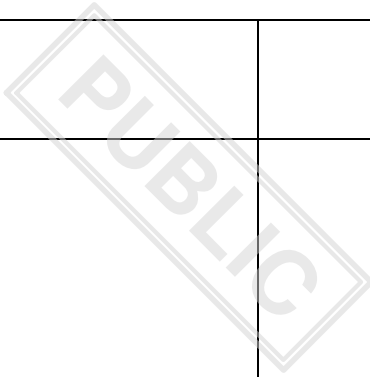
<p>subjects listed in Annex III with particular emphasis on the application of integrated pest management.</p>		
<p>2. Each Member State shall designate a competent authority or authorities responsible for the implementation of the system for the training and certification of all training referred to in paragraph 1 and for issuing and renewing training certificates, updating the central electronic register, providing proof of entry in the central electronic register and overseeing that the tasks referred to in paragraph 1 are carried out by the body that provided the training.</p>		
<p>3. The training referred to in paragraph 1 could form part of the training interventions set up by Member States according to Article 78 of Regulation (EU) No 2021/2115.</p>		
<p>4. A training certificate or an entry in a central electronic register shall contain the following information:</p>	<p>(b) NAME AND ADDRESS OF the employer of the professional user, distributor or advisor to whom the training was provided, where that</p>	<p>The Netherlands would like to add information about the employer of the professional user. This would help exchanging/cross linking</p>

<p>(a) the name of the professional user, distributor or advisor to whom the training was provided;</p> <p>(b) the employer of the professional user, distributor or advisor to whom the training was provided, where that employer is a legal person or a natural person in its professional capacity;</p> <p>(c) the type of training provided, where a Member State provides different types of training to different categories of professional users, distributors or advisors;</p> <p>(d) the date on which sufficient knowledge of the relevant subjects listed in Annex III was demonstrated;</p> <p>(e) the name of the body that provided the training;</p> <p>(f) the number of hours of training;</p> <p>(g) the validity period of the training certificate or entry in the central electronic register.</p>	<p>employer is a legal person or a natural person in its professional capacity;</p>	<p>information with the data (customer files) kept by distributors of plant protection products.</p>
<p>5. A competent authority designated in</p>		

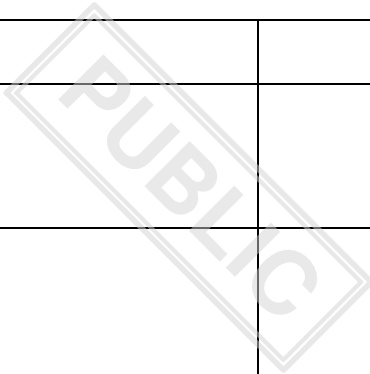




<p>accordance with paragraph 2 shall provide electronic proof of entry in a central electronic register to a professional user, distributor or advisor at the time the entry is made. Such electronic proof shall include a record of the period of validity of the entry in the central electronic register.</p>		
<p>6. A training certificate or an entry in a central electronic register shall be valid for 10 years in the case of a distributor or professional user and for 5 years in the case of an advisor.</p>	<p>6. A training certificate or an entry in a central electronic register shall be valid for A MAXIMUM OF 10 years in the case of a distributor or professional user and for 5 years in the case of an advisor.</p>	<p>In NL, all training certificates are valid for a maximum of 5 years, which is stricter than in paragraph 6. NL prefers a validity period of 5 years (instead of 10 in the proposal) for professional users and distributors. This way they will remain well informed about technical progress and scientific developments.</p>
<p>7. Subject to paragraph 6, a training certificate or an entry in a central electronic register shall only be made or renewed if the holder of the certificate or the person whose name has been entered in the central electronic register demonstrates satisfactory completion of an initial and follow up training or extensive</p>		

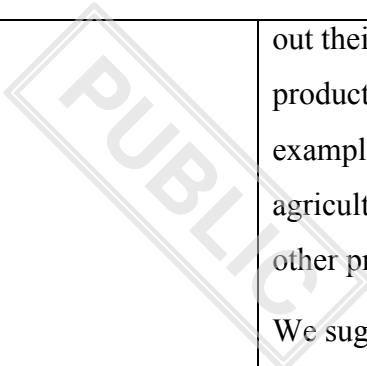


<p>training referred to in paragraph 1, point (a) or (c).</p>		
<p>8. Notwithstanding paragraph 6, a training certificate may be issued to a person who can demonstrate prior training through formal qualifications that demonstrate a more extensive knowledge of the subjects listed in Annex III than would be received in the training referred to in paragraph 1.</p>		
<p>9. A competent authority designated in accordance with paragraph 2 or an appointed body referred to in paragraph 1 shall withdraw a training certificate if it was incorrectly issued or renewed or shall correct an entry in the central electronic register if it was incorrectly introduced.</p>		<p>The NL interpretation of paragraph 9 is that this does not preclude the Minister of LNV from also withdrawing a training certificate in the event of a violation of prohibitions, in line with national legislation.</p>
<p>10. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending Annex III in order to take into account technical progress and scientific</p>		

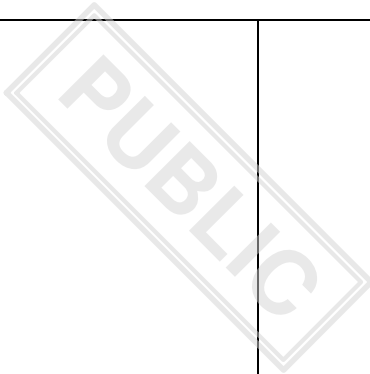


developments.		
Article 26 Independent advisory system		
1. Each Member State shall designate a competent authority to establish, oversee and monitor the operation of a system of independent advisors for professional users. That system may make use of the impartial farm advisors referred to in Article 15 of Regulation (EU) No 2021/2115, who must be regularly trained and can be funded under Article 78 of the same regulation.		
2. The competent authority referred to in paragraph 1 shall ensure that any advisor registered in the system referred to in that paragraph ('independent advisor') is free from any conflict of interest and, in particular, is not in a situation which, directly or indirectly, could affect their ability to carry out their professional duties in an impartial manner.		

<p>3. Each professional user shall consult an independent advisor at least once a year for the purposes of receiving the strategic advice referred to in paragraph 4.</p>	<p>3. Each professional user shall consult PERIODICALLY CONSULTS an independent advisor for the purposes of receiving the strategic advice referred to in paragraph 4.</p>	<p>NL supports the principle that professional users are obliged to make use of independent advice. NL is in favor of them periodically consulting an independent adviser. NL is thinking, for example, of a role for the independent advisor to support the grower in drawing up a multi-year plan for the control of diseases, pests and weeds.</p> <p>An obligation for an annual advice requires setting up a knowledge infrastructure in the NL with a large number of independent advisers. This would require a reasonable transitionperiod. We now have about 30 independent advisers. Furthermore, annual advice increases the burden on growers, in particular for small-scale growers or growers who, for example, only apply plant protection products once a year.</p> <p>It should be clarified in Article 26 who should have the obligation to make use of independent advice. This article seems to have been written on the basis that professional users always carry</p>
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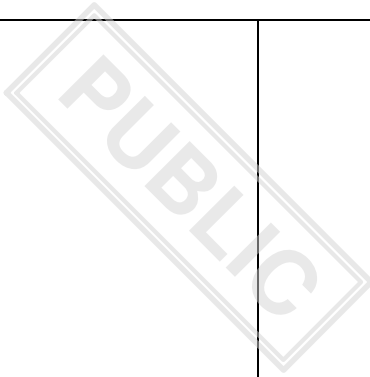


		<p>out their own applications of plant protection products. Hybrid situations occur in NL. For example, contractors are hired for spraying or agricultural land is leased for arable farming by other professional users.</p> <p>We suggest to link the obligation to the person who practices the cultivation, usually the company owner or the tenant. It would be reasonable to impose the obligation above a number of hectares of agricultural land and above a number of kilo's of use.</p>
<p>4. An advisor referred to in paragraph 3 shall provide strategic advice on the following subjects:</p> <ul style="list-style-type: none">(a) application of relevant control techniques to prevent harmful organisms;(b) implementation of integrated pest management;(c) precision farming techniques, including use of space data and services;		

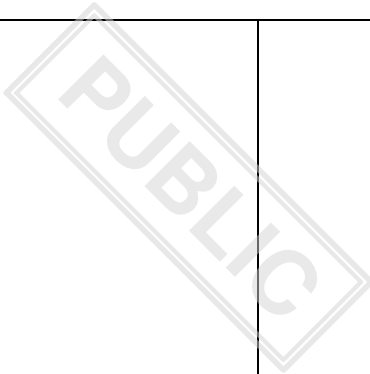


<p>(d) use of non-chemical methods;</p> <p>(e) where chemical plant protection products are necessary, measures to effectively minimise risks to human health and the environment, in particular to biodiversity, including pollinators, from such use, including risk mitigation measures and techniques.</p>		
<p>Article 27</p> <p>Information and awareness raising</p>		
<p>1. Each Member State shall designate a competent authority to provide information to the public, in particular through awareness-raising programmes, in relation to the risks associated with the use of plant protection products.</p>	<p>Each Member State shall designate a competent authority TAKE MEASURES to provide information to the public, in particular through awareness-raising programmes, in relation to the risks associated with the use of plant protection products.</p>	<p>NL does not consider it necessary to designate a competent authority for this matter. In NL there are various websites, both of the government and of private parties with whom the government cooperates, that provide information about the aspects in article 27. That system is sufficient.</p>
<p>2. The competent authority referred to in paragraph 1 shall establish a website or websites dedicated to providing information on risks associated with the use of plant protection</p>	<p>2. The competent authority referred to in paragraph 1 MEMBER STATES shall establish a website or websites dedicated to providing information on risks associated with</p>	

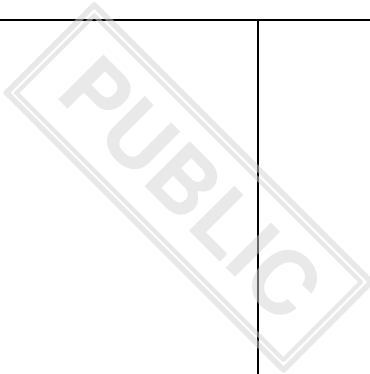
<p>products. That information may be provided directly or by providing links to relevant websites of other national or international bodies.</p>	<p>the use of plant protection products. That information may be provided directly or by providing links to relevant websites of other national or international bodies.</p>	
<p>3. Websites established in accordance with paragraph 2 shall include information on the following subjects:</p> <ul style="list-style-type: none"> (a) the potential risks to human health and the environment through acute or chronic effects relating to the use of plant protection products; (b) the manner in which the potential risks referred to in point (a) can be mitigated; (c) alternatives to chemical plant protection products; (d) the procedure for approval of active substances and authorisation of plant protection products; (e) permits granted under Article 18 or Article 20; 		



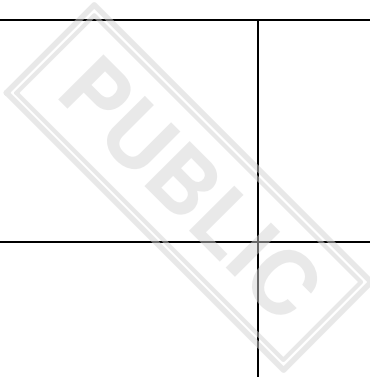
<p>(f) a link to the website referred to in Article 7;</p> <p>(g) the rights of third parties to request access to information on the use of plant protection products by addressing the relevant competent authority in accordance with Article 67(1) of Regulation (EC) No 1107/2009.</p>		
<p>Article 28</p> <p>Information on acute and chronic poisoning</p>		
<p>1. Each Member State shall designate a competent authority to maintain or put in place systems for gathering and keeping the following information on acute and chronic poisoning incidents arising from exposure of persons to plant protection products:</p> <p>(a) the name and authorisation number of the plant protection product and the active substances involved in the acute or chronic poisoning incident;</p> <p>(b) the number of individuals poisoned;</p>		<p>NL is much worried about the suggestion made by many Member States to remove the obligation to collect data on chronic poisoning in this paragraph. This obligation is already present in the current Directive and we believe it's removal would lower the existing level of protection for human health.</p> <p>At the moment, in NL preparations are being made for long-term health research, focussing on health effects of long-term exposure to plant protection products.</p>



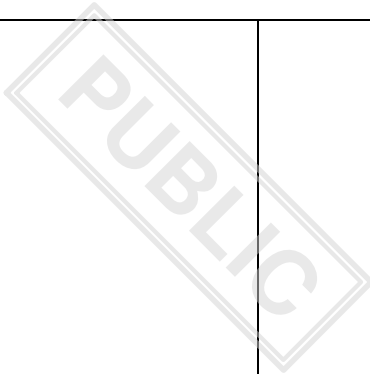
<p>(c) the symptoms of poisoning;</p> <p>(d) the duration and severity of the symptoms;</p> <p>(e) whether a confirmed acute or chronic poisoning incident resulted from:</p> <ul style="list-style-type: none">(i) correct use of a plant protection product;(ii) misuse of a plant protection product;(iii) use of a plant protection product that has not been authorised; or(iv) deliberate ingestion or exposure.		
<p>2. By 31 August every year, each Member State shall submit to the Commission a report containing the following information:</p> <p>(a) the number of acute and chronic poisoning incidents arising from exposure of persons to plant protection products during the preceding calendar year;</p> <p>(b) the information referred to in paragraph 1 as regards each poisoning incident.</p>		



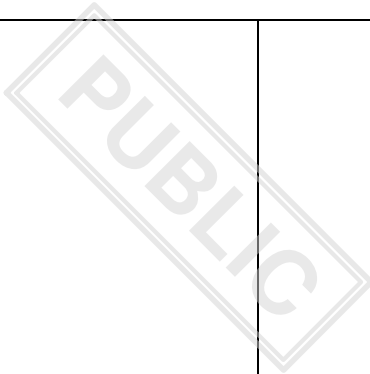
<p>3. The Commission shall adopt implementing acts to establish the format for the submission of the information and data referred to in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(2).</p>		
<p>CHAPTER VIII APPLICATION EQUIPMENT</p>		
<p><i>Article 29</i> Electronic register of application equipment in professional use</p>		
<p>1. By ... [<i>OP please insert the date = first day of the month following 9 months after the date of entry into force of this Regulation</i>], an owner of application equipment in professional use shall enter the fact that he or she is the owner of the application equipment in the electronic register of application equipment in professional use referred to in Article 33, using the form set</p>		



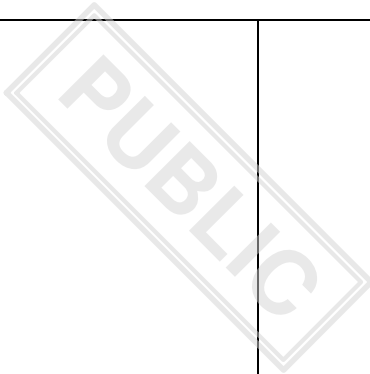
<p>out in Annex V, unless the Member State in which the owner uses the equipment has exempted that equipment from inspection in accordance with Article 32(3).</p>		
<p>2. If application equipment in professional use is sold, the seller and the buyer shall enter the fact of the sale, within 30 days after the sale, in the electronic register of application equipment in professional use referred to in Article 33, using the form set out in Annex V, unless the application equipment in professional use has been exempted from inspection in the relevant Member State(s) in accordance with Article 32(3). A similar obligation to enter a transfer of ownership in the electronic register applies in the case of any other changes of ownership of application equipment in professional use that has not been exempted from inspection in the relevant Member State(s) in accordance with Article 32(3).</p>		
<p>3. If application equipment in professional use is</p>		



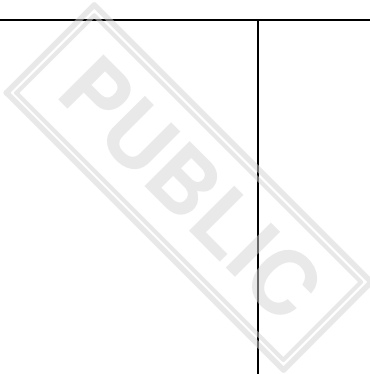
<p>withdrawn from use and is not intended to be used again, its owner shall, within 30 days after the withdrawal from use, enter the fact that the equipment has been withdrawn from use in the electronic register of application equipment in professional use referred to in Article 33, using the form set out in Annex V.</p>		
<p>4. If application equipment in professional use is returned to use, its owner shall, within 30 days after the return to use, enter that fact in the electronic register of application equipment in professional use referred to in Article 33 using the form set out in Annex V.</p>		
<p>5. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending Annex V in order to take into account technical progress and scientific developments.</p>		
<p>Article 30</p> <p>Collection of information and controls</p>		
<p>1. Each Member State shall designate one or</p>		



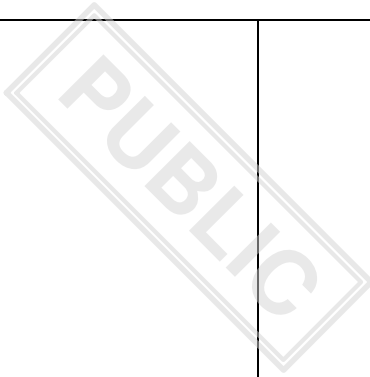
<p>more competent authorities to:</p> <p>(a) establish and maintain a central electronic register to record information on all application equipment in professional use in the Member State;</p> <p>(b) use the central electronic register to receive and process third party entries regarding ownership, transfer of ownership, sale, withdrawal from use and return to use of application equipment in professional use;</p> <p>(c) inspect, or oversee the inspection of, application equipment in accordance with Article 31(1), (2), (3) and (6);</p> <p>(d) issue, or oversee the issuing of, certificates of inspection in accordance with Article 31(7).</p> <p>Where the designated competent authority does not carry out the inspection of application equipment in professional use, it shall designate one or more bodies to carry out such inspections.</p>		
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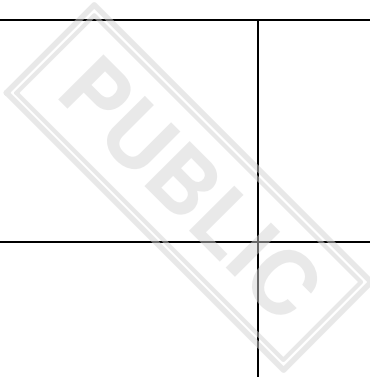
<p>2. Each Member State shall carry out official controls to verify compliance by operators with the provisions of this Regulation relating to application equipment. Member States shall take appropriate follow-up measures to remedy any specific or systemic shortcomings identified through controls performed by the Commission experts in accordance with paragraphs 3 and 4. They shall give the necessary assistance to ensure that the Commission experts have access to all premises or parts of premises, and goods, and to information, including computer systems, relevant for the execution of their duties.</p>		
<p>3. Commission experts shall perform controls, including audits, in each Member State to verify the application of the rules relating to application equipment laid down in this Regulation. The experts may investigate and collect information on official controls and enforcement practices in the area of application equipment.</p>		



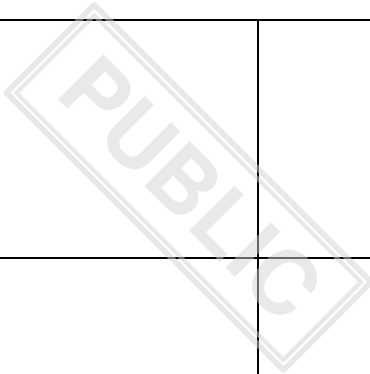
<p>4. The Commission shall:</p> <p>(a) prepare a draft report on the findings and on recommendations addressing the shortcomings identified by its experts during these controls;</p> <p>(b) send to the Member State where those controls have been performed a copy of the draft report referred to in point (a) for its comments;</p> <p>(c) take the comments of the Member State referred to in point (b) into account in preparing the final report on the findings of the controls performed by its experts in the Member States as provided for in this Article;</p> <p>(d) make publicly available the final report referred to in point (c) and the comments of the Member States referred to in point (b).</p>		
<p><i>Article 31</i></p> <p>Inspection of application equipment in professional use</p>		
<p>1. The competent authority referred to in Article</p>		



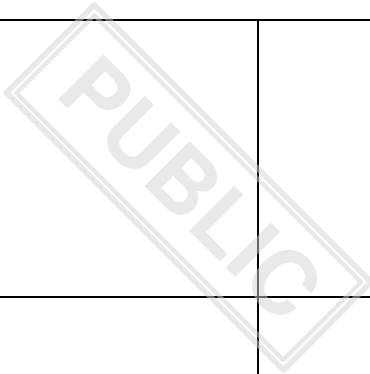
<p>30 or a body designated by it shall inspect application equipment in professional use every three years, starting from the date of first purchase. The competent authority shall ensure that there is sufficient staff, equipment and other resources necessary for the inspection of all application equipment due for inspection, within the three year cycle.</p>		
<p>2. The inspection referred to in paragraph 1 shall verify whether the application equipment in professional use complies with the requirements set out in Annex IV.</p>		
<p>3. The inspection shall be carried out at a location where the risk of pollution and water contamination can be avoided. The influence of external conditions on the reproducibility of the results of the inspection, such as effects of wind and rain, shall be minimised by the authority or body carrying out the inspection.</p>		
<p>4. All equipment necessary for an inspection</p>		



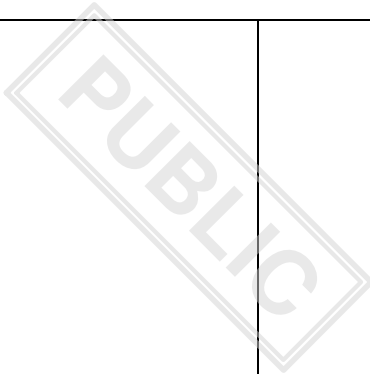
and used by the inspector for testing the application equipment shall be accurate, in good condition and checked and, where necessary, calibrated at regular intervals.		
5. The owner of the application equipment in professional use shall ensure that the application equipment is clean and safe before the inspection starts.		
6. The results of each inspection for which application equipment in professional use passes the test shall be recorded by the competent authority referred to in Article 30 in the central electronic register of application equipment in professional use referred to in Article 33.		
7. A certificate of inspection shall be: (a) issued by the competent authority referred to in Article 30 to the owner of application equipment in professional use where that equipment complies with the requirements listed in Annex IV; and		



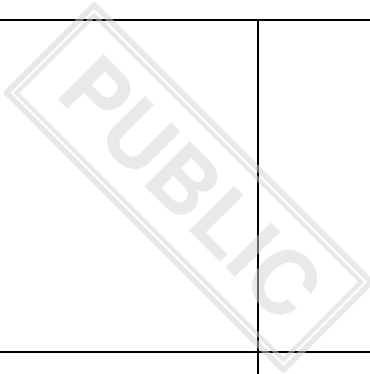
<p>(b) recorded by that competent authority in the central electronic register of application equipment in professional use referred to in Article 33.</p>		
<p>8. A record as referred to in paragraph 6 shall be valid for three years unless the Member State provides for a different inspection interval pursuant to Article 32.</p>		
<p>9. Each Member State shall recognise a certificate as referred to in paragraph 7 or a record as referred to in paragraph 6 for application equipment in professional use registered in another Member State.</p>		
<p>10. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending this Article and Annex IV in order to take into account technical progress and scientific developments.</p>		
<p>11. Application equipment in professional use inspected in compliance with harmonised</p>		



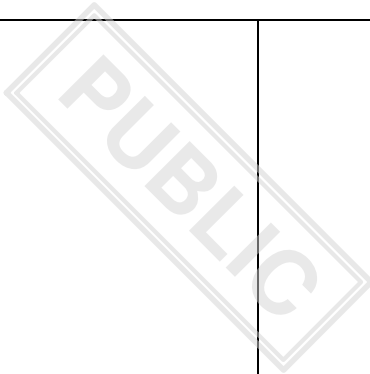
<p>inspection standards developed in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁵³ shall be presumed to comply with the requirements listed in Annex IV.</p>		
<p>Article 32</p> <p>Member State derogations regarding inspection of application equipment in professional use</p>		
<p>1. A Member State may, after carrying out the risk assessment referred to in paragraph 2, lay down less stringent inspection requirements and provide for different inspection intervals than those set out in Article 31 to application equipment in professional use which represents a very low scale of use estimated by way of the risk assessment referred to in paragraph 2 and which is listed in the national action plan referred to in Article 8.</p> <p>This paragraph shall not apply to the following</p>		



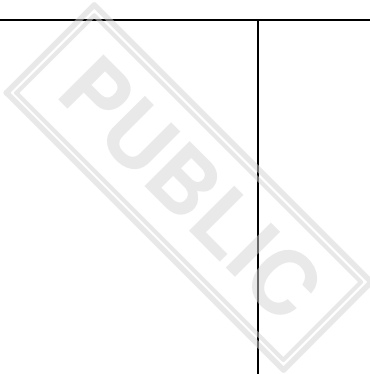
<p>application equipment in professional use:</p> <p>(a) spraying equipment mounted on trains or aircraft;</p> <p>(b) horizontal boom sprayers which are larger than 3 m, including sprayers that are mounted on sowing equipment which is larger than 3 m wide;</p> <p>(c) vertical sprayer or orchard blast sprayer.</p>		
<p>2. Before laying down less stringent inspection requirements and different inspection intervals as referred to in paragraph 1, a Member State shall carry out a risk assessment on their potential impacts on human health and the environment. The competent authority referred to in Article 30 shall maintain a copy of the risk assessment for control by the Commission.</p>		
<p>3. A Member State may exempt from inspection referred to in Article 31 handheld application equipment or knapsack sprayers, in professional use, based on a risk assessment on their</p>		



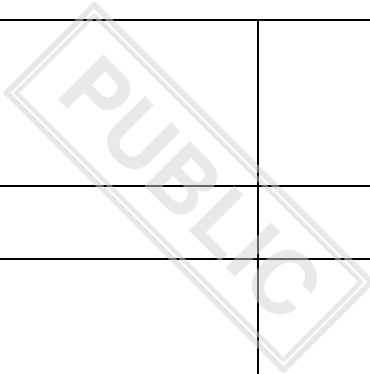
<p>potential impact on human health and the environment, which shall include an estimation of the scale of use. The competent authority referred to in Article 30 shall maintain a copy of the risk assessment for control by the Commission.</p>		
<p>4. Application equipment in professional use that has been exempted from inspection in accordance with paragraph 3 shall not be subject to the requirement to make an entry in the electronic register referred to in Article 29 or the registration requirements referred to in Article 33.</p>		
<p>Article 33 Electronic register of application equipment in professional use</p>		
<p>1. Each competent authority designated by a Member State pursuant to Article 30 shall establish and maintain a central electronic register to record:</p>		



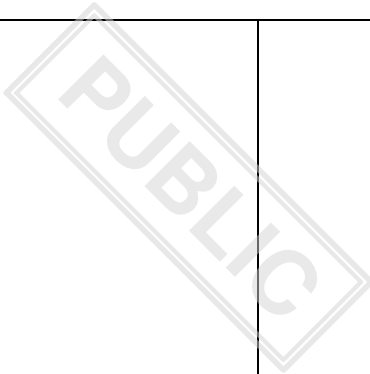
<p>(a) information entered by third parties pursuant to Article 20(2), point (b)(i), and Article 29;</p> <p>(b) records of inspections and certificates as set out in Article 31(6) and (7)(b);</p> <p>(c) other information as set out in paragraph 2 on application equipment in professional use in its Member State that has not been exempted from inspection under Article 32(3).</p>		
<p>2. The competent authorities referred to in Article 30 shall, at the time of inspection, record the following information:</p> <p>(a) the name of the body carrying out the inspections;</p> <p>(b) the unique ID of the application equipment, if available;</p> <p>(c) the date of manufacture, if available;</p> <p>(d) the name and address of the current owner;</p> <p>(e) where there has been a transfer of ownership, the date of each transfer and the</p>		



<p>name and address of previous owners within the last five years;</p> <p>(f) the tank size;</p> <p>(g) the width of the horizontal spray boom, if applicable;</p> <p>(h) the nozzle type(s) present on the application equipment at the time of inspection;</p> <p>(i) in the case of boom sprayers, whether section and/or nozzle control through geospatial localisation technology is present or absent on the application equipment;</p> <p>(j) for equipment older than three years, the date of each inspection carried out in accordance with Article 31;</p> <p>(k) whether the application equipment passed or failed each inspection carried out under Article 31;</p> <p>(l) the reasons for any failed inspection.</p>		
3. Where application equipment does not bear a		



unique ID as referred to in paragraph 2, point (b), the competent authorities referred to in Article 30 shall supply a unique ID.		
Article 3		
Definitions		
<i>Relevant definitions</i> <i>Please comment on definitions linked to Article 20-28</i> <i>Please insert rows below for the relevant definitions you want to comment on, and indicate clearly in this column which definition you are commenting on</i>		
ANNEX III		
TRAINING SUBJECTS REFERRED TO IN ARTICLE 25		
1. All relevant legislation regarding plant		



protection products and their use and risk and in particular this Regulation. While not exclusive, the following legislation is relevant: Regulation (EC) No 1107/2009 of the European Parliament and of the Council

Regulation (EC) No 396/2005 of the European Parliament and of the Council

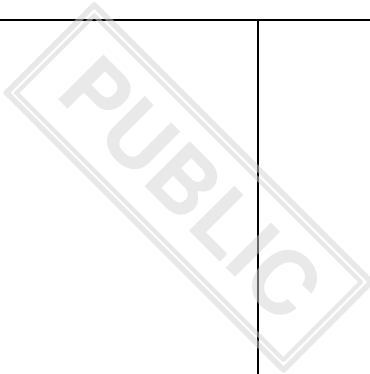
Regulation (EU) No 528/2012 of the European Parliament and of the Council

Regulation (EC) No 1185/2009 of the European Parliament and of the Council

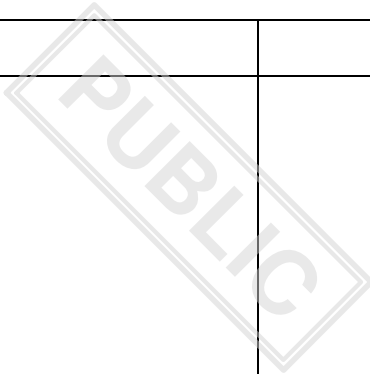
Regulation EC No 1272/2008 of the European Parliament and of the Council Regulation (EU) 2017/625 of the European Parliament and of the Council

Regulation (EU) 2021/2115 of the European Parliament and of the Council

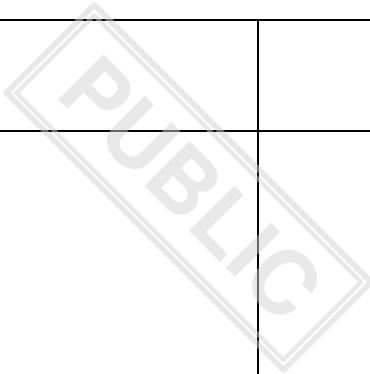
Directive 2006/42/EC of the European Parliament and of the Council



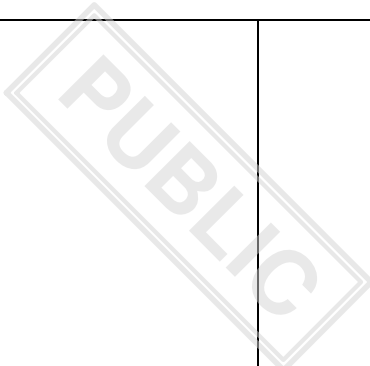
<p>Directive 2009/127/EC of the European Parliament and of the Council</p> <p>Directive 2000/60/EC of the European Parliament and of the Council.</p> <p>Council Directive 89/391/EEC</p> <p>Council Directive 89/656/EEC</p> <p>Council Directive 98/24/EC</p> <p>Directive 2004/37/EC of the European Parliament and of the Council</p> <p>Directive 2009/104/EC of the European Parliament and of the Council</p> <p>Regulation (EC) No 1907/2006 of the European Parliament and of the Council</p> <p>Directive 2008/68/EC of the European Parliament and of the Council</p>		
<p>2. The existence and risks of illegal and counterfeit plant protection products, the methods to identify such products, and the penalties associated with sale or use of illegal</p>		



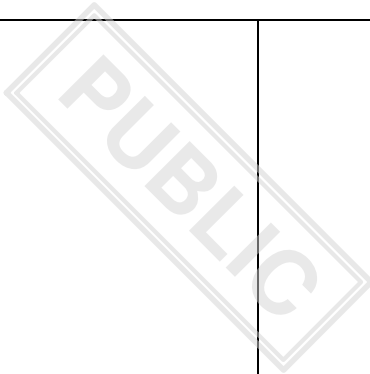
plant protection products.		
<p>3. The hazards of and risks associated with plant protection products, and how to identify and control them, including the following subjects:</p> <p>(a) risks to human health;</p> <p>(b) symptoms of plant protection product poisoning and appropriate first aid measures in case of such poisoning;</p> <p>(c) risks to non-target plants and insects, wildlife, biodiversity and the environment in general.</p>		
<p>4. Integrated pest management strategies and techniques, integrated crop management strategies and techniques, organic farming principles, biological pest control methods, harmful organism control methods, the obligation to apply integrated pest management as set out in Articles 12 and 13 of this Regulation, and the obligation to enter records in the electronic integrated pest management</p>		



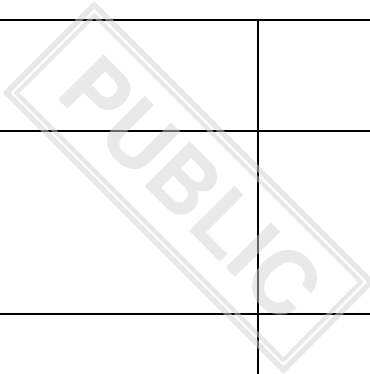
<p>and plant protection product use register, as set out in Article 14 of this Regulation.</p>		
<p>5. When plant protection products are needed, how to choose the plant protection products with the least side effects on human health, non-target organisms and the environment among all authorised products for a given pest problem, in a given situation.</p>		
<p>6. Measures to minimise risks to humans, non-target organisms and the environment, including:</p> <ul style="list-style-type: none">(a) safe working practices for storing, handling and mixing plant protection products;(b) safe working practices for disposing of empty packaging, other contaminated materials and surplus plant protection products (including tank mixes), whether in concentrate or dilute form;(c) the recommended way to control operator exposure (including personal protection		



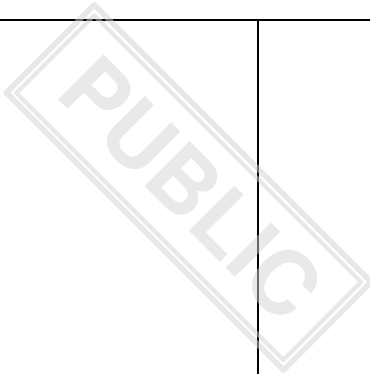
<p>equipment);</p> <p>(d) information on the correct and safe disposal of plant protection products that are no longer authorised and where any grace period for their use under Article 20(2) or 46 of Regulation 1107/2009 has expired</p>		
<p>7. Procedures for preparing application equipment for operation, including its calibration, with minimum risks to the user, other persons, non-target animal and plant species, biodiversity and the environment, including water resources.</p>		
<p>8. Practical training on the use of application equipment and its maintenance, and on risk mitigation measures including specific spraying techniques, use of new technology including precision farming techniques, as well as the technical check of sprayers in use and ways to improve spray quality. In this subject special attention shall be paid to the drift-reduction nozzles and the recommendations made by the</p>		



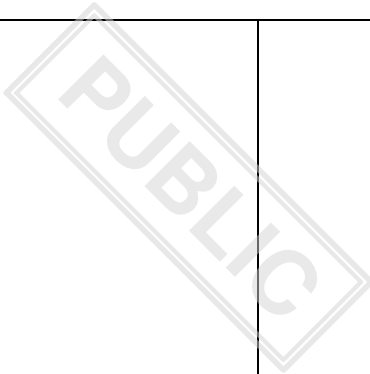
<p>manufacturers concerning optimal conditions of their use. Specific risks linked to use of handheld application equipment or knapsack sprayers and the relevant risk management measures. Practical training shall also cover the specific risks linked to the sowing of seeds treated with plant protection products.</p>		
<p>9. Emergency action to protect human health and the environment, including water resources in case of accidental spillage and contamination and extreme weather events that would result in plant protection products leaching risks.</p>		
<p>10. Special care in sensitive areas as defined in Article 2(15) of this Regulation and protection areas established under Articles 6 and 7 of Directive 2000/60/EC and an awareness of contamination caused by particular plant protection products in their respective region.</p>		
<p>11. Facilities providing health monitoring and access to health care to which information on</p>		



<p>acute and chronic poisoning incidents can be reported.</p>		
<p>12. Record keeping of the sale, purchase and use of plant protection products, in accordance with the relevant legislation.</p>		
<p>13. How to minimise or eliminate applications of certain plant protection products classified as “harmful to aquatic life with long lasting effects”, “very toxic to aquatic life with long lasting effects” or “toxic to aquatic life with long lasting effects” pursuant to Regulation (EC) 1272/2008 on or along roads, railway lines, very permeable surfaces or other infrastructure close to surface water or groundwater or on sealed surfaces with a high risk of run-off into surface water or sewage systems.</p>		
<p>14. The protection of the aquatic environment and drinking water supplies from the impact of plant protection products, including in relation</p>		



<p>to the following subjects:</p> <p>(a) the use of plant protection products in accordance with the restrictions indicated on the label in accordance with Article 31, point (4)(a) of Regulation (EC) No 1107/2009, while giving preference to plant protection products that are not classified as “(very) persistent”, “(very) bioaccumulative”, “very toxic to aquatic life with long lasting effects”, “toxic to aquatic life with long lasting effects” or “harmful to aquatic life with long lasting effects” pursuant to Regulation (EC) No 1272/200820 or containing priority substances included in the list adopted by the Commission in accordance with Article 16 of Directive 2000/60/EC implemented via Directives 2008/105/EC and 2013/39/EU, or pesticides having been identified as river basin specific pollutants under Annex V, point 1.2.6 of Directive 2000/60/EC, in particular those affecting water used for the abstraction of drinking water in accordance with Article 7 of</p>		
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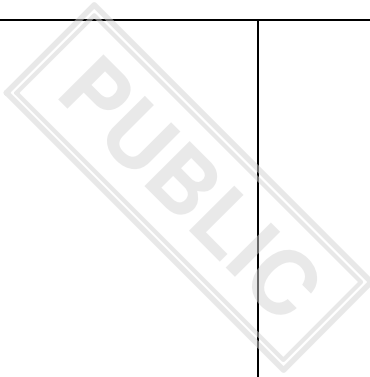
Directive 2000/60/EC and Directive (EU) 2020/2184;

(b) potential hazards of and risks for human health and the environment from the use of plant protection products, as well as methods to minimise emissions to the environment and occupational exposure to more hazardous plant protection products;

(c) use of drift reducing technology in all field crops;

(d) use of other mitigation measures which minimise the risk of off-site pollution caused by spray drift, drain-flow and run-off, including in particular mandatory buffer zones adjacent to surface waters courses and groundwater and aquifers;

(e) how to comply with restrictions set out in Regulation (EC) 1107/2009 for minimising or substituting uses of the plant protection products classified as “harmful to aquatic life with long



<p>lasting effects”, “very toxic to aquatic life with long lasting effects” or “toxic to aquatic life with long lasting effects” pursuant to Regulation (EC) No 1272/2008, on or along roads, railway lines, very permeable surfaces or other infrastructure close to surface water or groundwater or on sealed surfaces with a high risk of run-off into surface water or sewage systems.</p>		
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