



Notification Number: 2007/532/F

Notice to machinery professionals regarding the application of Articles D. 256-1 to D. 256-10 of the Rural Code and the application of the Order of implementing Article D. 256-10(a) of the Rural Code

Date received : 24/09/2007

End of Standstill : 26/12/2007

Issue of comments by : Germany

Message

Message 002

Communication from the Commission - SG(2007) D/52260

Directive 98/34/EC

Translation of the message 001

Notification: 2007/0532/F

No abre el plazo - Nezahajuje 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: 200702260.EN)

1. Structured Information Line

MSG 002 IND 2007 0532 F EN 26-12-2007 24-09-2007 F NOTIF 26-12-2007

2. Member State

F

3. Department Responsible

Délégué interministériel aux normes – SQUALPI – 12, rue Villiot – 75572 PARIS Cedex 12

d9834.france@industrie.gouv.fr ou syrte@industrie.gouv.fr

tél : 01 53 44 97 04 – fax : 01 53 44 98 88

3. Originating Department



Ministère de l'agriculture et de la pêche
Direction Générale de la Forêt et des Affaires Rurales /Sous-Direction de l'Environnement et de la Ruralité /
Bureau des Sols et de l'Eau
78, rue de Varenne
75 349 PARIS 07 SP
kristell.cohu@agriculture.gouv.fr
tel : 01 49 55 59 27 – fax : 01 49 55 59 87

4. Notification Number

2007/0532/F – C40A - E50E

5. Title

Notice to machinery professionals regarding the application of Articles D. 256-1 to D. 256-10 of the Rural Code and the application of the Order of implementing Article D. 256-10(a) of the Rural Code

6. Products Concerned

Sprayers (new and second-hand)

7. Notification Under Another Act

None.

8. Main Content

Article 41 of Act 2006-1772 of 30 December 2006 on water and aquatic environments (French abbreviation LEMA) introduces an obligation for sprayers, sold new or second-hand by machinery professionals for use in French territory, to comply with provisions designed to reduce risks to the environment and public health. The principles of the 'new approach' Community doctrine were used in drafting texts implementing this article: An Order, which has been notified at the same time as the draft notice to which the present notification relates, defines the requirements applicable to boom sprayers and sprayers for trees and shrubs sold new or second-hand, whereas the references of standards underpinning the presumption of compliance with these requirements are the subject of the present draft notice in the Official Gazette of the French Republic (harmonised European standards).

France has taken advantage of this opportunity to invite the other Member States to inform it if they have references equivalent to those listed in the notice that could be added, in order to provide professionals with more comprehensive information.

Keywords: sprayers, requirements.

9. Brief Statement of Grounds

The standards referred to in the draft notice in the Official Gazette of the French Republic to which this notification relates underpin the presumption of compliance with the requirements applicable to boom sprayers and sprayers for trees and shrubs sold new or second-hand laid down in the draft Order implementing Article D. 256-10(a) of the Rural Code, which has been notified at the same time as this notice. The aim of these requirements is to reduce the risks presented by phytopharmaceutical products to the environment and public health. In particular, this will prevent contamination of the drinking water supply network, limit contamination of the soil, air and bodies of water caused by product loss during use of the equipment or by waste produced by this usage, ensure regularity of applications in order that localised overdoses may be avoided and ensure that



sprayers are kept in a good state of repair.

The rules form part of the implementation of a priority action of the 2006-2009 interministerial plan for reducing risks associated with pesticides (PIRRP) published in June 2006 by the Ministers responsible for the environment, agriculture, health and consumer affairs in response to the following observation: In 2004, France ranked third in the world market in phytosanitary products and first in Europe (75 100 tonnes of active substances sold of which 90% were for agricultural use) and fourth in Europe per hectare farmed (excluding grassed areas). Use of these products can generate direct and indirect risks for humans (both the user and the general population subject to exposure via the air, water and food) and ecosystems (biodiversity). Available evidence demonstrates that:

- there is wide-spread contamination of water by pesticides. The target of reaching good environmental and chemical status by 2015, set by the framework directive on water, has been achieved by only one third of watercourses and half of all groundwater. However, from the point of view of pesticides, the quality of the water supply is good, with 99% of samples taken meeting standards;
- certain pesticides have been detected in other areas of the environment: in soils, for example there is a strong persistence of organochlorines which have been banned for over 10 years, or the air;
- the potential effects on human health, shown through epidemiological studies, can be chronic (for example congenital deformities, cancers and lymphoma) or acute, although it is not systematically possible to prove the cause and effect relationship. For example, farmers have a lower rate of cancer than other sections of the population, but there is an increased risk of a number of particular types of cancer.

At Community level, similar observations have led the European Union (EU) to introduce a set of measures aimed at reducing the environmental and public health risks associated with the use of pesticides, and, more generally, achieving a more sustainable use of pesticides and significant overall reduction in risks and usage (cf. Commission communication of 12 July 2006 entitled: "Thematic strategy on the sustainable use of pesticides" [COM(2006) 372]. The measure introducing an obligation for equipment used to apply pesticides to meet environmental requirements before being placed on the market forms part of the measures laid down in this strategy. This particular measure has not, however, been incorporated into the Proposal for a Directive of 12 July 2006 establishing a framework for Community action to achieve a sustainable use of pesticides, currently being examined by the Council and the European Parliament. In this area, the Commission will propose a separate directive at a later date which could amend Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery and amending Directive 95/16/EC.

In order to meet the timeline laid down by the French parliament in Article 102(I) of Act 2006-1172 of 30 December 2006 on water and aquatic environments (LEMA) for the entry into force of this measure (1 January 2009) and the deadlines set by the 2000/60/EC framework directive on water for achieving good water status (in 2015), it is necessary to adopt national regulations quickly, pending the adoption of a Community-level directive harmonising environmental requirements relating to equipment for the application of pesticides.

This draft legislation has been well received by farmers, who believe that the impact on farming revenue will be minimal.

Compliance with this new law will not pose difficulties for machinery professionals.

This is because the notice in the Official Gazette of the French Republic indicates that new sprayers manufactured according to standards NF EN 12 761-1, -2 and -3 (September 2001) on sprayers and distributors of liquid fertilisers are guaranteed compliant with the requirements laid down in the draft Act. This standards is well-known by manufacturers of sprayers and has proven to be materially applicable. Furthermore, a number of specific requirements corresponding to points of these standards which will require structural modifications to sprayers if they are not already compliant, do not become obligatory until 1 January 2011, in order to allow manufacturers sufficient time to adapt their production.

For sprayers sold second-hand, only the requirements corresponding to points of this standard which do not entail any structural modifications and which present the strongest environmental benefits have been retained, in order to ensure that the measure is proportional.



10. Reference Documents - Basic Texts

Decree laying down provisions applicable to equipment, sold new or second-hand, for the application of phytosanitary products - notification number XXXX (sent at the same time as the present notification)

Order implementing Article D. 256-10(a) of the Rural Code - notification number XXXX (sent at the same time as the present notification)

11. Invocation of the Emergency Procedure

NO

12. Grounds for the Emergency

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13. Confidentiality

- a) NO
- b) -

14. Fiscal measures

- b) NO

15. Impact assessment

no impact assessment

16. TBT and SPS aspects

TBT aspect (Agreement on Technical Barriers to Trade)

- a) YES
- b) -

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)

- a) NO
- b) The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.

Catherine Day
Secretary-General
European Commission

Point de contact Directive 98/34
Fax: (32-2) 296 76 60
email: dir83-189-central@ec.europa.eu

sent to :



BELNotif (Qualité et Sécurité) SPF Economie,PME,Classes moyennes, Energ
M. Paul Caruso

BundesMinisterium für Wirtschaft und Technologie (Referat EA3)
Frau Christina Jäckel

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau MARKL Iris

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Ida CSISZAR

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1
Frau Brigitte WIKGOLM

CU N Lovseth Hanne Leen
.

Cyprus org. for the promotion of quality Ministry of Commerce, Industry & Tourism
M. Antonis Ioannou

Czech Office for Standards, Metrology and testing
Mrs Lucie Ruzickova

Department of Trade and Industry Office of Science & Innovation
Mr Philip Plumb

Délégation Interministérielle aux Normes
Mme Piau

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

ELOT
M.Mourtzanos K

EU internal market coordination (Ministry of Economics)
Mr. Dainis Matulis

Erhvervs- og Byggestyrelsen/ National Agency for Enterpr.& Construct.
Bjarne Bang Christensen

European Free Trade Association
.

Hungarian Notification Centre Ministry of economy & transport
Mr Zsolt Fazekas

Institut Belge de Normalisation



Mme F. Hombert

Instituto Português da Qualidade
Sra Cândida Pires

Kauppa-ja teollisuusministeri
Ms. Leila Orava

Kommerskollegium
Ms Kerstin Carlsson

Lithuanian Standards Board
Daiva Lesickiene

Malta standards Authority
Dr Stephanie A Fenech

Min. of Economic Affairs & Communication
Mr. Karl Stern

Min. of Industry, Energy & Technology
Mr K. Polychronidis

Ministerie van Financiën Belastingdienst - Douane Noord / CDIU
De Heer IJ.G. van der Heide

Ministerio de Asuntos Exteriores Secretaría de Estado para la Unión Europ
Esther Perez Pelaez

Ministero dello sviluppo economico F1 - Ispettorato tecnico industria
Signor Vincenzo Correggia

Ministry of Economy Dept for Economic Regulations
Mrs Barbara H. Kozłowska

Ministry of Economy and Commerce Division for Internal Market
Catalina Groza

NSAI
Mr Tony Losty

Office of standards, metrology & Testing Director of the department of European I
Mrs Kvetoslava STEINLOVA

Représentation Permanente de la Belgique auprès de l'Union européenne

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Représentation Permanente de la France

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Représentation Permanente du Luxembourg

.



SL

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Service de l'Energie de l'Etat
Mr J.-P. Hoffmann

Slovenian Institute for Standardization SIST
Mrs Vesna Stazisar

State Agency for Metrological and Technical Surveillance
Violetta Veleva

Undersecretariat of Foreign Trade General Directorate of Standardisation
Mr Mehmet COMERT

sent to :

CU N Lovseth Hanne Leen

.

Department of Trade and Industry Office of Science & Innovation
Mr Philip Plumb

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

European Free Trade Association

.

Hungarian Notification Centre Ministry of economy & transport
Mr Zsolt Fazekas

Kauppa-ja teollisuusministeri
Ms. Leila Orava

Malta standards Authority
Dr Stephanie A Fenech

Ministry of Economy and Commerce Division for Internal Market
Catalina Groza

NSAI
Mr Tony Losty

Représentation Permanente de l'Irlande
Denis Colfer



Représentation Permanente du Royaume-Uni

.

SL

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State Agency for Metrological and Technical Surveillance
Violetta Veleva

Undersecretariat of Foreign Trade General Directorate of Standardisation
Mr Mehmet COMERT