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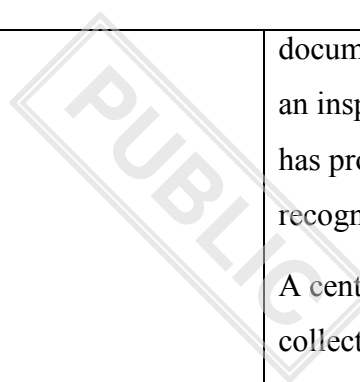
WORKING DOCUMENT

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 March 2023 – comments from Germany

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

Member State:	Germany
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CHAPTER VIII APPLICATION EQUIPMENT		
<i>Article 29</i> Electronic register of application equipment in professional use		<u>General Remarks</u> Regular Pesticide Application Equipment (PAE) testing is expressly supported, as this ensures the proper technical functioning of PAE at a high level throughout the country. For Germany it is important that the established and effective system of testing plant protection equipment in use can be continued. According to the legal requirements, for decades in Germany largely all plant protection equipment in use must be regularly inspected in an officially recognised inspection body. The inspection carried out is documented by a sticker on the PAE and by the issue of a

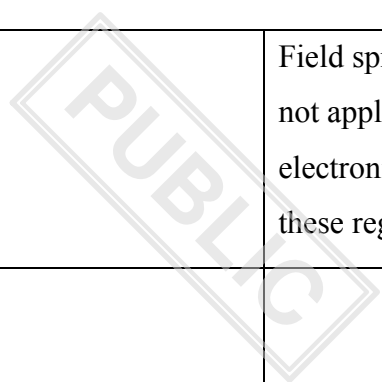


document. It is therefore easy to check whether an inspection has been carried out. This system has proven itself in Germany and is also recognised and observed by farmers.

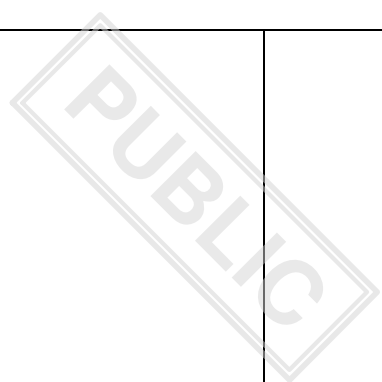
A central electronic register or comparable data collections on PAE is rejected.

The documentation of "ownership", "transfer of ownership", "sale", "withdrawal from use" and "return to use" does not contribute to achieving the goal of more sustainable plant protection and is disproportionate to the benefits in terms of bureaucracy.

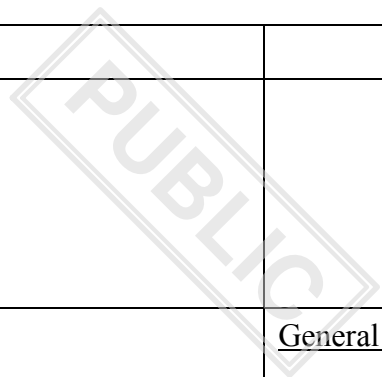
There are also challenges to be considered in cross-border traffic, for example in the case of farms that operate in several Member States or equipment that is inspected in another Member State, e.g. new equipment inspections at the manufacturer's plant. Here it must be clarified how the data records from different registers are to be merged.



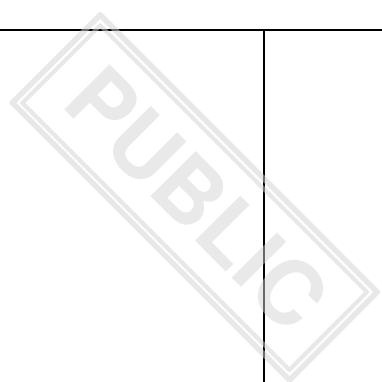
		Field spraying and spraying equipment that does not apply PPPs should also be recorded in the electronic register. The sense and purpose of these regulations must be questioned.
1. By ... [<i>OP please insert the date = first day of the month following 9 months after the date of entry into force of this 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 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).		
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		



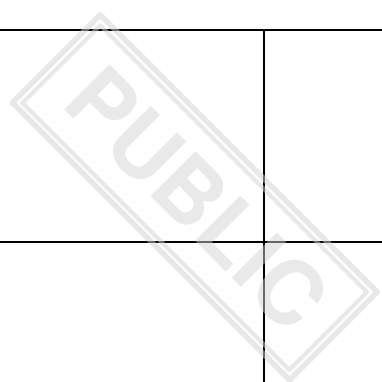
application equipment in professional use has been exempted from inspection in the relevant Member State(s) in accordance with Article 32(3). A similar obligation to enter a transfer of ownership in the electronic register applies in the case of any other changes of ownership of application equipment 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		



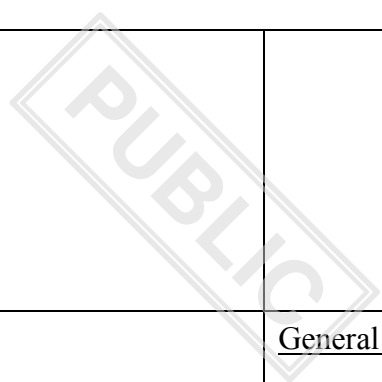
form set out in Annex V.		
5. The Commission is empowered to adopt delegated acts in accordance with Article 40 amending Annex V in order to take into account technical progress and scientific developments.		
Article 30 Collection of information and controls		<u>General Remarks</u> With regard to the regulation on inspections by the Commission according to the last sentence of paragraph 2, we think that aspects of data protection should be considered more closely. If necessary, the wording should be adapted in order to concretise the powers.
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		



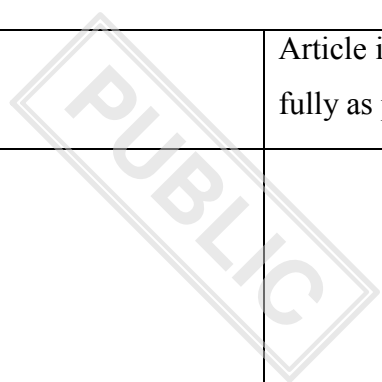
ownership, transfer of ownership, sale, withdrawal from use and return to use of application equipment in professional use; (c) inspect, or oversee the inspection of, application equipment in accordance with Article 31(1), (2), (3) and (6); (d) issue, or oversee the issuing of, certificates of inspection 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.		
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.		
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).		
<i>Article 31</i> Inspection of application equipment in professional use		<u>General Remarks</u> The proposal provides for an inspection of PAE every three years from the time of new purchase. In Germany, PAE put into use for the first time must have been inspected at the latest at the end of the sixth month after it was put into use. This early testing of new equipment, preferably already carried out by the manufacturer, has proven its worth in Germany. Possible technical malfunctions are thus discovered at an early stage. Therefore, an opening clause would be desirable that would allow Member States to set shorter inspection periods. Consideration should be given to specifying the shorter inspection period for equipment put into use for the first time in the

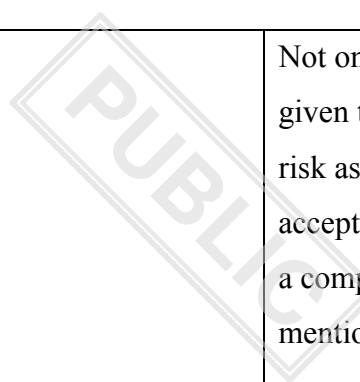


		Article in order to ensure technical safety as fully as possible from the outset.
1. The competent authority referred to in Article 30 or a body designated by it shall inspect application equipment in professional use every three years, starting from the date of first purchase. The competent authority 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.	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. 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 Council shall be presumed to comply with	Article 31(2) refers to Annex IV for the requirements on PAE for inspection. The provision in paragraph 11 for the recognition of inspections carried out in accordance with harmonised inspection standards should be inserted in paragraph 2.

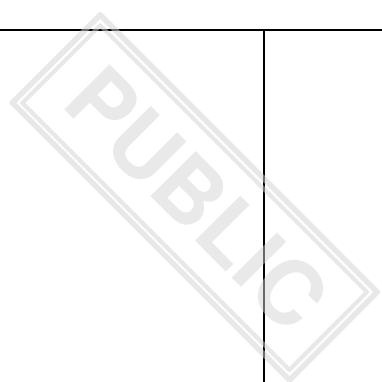
	the requirements listed in Annex IV.	
3. The inspection shall be carried out at a location where the risk of pollution and water contamination can be avoided. The influence of external conditions on the reproducibility of the results of the inspection, such as effects of wind and rain, shall be minimised by the authority or body carrying out the inspection.		
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		

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 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.		

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 Council ⁵³ shall be presumed to comply with the requirements listed in Annex IV.	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.	Inserted in paragraph 2
<i>Article 32</i> Member State derogations regarding inspection of application equipment in professional use		<u>General Remarks</u> The concern of the article is largely acceptable to us. According to the article, exemptions can be provided for handheld application equipment or knapsack sprayers, among others, provided that a risk assessment is carried out. Portable PAE are exempted from the control obligation by default, and not only in Germany.



		Not only for this reason should consideration be given to finding an alternative to the elaborate risk assessment proposed in para. 2 that is acceptable in terms of the effort involved, since a comprehensive assessment of the risks mentioned is always carried out both for the approval of active substances and for the authorisation of each individual plant protection product. With the granting of the authorisation, specific application provisions are already issued in order to minimise the exposure of the environment and users as well as bystanders. At the very least, however, the last sentence in paragraphs 2 and 3 should be deleted in order to minimise the burden on the competent authority.
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		

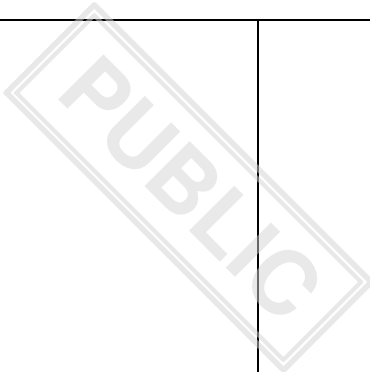


in Article 31 to application equipment in professional use which represents a very low scale of use estimated by way of the risk assessment referred to in paragraph 2 and which is listed in the national action plan referred to in Article 8. This paragraph shall not apply to the following application 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.		
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.	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	

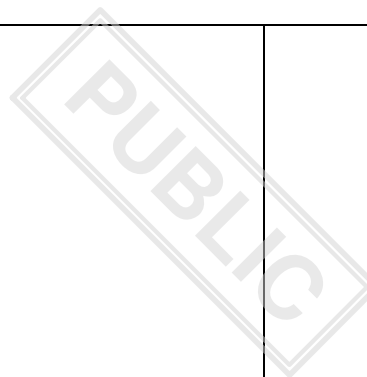
	assessment for control by the Commission.	
3. A Member State may exempt from inspection referred to in Article 31 handheld application equipment or knapsack sprayers, in professional use, based on a risk assessment on their potential impact on human health and the environment, which shall include an 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.	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		

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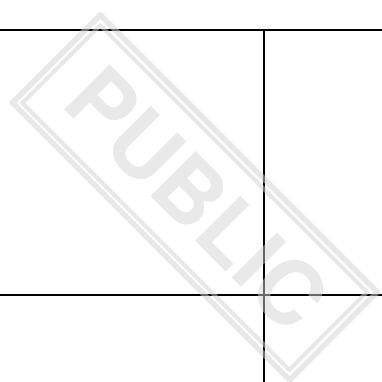
<i>Relevant definitions</i> <i>Please comment on definitions linked to Article 20-28</i> <i>Please insert rows below for the relevant definitions you want to comment on, and indicate clearly in this column which definition you are commenting on</i>		
ANNEX IV INSPECTION OF APPLICATION EQUIPMENT IN PROFESSIONAL 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, ● 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		



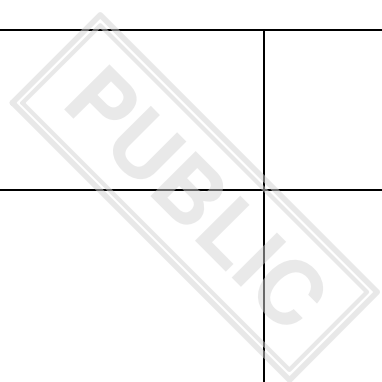
been switched off. For equipment to apply liquid products there shall be no leakages from pipes or hoses when running at the maximum obtainable pressure for the system and no liquid shall have been applied directly to the sprayer itself.		
3. Pump (for equipment used to apply liquid products) The pump 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		

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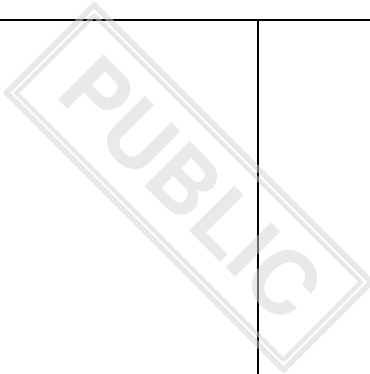
rinsing systems and mixing devices shall operate in such a way as to minimise accidental spillage, uneven concentration distribution, operator exposure and residual content.		
6. Measuring systems, control and regulation systems All devices for measuring, switching on and off and adjusting pressure or 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.		

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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.		
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.		
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		

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- Address 2 - Address 3 - Address 4 - Occupation: (Farmer, Landscaper, Contractor, other please specify) - Country:		
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		

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- Vapour generator - Vertical sprayer - Aircraft (winged) - Aircraft (rotor) - Unmanned aircraft (e.g. drone) - Handheld application equipment - Other (Please describe)		
Is equipment air assisted?		
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:		