

Session 2: Member States may apply different timetables and inspection intervals with exceptions following a risk assessment and exempt handheld pesticide application equipment or knapsack sprayers (according article 8/3)

Introduction paper

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Summary

Article 8/3 of the Frame Work Directive (FWD) on the sustainable use of pesticides allows the Member States to derogate from the mandatory inspection at regular intervals of certain types of pesticides application equipments (PAE) under two main conditions: they should present a low risk for the human health and environment, or a low scale of use.

The derogation can be expressed in two ways. The MS may apply different timetables and inspection intervals, or may purely exempt from inspection the PAE under derogation. The application of different timetable and inspection intervals may apply to PAE not used for spraying pesticides, to handheld PAE or knapsack sprayers and additional PAE that represent a very low scale of use. The pure exemption may apply only to handheld PAE or knapsack sprayers. The exemption has to be accompanied with information and training measures.

The article 8/3 contains also a sub-paragraph which cancels the derogation for spraying equipment mounted on trains or aircraft and boom sprayers larger than 3 m, including those that are mounted on sowing equipment. Those sprayers have to be inspected at regular intervals following 8/1 and 8/2 in any case.

The derogation is based on a risk assessment for human health and environment and an assessment of scale of use. The FWD does not give any clear instruction and/or indication on these assessments. Nevertheless the MS will have to carry out these ones if they want to introduce derogation and without having a clear protocol, an uneven situation may occur within the MS. Risk assessments should be clarified.

Analysing the three first § of the FWD, we could define three categories of PAE:

- the PAE that are exempted from inspection,
- the PAE that have to be inspected, but with some derogations,
- the PAE that have to be inspected without any derogation.

Introduction

Article 8/1 and 8/2 establish the main scope of the mandatory inspection in EU. This scope covers all types of Pesticides Application Equipment (PAE). Considering the MS particularities and the unavailability of standards or valuable protocols, the article 8/3, by introduction derogation possibilities, makes lighter the implementation of the FWD.

Article 8/3 of the Frame Work Directive (FWD) on the sustainable use of pesticides allows the Member States to derogate from the mandatory inspection at regular intervals of certain types of pesticides application equipment (PAE) under two main conditions: they should present a low risk for the human health and environment, or a low scale of use.