

# EUROPEAN PARLIAMENT

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**\*\*\*I**  
**REPORT**

on the proposal for a directive of the European Parliament and of the Council  
on machinery for pesticide application, amending Directive 2006/42/EC of 17  
May 2006 on machinery  
(COM(2008)0535 – C6-0307/2008 – 2008/0172(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Leopold Józef Rutowicz

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on machinery for pesticide application, amending Directive 2006/42/EC of 17 May 2006 on machinery  
(COM(2008)0535 – C6-0307/2008 – 2008/0172(COD))**

**(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0535),
  - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0307/2008),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A6-0137/2009),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

### **Amendment 1**

**Proposal for a directive – amending act  
Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Machinery for pesticide application includes self-propelled, towed, vehicle-mounted, semi-mounted and airborne machinery, as well as stationary machinery intended for pesticide application, both for professional and consumer use. It also includes powered, or manually-operated, portable and handheld machinery with a pressure chamber. Taking into account this broad and diversified product range, certain***

*requirements of this Directive should apply only to specific types of machinery.*

## **Amendment 2**

### **Proposal for a directive – amending act Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

*(4b) This Directive is limited to the essential requirements with which machinery for pesticide application must comply before being placed on the market and/or put into service, while the European standardisation organisations are responsible for drawing up technical standards providing detailed specifications for the various categories of that machinery in order to enable manufacturers to comply with those requirements. It is essential that all interested parties, including industry, farmers and environmental organisations, are equally involved in the establishment of the harmonised standards, so as to ensure that they are adopted on the basis of a clear consensus amongst all stakeholders.*

## **Amendment 3**

### **Proposal for a directive – amending act Recital 4 c (new)**

*Text proposed by the Commission*

*Amendment*

*(4c) When the environmental and health requirements for machinery for pesticide application are laid down the precautionary principle should apply, in keeping with the judgments handed down by the Court of Justice of the European Communities and the Commission Communication of 2 February 2000 on the precautionary principle (COM(2000)0001).*

## *Justification*

*Incorporating a reference to the precautionary principle into the text of the directive is consistent with the need for environmental protection and, hence, with the aim of the directive.*

### **Amendment 4**

#### **Proposal for a directive – amending act**

##### **Article 1 - point 1**

Directive 2006/42/EC

Article 2 - point m

#### *Text proposed by the Commission*

(m) ‘essential health and safety requirements’ means mandatory provisions **to ensure that** products **do not endanger** the health or safety of persons and, where appropriate, domestic animals property **or** the environment.

#### *Amendment*

(m) ‘essential health and safety requirements’ means mandatory provisions **relating to the design and manufacture of** products **subject to this Directive in order to ensure a high level of protection of** the health and safety of persons and, where appropriate, **of** domestic animals **and** property **and, where applicable, of** the environment. **Essential health and safety requirements for the protection of the environment shall apply only to the machinery referred to in section 2.4 of Annex I.**

## *Justification*

*It is necessary to add a new definition of 'essential health and safety requirements', including a reference to the protection of the environment, to avoid the need to amend the numerous references to this term in the Machinery Directive. This amendment also clarifies the scope of application of environmental protection.*

### **Amendment 5**

#### **Proposal for a directive – amending act**

##### **Article 1 - point 2**

Directive 2006/42/EC

Article 4 - paragraph 1

#### *Text proposed by the Commission*

1. Member States shall take all appropriate measures to ensure that machinery may be placed on the market and/or put into

#### *Amendment*

1. Member States shall take all appropriate measures to ensure that machinery may be placed on the market and/or put into

service only if it satisfies the relevant provisions of this Directive and does not endanger the health and safety of persons *or*, where appropriate, domestic animals property *or* the environment, when properly installed and maintained and used for its intended purpose or under conditions which can reasonably be foreseen.

service only if it satisfies the relevant provisions of this Directive and does not endanger the health and safety of persons *and*, where appropriate, domestic animals *and* property *and, where applicable*, the environment, when properly installed and maintained and used for its intended purpose or under conditions which can reasonably be foreseen.

*Justification*

*Clarification of the scope of application of environmental protection in the Machinery Directive.*

**Amendment 6**

**Proposal for a directive – amending act**

**Article 1 – point 3**

Directive 2006/42/EC

Article 9 – paragraph 3 – first subparagraph

*Text proposed by the Commission*

In the cases referred to in paragraph 1, the Commission shall consult the Member States and other interested parties indicating the measures it intends to take, in order to ensure, at Community level, a high level of protection of the health and safety of persons and, where appropriate, of domestic animals property *or* the environment.

*Amendment*

In the cases referred to in paragraph 1, the Commission shall consult the Member States and other interested parties indicating the measures it intends to take, in order to ensure, at Community level, a high level of protection of the health and safety of persons and, where *appropriate*, of domestic animals *and* property *and, where applicable, of* the environment.

*Justification*

*Clarification of the scope of application of environmental protection in the Machinery Directive.*

**Amendment 7**

**Proposal for a directive – amending act**

**Article 1 – point 4**

Directive 2006/42/EC

Article 11 – paragraph 1



*Text proposed by the Commission*

1. Where a Member State ascertains that machinery covered by this Directive, bearing the CE marking, accompanied by the EC declaration of conformity and used in accordance with its intended purpose or under conditions which can reasonably be foreseen, is liable to endanger the health and safety of persons *or*, where appropriate, domestic animals property *or* the environment, it shall take all appropriate measures to withdraw such machinery from the market, to prohibit the placing on the market and/or putting into service of such machinery or to restrict free movement thereof.

*Amendment*

1. Where a Member State ascertains that machinery covered by this Directive, bearing the CE marking, accompanied by the EC declaration of conformity and used in accordance with its intended purpose or under conditions which can reasonably be foreseen, is liable to endanger the health and safety of persons *and*, where ***appropriate***, domestic animals *and* property ***and, where applicable***, the environment, it shall take all appropriate measures to withdraw such machinery from the market, to prohibit the placing on the market and/or putting into service of such machinery or to restrict free movement thereof.

*Justification*

*Clarification of the scope of application of environmental protection in the Machinery Directive.*

**Amendment 8**

**Proposal for a directive – amending act**

**Article 1 - point 5 - point a**

Directive 2006/42/EC

Annex I - General Principles - Point 1 - paragraph 2 - indent 3

*Text proposed by the Commission*

- estimate the risks, taking into account the severity of the possible injury or damage to health and, where appropriate, to the environment and the probability of its occurrence,

*Amendment*

- estimate the risks, taking into account the severity of the possible injury or damage to ***the health and safety of persons*** and, where appropriate, to ***domestic animals and property and, where applicable, to*** the environment, and the probability of its occurrence,

*Justification*

*Clarification of the scope of application of environmental protection in the Machinery Directive.*

## Amendment 9

### Proposal for a directive – amending act

#### Article 1 - point 5 - point a (new)

Directive 2006/42/EC

Annex I – General Principles – Point 4

*Text proposed by the Commission*

*Amendment*

***(aa) in the General Principles, point 4 shall be replaced by the following:***

**"4. This Annex is organised in several parts. The first one has a general scope and is applicable to all kinds of machinery. The other parts refer to certain kinds of more specific hazards. Nevertheless, it is essential to examine the whole of this Annex in order to be sure of meeting all the relevant essential requirements. When machinery is being designed, the requirements of the general part and the requirements of one or more of the other parts shall be taken into account, depending on the results of the risk assessment carried out in accordance with point 1 of these General Principles. *Essential health and safety requirements for the protection of the environment shall apply only to the machinery referred to in section 2.4.*"**

*Justification*

*Clarification of the scope of application of environmental protection in the Machinery Directive.*

## Amendment 10

### Proposal for a directive – amending act

#### Article 1 - point 5 - point a b (new)

Directive 2006/42/EC

Annex I – point 1.1.1 – point a

*Text proposed by the Commission*

*Amendment*

***(ab) point (a) of point 1.1.1 shall be***

*replaced by the following:*

**"(a) 'hazard' means a potential source of injury or damage to *the health and safety of persons and, where appropriate, to domestic animals and property and, where applicable, to the environment;*"**

*Justification*

*Clarification of the scope of application of environmental protection in the Machinery Directive.*

## **Amendment 11**

**Proposal for a directive – amending act**

**Article 1 - point 5 - point a c (new)**

Directive 2006/42/EC

Annex I – Point 1.1.1 – point e

*Text proposed by the Commission*

*Amendment*

***(ac) point (e) of point 1.1.1 shall be replaced by the following:***

**"(e) 'risk' means a combination of the probability and the degree of an injury or damage to *the health and safety of persons and, where appropriate, to domestic animals and property and, where applicable, to the environment that can arise in a hazardous situation;*"**

*Justification*

*Clarification of the scope of application of environmental protection in the Machinery Directive.*

## **Amendment 12**

**Proposal for a directive – amending act**

**Article 1 - point 5 - point a d (new)**

Directive 2006/42/EC

Annex I – Point 1.1.2 – point a

*Text proposed by the Commission*

*Amendment*

*(ad) point (a) of point 1.1.2 shall be replaced by the following:*

**"(a) Machinery must be designed and constructed so that it is fitted for its function, and can be operated, adjusted and maintained *in such a way as to prevent any possible injury or damage to the health and safety of persons and, where appropriate, to domestic animals and property and, where applicable, to the environment*, when these operations are carried out under the conditions foreseen but also taking into account any reasonably foreseeable misuse thereof."**

*Justification*

*Clarification of the scope of application of environmental protection in the Machinery Directive.*

### **Amendment 13**

**Proposal for a directive – amending act**

**Article 1 - point 5 - point a e (new)**

Directive 2006/42/EC

Annex I – Point 1.1.3

*Text proposed by the Commission*

*Amendment*

*(ae) point 1.1.3 shall be replaced by the following:*

**"The materials used to construct machinery or products used or created during its use must not endanger *the health and safety of persons and, where appropriate, of domestic animals and property and, where applicable, the environment*. In particular, where fluids are used, machinery must be designed and constructed to prevent risks due to filling, use, recovery or draining."**

## *Justification*

*Clarification of the scope of application of environmental protection in the Machinery Directive.*

### **Amendment 14**

#### **Proposal for a directive – amending act**

#### **Article 1 – point 5 – point b – point ii**

Directive 2006/42/EC

Annex I – Section 2.4 – point 2.4.1

*Text proposed by the Commission*

*Amendment*

#### 2.4.1 Definition

Machinery for pesticide application' means machinery specifically intended for the application of plant protection products as defined in Regulation (EC) N° [...] or of biocidal products for pest control belonging to product types 14 to 19 as defined in Annex V to Directive 98/8/EC.

#### 2.4.1 Definition

Machinery for pesticide application' means machinery specifically intended for the application of plant protection products as defined in Regulation (EC) N° [...] or of biocidal products for pest control belonging to product types 14 to 19 as defined in Annex V to Directive 98/8/EC.

***For the purposes of this Directive, machinery used for the application of materials containing pesticide shall be considered as machinery for pesticide application and shall comply, where relevant, with the supplementary requirements set out in this section.***

## *Justification*

*The purpose of this amendment is to include in the scope of the directive sowing machinery used for the application of seeds coated with pesticide. Materials containing pesticide have caused a significant death-toll of bee populations in several European countries, whereas the use of sowing machinery with an excessive pressure output may also lead to a high amount of pesticide dust released into the environment. Therefore, the correct design and construction of this machinery can play a significant role in reducing the adverse impacts of materials containing pesticide.*

### **Amendment 15**

#### **Proposal for a directive – amending act**

#### **Article 1 - point 5 – point b – point ii**

Directive 2006/42/EC

Annex I – Section 2.4 - point 2.4.2

*Text proposed by the Commission*

*Amendment*

2.4.2 General

Machinery for pesticide application must be designed **and** constructed **so** that it can be operated, adjusted and maintained without damaging the environment **unnecessarily**.

2.4.2 General

Machinery for pesticide application must be designed, constructed **and equipped** so that it can be operated, adjusted and maintained without damaging **human health and** the environment. **For this purpose, due account must be taken of the requirements of the precautionary principle.**

**Amendment 16**

**Proposal for a directive – amending act**

**Article 2 – point 5 - point b – point ii**

Directive 2006/42/EC

Annex I – Section 2.4 – point 2.4.3

*Text proposed by the Commission*

*Amendment*

2.4.3 Controls and monitoring

It must be possible to control **and** monitor the operation of the machinery from the operating positions.

2.4.3 Controls and monitoring

It must be possible to **easily and accurately** control, monitor **and immediately stop** the operation of the machinery from the operating positions.

**Amendment 17**

**Proposal for a directive – amending act**

**Article 1 – point 5 – point b – point ii**

Directive 2006/42/EC

Annex I – Section 2.4 – point 2.4.3.1 (new)

*Text proposed by the Commission*

*Amendment*

**2.4.3.1 Measuring systems**

**The machinery must be fitted with accurate measuring systems to ensure a precise and safe application of the pesticide and, where necessary, with devices to measure wind speed/direction and air temperature. The measuring**

*systems must be clearly readable from the operating positions.*

## Amendment 18

**Proposal for a directive – amending act**  
**Article 1 – point 5 – point b – point ii**  
Directive 2006/42/EC  
Annex I – Section 2.4 – point 2.4.3.2 (new)

*Text proposed by the Commission*

*Amendment*

### *2.4.3.2 Nozzles*

*Nozzles must be designed and constructed with an adequate droplet size to prevent spillage of pesticides to non-target areas. Dripping from the nozzles must be prevented when the application is stopped. It must be possible to measure the flowrate of each individual nozzle.*

## Amendment 19

**Proposal for a directive – amending act**  
**Article 1 – point 5 – point b – point ii**  
Directive 2006/42/EC  
Annex I – Section 2.4 – point 2.4.4

*Text proposed by the Commission*

*Amendment*

### 2.4.4 Filling and emptying

Machinery must be designed and constructed to facilitate precise filling and complete emptying **and to prevent any unintentional dispersal** of pesticide during these operations.

### 2.4.4 Filling and emptying

Machinery must be designed and constructed **so as** to facilitate precise filling **with the necessary quantity of pesticide and ensure easy and complete emptying, while preventing spillage** of pesticide during these operations. **Machinery must be fitted with adequate equipment to avoid contamination of the water supply source during these operations.**

**Where applicable, filling devices must be designed to avoid any return of liquid from the tank to the filling supply.**

## Amendment 20

### Proposal for a directive – amending act

#### Article 1 – point 5 – point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – point 2.4.5.2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

2.4.5.2 Distribution and deposition

***Losses must be prevented while the pesticide application function is stopped.***

2.4.5.2 Distribution and deposition

***To that end, mechanical screening systems (shield and/or tunnel systems) must be used if necessary. The machinery must automatically turn itself off if wind and temperature conditions arise which lead to the unacceptable release of pesticides in non-target areas.***

#### *Justification*

Technical means of preventing environmental damage are available. However, they must be used systematically if the aim of this directive is to be achieved.

## Amendment 21

### Proposal for a directive – amending act

#### Article 1 – point 5 – point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – point 2.4.5.2 a (new)

*Text proposed by the Commission*

*Amendment*

***2.4.5.2a Prevention of spillage and leakages***

***The machinery must be designed and constructed so as to prevent losses while the pesticide application function is stopped. Leakage must be prevented at all times.***

## Amendment 22

### Proposal for a directive – amending act

#### Article 1 – point 5 – point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – point 2.4.5.2 b (new)



*Text proposed by the Commission*

*Amendment*

**2.4.5.2b Air-assisted equipment**

***Insofar as its purpose allows, machinery must, where possible, be designed and constructed with air-assisted spraying equipment to ensure a more precise deposition of the pesticide.***

**Amendment 23**

**Proposal for a directive – amending act**

**Article 1 – point 5 – point b – point ii**

Directive 2006/42/EC

Annex I – Section 2.4 – point 2.4.5.2 c (new)

*Text proposed by the Commission*

*Amendment*

**2.4.5.2c Tunnel spraying equipment**

***Insofar as its purpose allows, machinery must, where possible, be designed and constructed with tunnel spraying equipment to ensure a more precise deposition of the pesticide.***

**Amendment 24**

**Proposal for a directive – amending act**

**Article 1 - point 5 - point b – point ii**

Directive 2006/42/EC

Annex I – Section 2.4 – point 2.4.6.1

*Text proposed by the Commission*

*Amendment*

**2.4.6.1 Cleaning**

The machinery must be designed and constructed to ***facilitate*** cleaning, in particular of the tank.

**2.4.6.1 Cleaning**

The machinery must be designed and constructed to ***allow its easy and thorough*** cleaning, in particular of the tank ***or container, without contaminating the environment.***

## Amendment 25

### Proposal for a directive – amending act

#### Article 1 - point 5 - point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – point 2.4.6.2

*Text proposed by the Commission*

*Amendment*

#### 2.4.6.2 Servicing

The machinery must be designed and constructed to facilitate the changing of worn parts. ***It must be possible to connect the necessary measuring instruments to the machinery to check its correct functioning.***

#### 2.4.6.2 Servicing

The machinery must be designed and constructed to facilitate the changing of worn parts ***without contaminating the environment.***

## Amendment 26

### Proposal for a directive – amending act

#### Article 1 - point 5 - point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.6.2 a (new)

*Text proposed by the Commission*

*Amendment*

#### 2.4.6.2a Checks

***It must be possible to easily connect the necessary measuring instruments to the machinery to check its correct functioning.***

## Amendment 27

### Proposal for a directive – amending act

#### Article 1 - point 5 - point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.7.2

*Text proposed by the Commission*

*Amendment*

#### 2.4.7.2 Filters

Filters and strainers must be marked so that their type and ***mesh*** size can be identified directly or from information given in the

#### 2.4.7.2 Filters

Filters and strainers must be marked so that their type and size can be identified directly or from information given in the

instructions.

instructions.

*Justification*

*The reference to the mesh size should be suppressed because the mesh, which is the unit commonly used for filters, is not appropriate for sprayers where the correct feature is the free passage between the filaments. The mesh unit, defined as the number of filaments per inch, does not take into consideration the filament diameter, i.e. two filters having the same mesh size may have a different free passage value. ISO 19732 is based on this notion of free passage. Therefore the term “mesh” should be deleted and a reference to ISO 19732 classification is required in the revision of EN 12761.*

**Amendment 28**

**Proposal for a directive – amending act**

**Article 1 - point 5 - point b – point ii**

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.7.2 a (new)

*Text proposed by the Commission*

*Amendment*

**2.4.7.2a Indication of pesticide in use**

***Where appropriate, the machinery must be fitted with a specific mounting where the operator can place the name of the pesticide in use.***

*Justification*

*This information will be useful to medical staff if the operator experiences health problems or to public authorities in case of an accident resulting in the diffusion of the pesticide.*

**Amendment 29**

**Proposal for a directive – amending act**

**Article 1 - point 5 - point b – point ii**

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.8 – point a

*Text proposed by the Commission*

*Amendment*

(a) precautions to be taken during **filling**, emptying **and** cleaning to avoid contamination of the environment;

(a) precautions to be taken during **mixing, loading, spraying**, emptying, cleaning, **servicing and transport operations in order** to avoid contamination of **the operator and** the environment, **in particular the soil and water bodies**;

## Amendment 30

### Proposal for a directive – amending act

#### Article 1 - point 5 - point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.8 – point b

*Text proposed by the Commission*

(b) *the* conditions of use *and* the corresponding preparation and adjustments to ensure even distribution and homogeneous deposition of pesticide, *avoiding* losses;

*Amendment*

(b) *detailed* conditions of use *for the different operating environments envisaged, including* the corresponding preparation and adjustments *required* to ensure *an* even distribution and homogeneous deposition of pesticide *on target areas, minimising* losses *to non-target areas*;

## Amendment 31

### Proposal for a directive – amending act

#### Article 1 - point 5 - point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.8 – point b a (new)

*Text proposed by the Commission*

*Amendment*

(ba) *precautions to be taken to prevent spray drift taking into account different parameters such as nozzles, pressure, boom height, wind speed and driving speed*;

## Amendment 32

### Proposal for a directive – amending act

#### Article 1 – point 5 – point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.8 – point b b (new)

*Text proposed by the Commission*

*Amendment*

(bb) *information on types of pesticides that may cause incorrect functioning of the machinery and restrictions on the use of particular pesticides*;

### Amendment 33

#### Proposal for a directive – amending act

##### Article 1 - point 5 - point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.8 – point d

*Text proposed by the Commission*

(d) the type and **mesh** size of strainers and filters;

*Amendment*

(d) the type and size of strainers and filters;

### Amendment 34

#### Proposal for a directive – amending act

##### Article 1 - point 5 - point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.8 – point e

*Text proposed by the Commission*

(e) the frequency of verification and criteria for the replacement of nozzles, strainers and filters;

*Amendment*

(e) the frequency of verification and criteria for the replacement of **parts subject to wear that affect the correct functioning of the machinery, such as** nozzles, strainers and filters;

### Amendment 35

#### Proposal for a directive – amending act

##### Article 1 - point 5 - point b – point ii

Directive 2006/42/EC

Annex I – Section 2.4 – Point 2.4.8 – point g

*Text proposed by the Commission*

(g) the connexion and use of any special equipment or accessories;

*Amendment*

(g) the connexion and use of any special equipment or accessories **and the necessary precautions to be taken**;

### Amendment 36

**Proposal for a directive – amending act**  
**Article 1 – point 5 – point b – point ii**  
Directive 2006/42/EC  
Annex I – Section 2.4 – Point 2.4.8 – point g a (new)

*Text proposed by the Commission*

*Amendment*

**(ga) instructions for connecting the necessary measuring instruments;**

### **Amendment 37**

**Proposal for a directive – amending act**  
**Article 1 - point 5 - point b – point ii**  
Directive 2006/42/EC  
Annex I – Section 2.4– Point 2.4.8 – point h

*Text proposed by the Commission*

*Amendment*

(h) the **checks to be carried out on** the machinery, in accordance with the relevant provisions of Directive [...].

(h) the **features of** the machinery **which must be checked to ensure its correct functioning**, in accordance with the relevant provisions of Directive [...].

### **Amendment 38**

**Proposal for a directive – amending act**  
**Article 2 – paragraph 1 - subparagraphs 1 and 2**

*Text proposed by the Commission*

*Amendment*

1. Member States shall adopt and publish the provisions necessary to comply with this Directive by **[DATE...]** **at the latest**. They shall forthwith inform the Commission thereof.

1. Member States shall adopt and publish the provisions necessary to comply with this Directive by ... \*. They shall forthwith inform the Commission thereof.

They shall apply those provisions with effect from **[DATE...]**.

They shall apply those provisions with effect from ... \*\*.

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\* 12 months from the date of entry into force of this Directive.

\*\* 18 months from the date of entry into force of this Directive.

## **EXPLANATORY STATEMENT**

### **Background to the current proposal**

On 12 July 2006, the European Commission presented a Thematic Strategy on the Sustainable Use of Pesticides aimed at the reduction of the overall risks and negative impacts of pesticides on human health and the environment. The Thematic Strategy was complemented by a proposal for a Directive establishing a framework for Community action to achieve a sustainable use of pesticides (hereafter, the Framework Directive) and a proposal for a Regulation concerning the placing of plant protection products on the market.

One of the objectives of the Framework Directive is to introduce requirements for Member States to set up a system for the regular maintenance and periodic inspection of pesticide application equipment already in professional use. However, complementary legislative measures are necessary in order to introduce environmental requirements for the design and construction of new equipment. For this purpose, the Commission is now proposing a Directive on machinery for pesticide application, amending Directive 2006/42/EC (hereafter, the Machinery Directive).

### **Commission proposal**

The Machinery Directive 2006/42/EC, which will be applicable as from 29 December 2009 (until that date the current Machinery Directive 98/37/EC continues to apply), sets out the essential health and safety requirements that machinery placed on the internal market must fulfil if they are to benefit from free movement within the Community. The Machinery Directive applies already to machinery for pesticide application with respect to the protection of the health and safety of the operators and other exposed persons. The purpose of the present proposal is to amend the Machinery Directive in order to introduce specific essential requirements for the protection of the environment.

### **National measures and need for harmonisation**

Although Community legislation does not currently include environmental protection requirements for machinery for pesticide application, several Member States have introduced national measures (technical requirements and certification procedures) to be followed when placing new machinery on their markets, while other Member States have announced draft regulations in this field.

Leaving to Member States the setting of environmental requirements for such machinery would have the effect of perpetuating, or multiplying divergent national provisions and procedures with similar objectives. This would constitute an obstacle to the free movement of goods within the Community and generate disadvantages and undue costs for industry and in particular for small and medium sized companies which are the typical sprayer manufacturers.

Therefore, harmonisation of the environmental protection requirements and conformity assessment procedures for machinery for pesticide application is a prerequisite to achieve the

same level of environmental protection throughout the EU, but also to ensure fair competition between manufacturers and facilitate the free movement of such products in the Community.

### **Harmonised standards**

Being a "New Approach" Directive, the Machinery Directive promotes harmonisation through a combination of mandatory health and safety requirements and voluntary harmonised standards, drawn up by European standardisation organisations, which provide detailed specifications enabling manufacturers to comply with the essential requirements of the directive. Although the application of standards is voluntary, they do have the character of guidelines, and therefore a certain influence on the design and the construction of machinery.

With regard to machinery for pesticide application, the European Committee for Standardisation (CEN) has developed harmonised standards relating to the health and safety of the operators. Since 2001, it has also adopted a standard (EN 12761) providing detailed specifications for minimising the environmental risks resulting from the use of this machinery.

The International Organisation for Standardisation (ISO) has also developed a number of standards to ensure a high degree of integration of state of the art technology in pesticide application machinery and to ensure uniform criteria for the evaluation of spraying systems concerning working quality, operator safety and environmental protection.

Once a political agreement is reached on this directive, the Commission will give an appropriate mandate to CEN to adapt EN 12761 and to develop any necessary new standards in order to support the essential requirements of the new directive for the various categories of pesticide application machinery.

### **Your Rapporteur's overall position**

Your Rapporteur firmly supports the Commission's initiative to amend the Machinery Directive in order to harmonise environmental requirements for machinery for pesticide application. The correct design and construction of this machinery plays a significant role in reducing the adverse impacts of pesticides on human health and the environment. Sprayers complying with the new requirements are expected to consume less pesticide and reduce losses caused by the handling of products during mixing, loading, spraying and cleaning operations.

The costs that may be incurred by those manufacturers who would have to raise their product standards significantly will probably lead to increased prices for users, in so far as the market conditions allow. However, the resulting average annual reduction in pesticide use will certainly lead to savings for users which are likely to compensate the possible increase in costs for some spraying equipment. On the other hand, the possible costs linked to the application of new harmonised requirements are outweighed by the reduction of costs resulting from non-harmonisation, namely the administrative burden incurred by manufacturers when applying divergent national regulations and procedures.

Therefore, the proposed Directive fulfils its goal to ensure a common level of environmental



protection and at the same time avoid a fragmented regulatory framework across the Community which may cause significant costs for businesses wishing to trade cross-border.

Nevertheless, your Rapporteur considers that precision and clarification is needed on a number of points in order to attain the desired objectives of protection of the environment and human health, whilst ensuring a level playing field for manufacturers and fair competition in the internal market. He has therefore proposed a number of amendments, with the broad aim of simplifying, clarifying and strengthening the provisions suggested by the Commission.

Your Rapporteur has taken into consideration the discussions held during the Workshop organised by the Committee on the Internal Market and Consumer Protection on 11 December 2008 as well as the input received by several stakeholders, institutions and academia, such as CEN (European Committee for Standardisation), CEMA (European Committee of Associations of Manufacturers of Agricultural Machinery), Pesticide Action Network-Europe, Orgalime (The European Engineering Industries Association), Julius Kühn-Institute-Federal Research Centre for Cultivated Plants (JKI-Germany) and the Department of Agricultural Engineering and Informatics of the University of Agriculture in Krakow.

Your Rapporteur's proposals focus on the following issues:

### 1. Scope of the directive

Your Rapporteur is aware that the general reference to the protection of the environment in the Commission proposal has given rise to concerns on the side of the industry and most member states as to a possible unintended extension of the application of the environmental protection requirements to other types of machinery covered by the Machinery Directive. Your Rapporteur considers that this general reference to the protection of the environment should be maintained in the text of the directive, whilst clarifying that environmental protection requirements will be limited to machinery for pesticide application. Requirements for other types of machinery could possibly be introduced in the future following an impact assessment by the Commission.

### 2. Environmental protection requirements for machinery for pesticide application (Annex I, Section 2.4)

Your Rapporteur has tabled a number of amendments on individual points in Section 2.4 aimed at strengthening the environmental requirements applicable to machinery for pesticide application, with a view to ensuring that it is designed and constructed in such a way as to guarantee a high standard of protection for human health and the environment. Provisions have also been introduced for improving the instructions provided by the manufacturers of this machinery.

### 3. Consistent reference to the protection of the environment

Finally, a set of amendments has been introduced on different articles of the Machinery Directive with the broad aim of ensuring a consistent reference to the protection of domestic animals, property and the environment.



## PROCEDURE

<b>Title</b>	Machinery for pesticide application		
<b>References</b>	COM(2008)0535 – C6-0307/2008 – 2008/0172(COD)		
<b>Date submitted to Parliament</b>	5.9.2008		
<b>Committee responsible</b> Date announced in plenary	IMCO 23.9.2008		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ENVI 23.9.2008	AGRI 23.9.2008	
<b>Not delivering opinions</b> Date of decision	ENVI 7.10.2008	AGRI 9.9.2008	
<b>Rapporteur(s)</b> Date appointed	Leopold Józef Rutowicz 7.10.2008		
<b>Discussed in committee</b>	10.11.2008	11.2.2009	9.3.2009
<b>Date adopted</b>	9.3.2009		
<b>Result of final vote</b>	+: -: 0:	32 0 0	
<b>Members present for the final vote</b>	Gabriela Crețu, Janelly Fourtou, Evelyne Gebhardt, Ioan Lucian Hămbășan, Malcolm Harbour, Pierre Jonckheer, Eija-Riitta Korhola, Lasse Lehtinen, Nickolay Mladenov, Catherine Neris, Bill Newton Dunn, Zita Pleštinská, Karin Riis-Jørgensen, Zuzana Roithová, Heide Rühle, Leopold Józef Rutowicz, Christel Schaldemose, Eva-Britt Svensson, Marianne Thyssen, Jacques Toubon, Bernadette Vergnaud		
<b>Substitute(s) present for the final vote</b>	Emmanouil Angelakas, Wolfgang Bulfon, Colm Burke, Jan Cremers, Magor Imre Csibi, José Ribeiro e Castro, Søren Bo Søndergaard, Anja Weisgerber		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Christofer Fjellner, Jim Higgins, Maria Grazia Pagano		
<b>Date tabled</b>	16.3.2009		