



Brussels, 29<sup>th</sup> June 2010  
**M/471 EN**

## **Mandate to CEN for standardisation in the field of machinery for pesticide application**

### **1. BACKGROUND**

#### **1.1. The legal basis of the mandate**

This mandate relates to Directive 2009/127/EC.<sup>1</sup> Directive 2009/127/CE is one of the legislative measures implementing the Commission's Thematic Strategy on the Sustainable Use of Pesticides adopted in July 2006. It introduces into Annex I of the Machinery Directive 2006/42/EC<sup>2</sup> essential requirements for the protection of the environment applicable to machinery for pesticide application placed on the market and put into service in the Community. The provisions of Directive 2009/127/EC will be applicable as from 15 December 2011.

According to Article 5(1) of Directive 2006/42/EC, machinery subject to the Directive must satisfy the relevant essential health and safety requirements set out in Annex I before being placed on the market. Article 7(2) of the Directive states that machinery manufactured in conformity with a harmonised standard, the references of which have been published in the Official Journal of the European Union, shall be presumed to comply with the essential health and safety requirements covered by the standard.

#### **1.2. The aim of the mandate**

The aim of the mandate is to invite CEN to develop harmonised standards to support the new essential health and safety requirements for the protection of the environment introduced by Directive 2009/127/EC.

### **2. DESCRIPTION OF THE MANDATED WORK**

The Commission requests CEN to develop harmonised standards providing technical specifications covering the essential requirements set out in the new section 2.4 of Annex I of Directive 2006/42/EC introduced by Directive 2009/127/EC that are applicable to machinery for pesticide application.

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<sup>1</sup> Directive 2009/127/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2006/42/EC with regard to machinery for pesticide application – OJ L310/29 of 25.11.2009.

<sup>2</sup> Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast) – OJ L 157/24 of 9.6.2006.

Where possible, these standards shall be based on existing European or International standards which shall be amended or revised in order to ensure that they satisfy the new essential requirements. For categories of machinery that are not covered by existing standards, the necessary new standards shall be developed.

The standardisation tasks covered by this mandate shall take account of the following elements:

- 2.1. Harmonised standards shall be available for all of the main categories of machinery for pesticide application to which the new essential requirements are applicable. These include self-propelled, towed, vehicle-mounted, semi-mounted and airborne machinery, as well as stationary machinery intended for pesticide application, both for professional and non-professional use. They also include powered portable and handheld machinery and manually-operated portable and handheld machinery with a pressure chamber for pesticide application. The standards shall cover machinery for the application of pesticides in liquid, solid or gaseous form.
- 2.2. The standards concerned shall be based on the best available techniques for preventing unintended exposure of the environment to pesticides. In particular, the standards shall provide criteria and technical specifications for the fitting of mechanical shielding, tunnel spraying and air-assistance systems for spraying as appropriate. They shall include specifications for preventing the contamination of the water source during filling and emptying. They shall also include precise specifications for the manufacturer's instructions to prevent drift of pesticides, taking account of all of the relevant parameters such as nozzles, pressure, boom height, wind speed, air temperature and humidity and driving speed.
- 2.3. The standards concerned shall specify the means to be used to verify compliance with the new essential requirements and, in particular, the necessary tests to verify the accurate adjustment of the application rate, the accurate deposition of pesticide on target areas and, where appropriate, the even distribution and homogeneous deposition of pesticide.
- 2.4. The standards supporting the essential requirements introduced by Directive 2009/127/EC shall be consistent with the standards supporting the provisions relating to the inspection in use of pesticide application equipment set out in Directive 2009/128/EC on the sustainable use of pesticides.<sup>3</sup>
- 2.5. The standards shall include an indication of the relationship between their clauses and the essential health and safety requirements of Annex I to Directive 2006/42/EC as amended, in accordance with the agreement on this subject between the Commission and the European Standardisation Organisations.<sup>4</sup>

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<sup>3</sup> 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 – OJ L 309/71, of 24/11/2009.

<sup>4</sup> *Indication of the relationship to essential requirements in harmonised standards (Annex Z) Implementation by the European Standards Organisations - 98/34/EC Committee Doc.2004/35, 31 August 2004.*

### **3. EXECUTION OF THE MANDATE**

- 3.1. CEN is requested to communicate to the Commission, by 31 December 2010 at the latest, a work plan for the execution of the abovementioned standardisation tasks, indicating the existing standards that will be amended or revised and the new standards that will be developed;
- 3.2. CEN is requested to communicate to the Commission, by 30 April 2013 at the latest, a list of harmonised standards supporting the essential requirements introduced by Directive 2006/127/EC. The lists shall include the titles of the standards in all of the official languages of the EU.
- 3.3. When executing the standardisation tasks covered by this mandate, CEN is requested to take due account of the views of all interested parties, including industry, farmers and environmental protection organisations, so as to ensure that the standards are adopted on the basis of a clear consensus amongst all stakeholders.
- 3.4. Where possible, the tasks should be executed within the framework of the Vienna Agreement with a view to preparing international standards that satisfy the relevant essential requirements of Directive 2006/42/EC as amended.
- 3.5. CEN is requested to make available to the Commission the texts of the standards developed on the basis of this mandate (including the European standards based on international standards) in English, French and German.
- 3.6. Acceptance by CEN of this mandate starts the “standstill” period referred to in Article 7(1) of Directive 98/34/EC<sup>5</sup>.

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<sup>5</sup> OJ L 204/37 of 21.7.1998.