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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 March 2023 – comments from Finland

Delegations will find in annex comments from Finland on articles 29-32.

Member State:	**Finland**

CHAPTER VIII **APPLICATION EQUIPMENT**		
Article 29 **Electronic register of application equipment in professional use**		Same title as Article 33.
1. By … [*OP please insert the date = first day of the month following 9 months after the date of entry into force of this Regulation*], 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 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).	1. By … [*OP please insert the date = first day of the month following ~~9~~ months after the date of entry into force of this Regulation*], an owner of application equipment in professional use shall	We consider the user of the equipment more important than the owner. We do not find it useful to have the owner to enter into the register the fact that he/she is the owner. The ownership can be entered during/after the inspection of the equipment. A register has not been established in Finland, as it has been considered laborious and expensive compared with the objectives. The interpretation has been that in the case of application equipment, the decisive factor has been whether or not it is used for the application of plant protection products. In other words, from the point of view of enforcement, it

		should be possible to determine the use first, after which it is checked whether the inspection is valid. The information needed for this is usually available at the inspection site. Now, according to definition 11b, all equipment with horizontal or vertical booms, or orchard blast sprayers are now considered in professional use, regardless of whether they are used or not. According to article 29, paragraphs 3 and 4, the equipment may be withdrawn from professional use and returned to it. How is this supposed to be done for these types of equipment? Has any text been omitted from the section? Was it intended to propose that these be professional application equipment that should be tested regardless of whether they are used for the application of plant protection products or other goods, and regardless of whether they are used or not? If they always are considered in use, can we implement the provisions of Article 29 (3) and 4) on them? (Withdrawal from use and returning to use) Currently, the key issue is whether or not the application equipment is in use, not the type of

		equipment in question. With regard to the definition, we would also like to point out that the application equipment used in greenhouses can also be considered to be covered by the 11 (b) definition. In the standards, these are called mobile or semi-mobil sprayers. Is it right that they also fall under (b)? The time limit in paragraph 1 may be too short and should be prolonged to give the Member States enough time to establish the registers. The time limit should be assessed in comparison with all other tasks of the regulation. A comment for Article 16: It could be useful to include the application equipment used when registering the use of a plant protection product in the register?

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).		
3. If application equipment in professional use is 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.		
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.		
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.		
Article 30 **Collection of information and controls**		
1. Each Member State shall designate one or more competent authorities to: (a) establish and maintain a central electronic register to record information on all application equipment in professional use in the Member State; (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; (c) inspect, or oversee the inspection of, application equipment in accordance with Article 31(1), (2), (3) and (6); (d) issue, or oversee the issuing of, certificates of inspection in accordance with Article 31(7). 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.	(d) issue certificates of inspection in accordance with Article 31(7), or oversee the issuing of such certificates by a body designated in accordance with Article 31 (1).,	Concerning the text in paragraph 1 (d) – in Finland the tester issues a test certificate, not the authority. We propose to change the text t to "issue inspection certificates in accordance with Article 31(7) or oversee the issuing of such certificates by a body designated in accordance with Article 31(1)".
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.		What is meant by "operator" in paragraph 2? Who is an operator?

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.		
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.		
4. The Commission shall: (a) prepare a draft report on the findings and on recommendations addressing the shortcomings identified by its experts during these controls; (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; (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; (d) make publicly available the final report referred to in point (c) and the comments of the Member States referred to in point (b).		
Article 31 **Inspection of application equipment in professional use**		
1. The competent authority referred to in Article 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.		
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.		
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.	3. The inspection shall be carried out at a location where the risk of pollution and water contamination **from and human exposure to plant protection products** 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.	FI proposes to add a provision on avoiding the exposure of humans (the inspector, other bystanders etc.) when inspecting application equipment (cf. avoiding pollution and contamination of water)?
4. All equipment necessary for an inspection 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	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**, or by the body designated according to paragraph 1,** in the central	In paragraph 6, the test result could also be entered in the register by the inspector, i.e. the body named in paragraph 1.
electronic register of application equipment in professional use referred to in Article 33.	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 (b) recorded by that competent authority in the central electronic register of application equipment in professional use referred to in Article 33.	8. A certificate of inspection shall be: (a) issued by the competent authority**, or by the body designated according to paragraph 1,** 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 (b) recorded by that competent authority**, or by the body designated according to paragraph 1,** in the central electronic register of application equipment in professional use referred to in Article 33.	The test certificate may also be issued and registered by the same body designated in accordance with paragraph 1. In order not to repeat the same provision in every paragraph about the designated body, we could consider rewording paragraph 1 to make it clear that the designated body is entitled to do the same tasks as the competent authority.

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.		
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.		Paragraph 9 clarifies the approval of inspections in other Member States. There is thus no longer room for interpretation as to whether a foreign inspection certificate is accepted or not. However, further questions arise: • how can foreign testing be made visible in the registers in other Member States? • can the application equipment be tested abroad? • can a foreign inspector operate in the country, i.e. can a foreign inspector be invited to perform inspections? This might be a good solution for rare types of equipment, the inspection of which call for special knowledge and where there can be found an expert in the field in another Member State.

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.		
11. Application equipment in professional use inspected in compliance with harmonised 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.		
Article 32 **Member State derogations regarding inspection of application equipment in professional use**		The provision giving Member States a possibility to derogate from the inspection of application equipment on the basis of a national risk assessment is much supported.
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		Paragraph 1a states that application equipment installed on trains cannot be exempted from testing. The term "train" is a bit problematic. The term "train" is not defined in Article 3 on definitions. In general, a train refers to a combination of a towing vehicle and a wagon, moving on rails. While there

		are locomotives fitted with booms for the application of plant protection products, Europe uses a wide range of equipment to control weeds on railways. In Finland we have, for example, excavators moving on rails, with a spray boom attached to the excavator arm. If the spray boom in question is less than 3 m wide, interpretation questions may arise whether it is necessary to inspect the equipment? It would be preferable to replace the term “train” with, for example, “equipment used on railways” or “railway vehicles”, or to define the term “train” in the section. These, too, require the application tool to move on rails. If the intention is to refer to equipment generally meant for rail maintenance, the term “equipment for use in railway maintenance”, could work better.

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. This paragraph shall not apply to the following application equipment in professional use: (a) spraying equipment mounted on trains or aircraft; (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; (c) vertical sprayer or orchard blast sprayer.	This paragraph shall not apply to the following application equipment in professional use: (a) spraying equipment ~~mounted on trains~~ **used on railways/railway vehicles** or aircraft;	
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.		

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 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.		
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.		
Article 3 **Definitions**		
Relevant definitions *Please comment on definitions linked to Article 20-*		

28 *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*		
(11)‘ application equipment in professional use’ means any of the following: (a) application equipment which is used by a professional user for the application of plant protection products; (b) application equipment with horizontal or vertical booms or orchard blast sprayers, irrespective of whether it is being used for the application of plant protection products;		This paragraph defines all application equipment with horizontal or vertical booms or orchard blast sprayers, as application equipment in professional use, irrespective of whether it is being used for the application of plant protection products, or if it is used or not. Here are three issues to take into consideration: 1. These equipment have to be tested and registered irrespective of they are used or not or what they are used to apply. In Finland, an old sprayer may be stored on the farm, often as an emergency solution if the sprayer in use breaks down unexpectedly. In this case, the old sprayer could be taken into use. It is often faster to fix and inspect the old sprayer, than purchasing a new one or doing a major repair. Making this impossible, is a significant change to the current system. In the current system it is not the presence of a sprayer that is

		important, but whether it is used or not and what its intended use is. 2. The question is also, what would a failed inspection result mean in these cases? Could equipment with a failed inspection still be used to apply fertilisers? 3. Another important point is, that it depends on the interpretation, if a sprayer with a vertical boom used in greenhouses belongs to this group or not. In the language used in standards, these sprayers are referred to as mobile or semi-mobile sprayers. So this is fine-tuning with the language, is it meant that greenhouse sprayers belong to this group? It should also be noted that equipment without vertical or horizontal booms are also used in greenhouses and are therefore not included in this category b.
ANNEX IV **INSPECTION OF APPLICATION EQUIPMENT IN PROFESSIONAL USE**		

The inspection of application equipment in professional use shall cover all aspects important to ensure a high level of safety and protection of human health and the environment. Full effectiveness and safety of the application operation shall be ensured by proper performance of any device or apparatus of the equipment to guarantee the following objectives are met. The application equipment in professional use shall function reliably and be used only in accordance with its manual of operation for its intended purpose ensuring that plant protection products can be accurately applied in line with good		

agricultural practice (GAP) as defined in Article 3(2), point (a), of Regulation (EC) 396/2005 of the European Parliament and the Council21 . The equipment shall be in such a condition to allow it to be filled and emptied safely, easily and completely and to prevent any leakage of either spray solution or concentrated product. It shall permit easy and thorough cleaning. It shall also allow for safe operation, and be capable of being immediately stopped from the position of the operator. It shall be simple to perform any necessary adjustments. Such adjustments shall be accurate and capable of being reproduced. During inspection, compliance with the following requirements shall be checked		
1. Safety The equipment shall be clean and safe before the inspection starts. The following shall be checked: ● the power take off driveshaft guard and all protective devices for the power take off and other rotating power transmission parts,		Section 1: We propose that the text be specified in the first subparagraph of Section 1 so that it is clear that the inspeciton will only verify that the protective parts of the equipment are intact. Testing safety equipment could be dangerous to the inspector or others around him or her.

● leakage from the hydraulic system and general condition of hydraulic cylinders and pipes, ● safety and functioning of all electrical parts, including solenoid switches, ● functioning of safety valves, ● condition of structural parts, framework, and booms/nozzle holders, ● locking of foldable parts, and ● in the case of any equipment that uses air assistance, the guards and condition of the blower, including the physical condition of the blower unit, fan and sleeves.		
2. Leakage Both in stationary and working conditions there shall be no leakage or dripping from any part of the equipment. There shall be no dripping or unintended application after the equipment has been switched off. For equipment to apply liquid products there shall be no leakages from pipes or hoses when running at the maximum obtainable		

pressure for the system and no liquid shall have been applied directly to the sprayer itself.		
3. Pump (for equipment used to apply liquid products) The pump capacity shall be suited to the needs of the application equipment and the pump shall function properly in order to ensure a stable and reliable application rate.		
4. Agitation or mixing (for equipment to apply liquid products) Agitation or mixing devices shall ensure a proper recirculation in order to achieve an even concentration of the whole volume of the liquid spray mixture in the tank.		
5. Spray liquid tank/hopper Spray tanks and hoppers including filling level indicators, filling devices, 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.		
6. Measuring systems, control and regulation systems All devices for measuring, switching on and off and adjusting pressure or flow rate shall be properly calibrated and work correctly. The controls to be operated during the application operation shall be operable from the operator's position, the necessary instruments to control the operation shall be present and accurate and the instrument displays shall be readable from the operator's position. For equipment to apply liquid products, 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. Additional equipment to dose or inject plant protection products shall function accurately and correctly.		Compared to SUD, section 6 mentions not only pressure but also flow control. If the interpretation is that flow meters and application area controls will be tested, it means that the tests will be tighter than the current ones where they have been tested only "if necessary" based on the inspector's assessment. The current method of the testing standard has been found difficult. If testing is started, it will require additional training and developing the current training. It is also desirable that the test method presented in the standard be developed. Testing flow meters in specialty sprayers may also be challenging, as the instructions in the standards are deficient. A major problem with flow tests is that in order for tests to be carried out, the control system of the application equipment must be brought into the correct state. This is something inspectors or even users of application equipment do not know how to do. This poses challenges to the training. The drivers and user interfaces of the application equipment vary, so it is almost impossible to train for

		everything. It would therefore be desirable to include a requirement in the Machinery Directive (127/2008/EY) that the instructions for use describe how the tests can be carried out with the user interface in question. However, testing flow meters and application volume controls improves the results of the inspection. Some types of flow meters tend to drift over a longer period of time, so the testing is also useful for the inspector. However, requiring testing requires investments in the development of the method and training. Machinery manufacturers must also be instructed on this matter. Including the injection equipment is a good addition.
7. Pipes and hoses Pipes and hoses shall be in properly functioning		

condition to avoid disturbance of product flow or accidental spillage in case of failure. Pipes and hoses shall not be kinked, excessively worn or in a position which would allow stretching.		
8. Filtering (for equipment to apply liquid products) In order to avoid turbulence and heterogeneity in spray patterns, filters shall be present and in good condition and the mesh size of the filters shall correspond and be appropriate to the size of nozzles fitted on the sprayer. Where applicable the filter blockage indication system shall operate correctly.		
9. Spray boom (for equipment applying plant protection products by means of a horizontally or vertically positioned boom, located close to the crop or the material to be treated) The boom shall be in good condition and stable in all directions. The fixation and adjustment systems and the devices for damping unintended movements and slope compensation shall work		

correctly.		
10. Nozzles (for equipment to distribute liquid products)/ outlets (for solid products) Nozzles and outlets shall work properly. The flow rate of each individual nozzle and outlet shall not deviate significantly from the data of the flow rate tables provided by the manufacturer.		Paragraphs 10 and 11: the paragraphs correspond to paragraphs 9 and 10 of Annex II to SUD. Paragraph 10 on the condition and flow of nozzles has now been formulated quite strictly and raises the question whether nozzles should always be tested. This has been discussed before, but so far it has been interpreted in Finland that there is no need to test both the spray distribution and the condition of the nozzles, but one of the tests is enough.
11. Distribution Where relevant, the longitudinal, transversal and vertical (in case of applications in vertical crops) distribution of the product in the target area shall be even.		It has been added to paragraph 11 that the spray distribution should be tested not only in the width of the boom but also in the moving direction of the boom. If, for example, measuring pressure level in the test is sufficient to ensure this, this point does not add anything compared to the current test. If this has to be verified separately, it places severe demands on the test equipment and test method. At this point, the inspector may also encounter so-called PWM nozzles, which are nozzles that are opened and closed at a high frequency and thus control the amount of application. These nozzles naturally cause variation in the direction of progress. This is one of

		the issues that must be taken into account in future in standardisation and in the interpretation of the Regulation. Vertical distribution is irrelevant, as in vertical application the spray distribution must be adjusted according to the crop to be treated. So far, it has been interpreted that similar nozzles must be identical and similar. Consequently, vertical spray distribution is poorly formulated. In the drafting of points 10 and 11, it is worthwhile to cooperate with working groups from the standardization work, as for example the SIS/TK224 group.
12. Blower (for equipment distributing plant protection products by air assistance) The blower shall be in good condition and shall ensure a stable and reliable air stream.		
13. Cleaning If present, the rinsing/cleaning systems for emptied containers, e.g. fitted on induction hoppers of application equipment, shall work		

reliably. Moreover, if provided, tank cleaning devices, devices for external cleaning, devices for cleaning of induction hoppers and devices for the internal cleaning of the complete application equipment shall function correctly.		
ANNEX V **NOTIFICATION FORM**		
Reason for notification (Please tick) - New equipment or first registration of used equipment - Change of ownership - Removal from use - Return to use		
Current owner - Name: - Unique personal / company identifier: (Tax Number) - Address 1 - Address 2 - Address 3		

- Address 4 - Occupation: (Farmer, Landscaper, Contractor, other please specify) - Country:	- ~~Occupation: (Farmer, Landscaper, Contractor, other please specify)~~	FI does not see the need for knowing the owner's occupation. The purpose of this information is questionable and we propose that it be deleted.
Previous owner if applicable - Name: - Address 1: - Address 2: - Address 3: - Address 4: - Country:		
Pesticide application equipment type (Please tick most appropriate) - Boom sprayer - PPP application equipment which produces droplets and which uses a fan to distribute these droplets vertically and/or laterally - Fogger (cold & hot) - Seed dresser - Granule applicator - Vapour generator - Vertical sprayer		The classification of application equipment used in the form is strange. For example, the form refers to equipment which produces droplets and which uses a fan to distribute these droplets vertically and/or laterally. This is apparently intended to mean air-assisted sprayers for bushes and trees, but the description now also includes "mist blower" type of sprayers used in greenhouses. Does the "vertical boom" also include stationary or partially mobile sprayers with vertical booms, used in greenhouses? On the one hand, there is no category for some

		sprayers used in greenhouses and, on the other hand, the terms fogger and vapour generator are used separately, although they describe the same type of equipment.

- Aircraft (winged) - Aircraft (rotor) - Unmanned aircraft (e.g. drone) - Handheld application equipment - Other (Please describe)		
Is equipment air assisted?		The form also asks whether the application equipment is air-assisted and whether it is fitted with GPS controlled nozzle or section shut-off? It is questionable what this information is needed for. FI points out that we should only ask for data that we need to know and we do not see a clear need for this data.
Is equipment fitted with GPS controlled nozzle or section shut off?		

Pesticide application equipment - Make: - Model: - Chassis No.: - Tank/hopper capacity: - Manufacture year: - Working width: - Other information:		