



Notification Number: 2010/755/E

## Draft Royal Decree on periodic inspections of equipment used for phytosanitary products

Date received : 03/12/2010

End of Standstill : 04/03/2011

Issue of comments by : Commission

### Message

Message 002

Communication from the Commission - SG(2010) D/52966

Directive 98/34/EC

Translation of the message 001

Notification: 2010/0755/E

No abre el plazo - Ne zahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201002966.EN)

#### 1. Structured Information Line

MSG 002 IND 2010 0755 E EN 03-12-2010 E NOTIF

#### 2. Member State

E

#### 3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General de Asuntos Generales y de Coordinación de Políticas del Tratado de Funcionamiento de la Unión Europea.

Secretaría de Estado para la Unión Europea.

Ministerio de Asuntos Exteriores y de Cooperación.

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### 3. Originating Department

MINISTERIO DE MEDIO AMBIENTE, Y MEDIO RURAL Y MARINO  
DIRECCIÓN GENERAL DE RECURSOS AGRÍCOLAS Y GANADEROS  
C/ Alfonso XII, 62  
28071 MADRID

### 4. Notification Number

2010/0755/E - C00A

### 5. Title

Draft Royal Decree on periodic inspections of equipment used for phytosanitary products

### 6. Products Concerned

Equipment for phytosanitary products

### 7. Notification Under Another Act

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### 8. Main Content

The aims of the Draft Royal Decree are as follows:

- a) To regulate periodic inspections of equipment used for phytosanitary products in accordance with Article 8 of Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides;
- b) To define and categorise equipment used for phytosanitary products employed in primary agricultural production and forestry, and for other professional applications distinct from these;
- c) To prepare a list of equipment used for aerial treatment and fixed equipment inside greenhouses and other enclosed premises supplementary to the mobile equipment recorded in the Official Register of Agricultural Machinery (ORAM);
- d) To establish the minimum requirements to be met by inspection stations, their owners, and the technical staff there who are responsible for inspections;
- e) To establish the methodology to be applied to the conducting of inspections and the procedure for evaluating their results.

### 9. Brief Statement of Grounds

Proper application of phytosanitary products requires equal distribution of the product in accordance with the authorised, recommended doses, so as to avoid any toxic or harmful effects on human health and the environment. A lack of regulation of the equipment in use could lead to unequal distribution and the presence of flaws, damage or breakdowns, which could cause releases or waste of the product in inadequate places.

The Plant Health Act [Ley de sanidad vegetal] is expressly intended to ensure that phytosanitary defences satisfy all the necessary conditions, and it lays down the basic provisions relating to the requirements that such defences must satisfy when properly used, bearing in mind with regard to the equipment used both the



conditions under which the pesticide is used in each case and the requirements for maintaining and developing such equipment, the official checks to be conducted in order to verify whether the said provisions have been complied with, and the necessary support instruments for conducting the relevant inspections.

These fundamental requirements have also been laid down by Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides. The present Royal Decree transposes Article 8 of the said Directive into Spanish law. The said Article establishes that it is necessary, in order to prevent such risks, to use phytosanitary product application equipment that functions properly and ensures precise distribution and dosage of the product, as well as the absence of releases when filled, empty and undergoing maintenance.

In order to minimise the risks associated with the use and condition of the equipment, it is necessary to lay down adequate legal rules for regulating periodic technical inspections of the phytosanitary product application equipment already in use.

#### **10. Reference Documents - Basic Texts**

No basic texts exist

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

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#### **16. TBT and SPS aspects**

TBT aspect:

No - The draft will have no noticeable effect on international trade.

SPS aspect:

No - The draft will have no noticeable effect on international trade.

Catherine Day



**EUROPEAN COMMISSION**  
GROWTH DIRECTORATE-GENERAL

**Single Market for goods**  
Prevention of Technical Barriers

Secretario General  
Comisión Europea

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