

## Conclusions of session 1

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### Topics discussed

First of all the participants asked general questions and statements were delivered on article 8 of the Framework Directive:

- Does it make sense and is it practical to carry out plant protection equipment inspections without mandated EN standards or is it better to wait until the necessary standards are available?
- The EN standards EN 12761 and EN 13790 are treated together in WG 3 of the CEN/TC 144 so that a mutual agreement on the requirements is guaranteed.
- Inspection of new equipment: Does the inspection of new equipment have to include all the requirements of EN 13790 although this equipment has not yet aged and no wear is evident?
- What happens when new equipment which has been inspected by the manufacturer has to be partly taken apart again for transport to the farmer? How far can equipment be taken apart for transport purposes without it having to be inspected again once it has been put together? Who is responsible for the functional safety of the equipment delivered in this state (manufacturer, trader)?
- It is not thought suitable to inspect new equipment for the first time after 5 years at the latest, as demanded in article 8 (2).
- The statement by the European committee of associations of manufacturers of agricultural machinery (CEMA) to the effect that plant protection equipment should possibly be inspected straight away on the manufacturer's premises and provided with a valid inspection sticker is welcomed by the participants and seen as being a practical solution.
- If the Member States have new equipment inspected before it is used for the first time, i.e. on the manufacturer's premises, it is feared that the inspection will violate competition regulations, since according to the Machine Directive, the manufacturer is only bound to carry out self-certification with a conformity declaration, and according to the Machine Directive cannot be forced to have an inspection carried out according to article 8 (2) of the Framework Directive before the equipment is used for the first time.
- Is this overlapping legally admissible?
- Were SPISE's proposals taken into consideration in any way when compiling the Framework Directive or the national action plans or do they have a hope of being considered?
- It has been established that self-certification confirms compliance with the corresponding EN standard (e.g. EN 12761). Similarly, receipt of an inspection sticker is also a confirmation of compliance with the corresponding EN standard (e.g. EN 13790). If it can be assumed in both cases that the corresponding standards are complied with, the conclusion can then be drawn that the essential health, safety and environmental requirements of the Machine Directive or the Framework Directive are also met.
- The recommendations made by the SPISE Working Group/SPISE3 Workshop with regard to inspection intervals, the extent of the equipment to be inspected, etc. should not be too ambitious since many Member States have only just started with plant protection equipment inspections. The Member States can, for example, begin with longer intervals and can then shorten these as long as the specifications „5/3 years“ are complied with.
- If plant protection equipment is built with components from external suppliers the responsibility for complying with the requirements of the Machine Directive lies with the manufacturer of the plant protection equipment and not with the component manufacturers.
- Poland sees it as a great challenge to persuade farmers who have old equipment to buy new equipment. Usually, ancient equipment is often repaired at high cost.

### **Some conclusions**

- EN standards are a prerequisite for high-quality equipment inspections which are comparable between the Member States.
- Because EN 13790 does not fulfil the prerequisites for a mandated standard, it is up to ISO/TC 144/WG 3 to advance the work so that EN 13790 can soon be published in the Official European Journal.
- The inspection of new plant protection equipment by the manufacturer himself, i.e. before delivery to the customer, is welcomed and seen as a particularly practical approach.
- To demand a first inspection of new equipment up to 5 years after its first use, as stated in article 8.2., is not seen as being very realistic or practical.
- Less extensive demands can be made on new equipment since it does not show signs of ageing or wear.
- The classification system shown for the different types of plant protection equipment with exemplary classification into the groups, for which other schedules and inspection stages according to article 8.3 can be introduced or withdrawn entirely from obligatory inspection, is seen as being very helpful.
- The Member States who are already carrying out equipment inspections at present on a voluntary or a compulsory basis have introduced very varying time intervals. These vary from 1 to 5 years. It can be assumed that the Member States will move closer together in this respect; but it will not be possible to achieve a uniform time interval. However, this is not seen as being absolutely necessary since article 8.6 states how to handle mutual recognition between the Member States.
- Both officially recognised inspection centres and the official inspection services are equally suitable for carrying out equipment inspections. However, private workshops are bound to comply with official regulations. If regulations are violated, approval is withdrawn.

### **Draft proposal supplements**

- The draft proposal specifies how the Member States can transfer article 8 to national law. This accommodates the fact that the present EN standard has to be published in the Official European Journal first and that further EN standards have to be compiled yet. The proposal therefore only considers the types of equipment for which there are no exceptions to the rules first (lines 1, 2, 3 and 8 of the classification system). Inspections for other types of equipment (lines 4, 5, 6 and 7 of the classification system) could be postponed until the corresponding EN standards are also available for this equipment or until the 2016 deadline as stated by the EU. Moreover, in the text of the proposal, wild-card characters are specified (e.g. inspection interval, official inspection services or officially recognised inspection services) which can be concretised by the Member States and adjusted to the respective situation.
- During the discussion it was suggested that the SPISE Working Group does not set its recommendations with regard to the scope of inspections, inspection rhythms, etc. too high and makes clear that the wild-card characters in the text are only to be regarded as recommendations and not as examples.
- As far as the inspection of new equipment is concerned two suggestions are made in the proposal. At the end of the discussion it became clear that the majority were for an inspection of new equipment before it is used for the first time.

### **Listing of subjects to be dealt with by the SPISE Working Group**

- The participants suggested gathering together existing and new regulations on equipment inspections, putting them on the SPISE website of the JKI and making them available for downloading.
- It is believed practical and helpful to show the authorities/institutes/persons who are responsible for the inspection of plant protection equipment on the SPISE website in order to facilitate communication between the Member States.
- It is believed extremely practical to carry out inspections of new equipment at the manufacturer's plant and before the equipment is used for the first time. It is the SPISE Working Group's duty to specify this procedure further with the manufacturers.
- The exceptions (derogations and exemptions) as stated in article 8.3 allow various interpretations. The Commission ought to be heard on this point and its interpretation sought.