

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 (Text with EEA relevance)

CHAPTER III

**PESTICIDE APPLICATION EQUIPMENT**

*Article 8*

**Inspection of equipment in use**

1 Member States shall ensure that pesticide application equipment in professional use shall be subject to inspections at regular intervals. The interval between inspections shall not exceed five years until 2020 and shall not exceed three years thereafter.

[<sup>X1</sup>2. By 26 November 2016, Member States shall ensure that pesticide application equipment has been inspected at least once. After this date only pesticide application equipment having successfully passed inspection shall be in professional use.]

New equipment shall be inspected at least once within a period of five years after purchase.

3 By way of derogation from paragraphs 1 and 2 and, following a risk assessment for human health and the environment including an assessment of the scale of the use of the equipment, Member States may:

- a apply different timetables and inspection intervals to pesticide application equipment not used for spraying pesticides, to handheld pesticide application equipment or knapsack sprayers and to additional pesticide application equipment that represent a very low scale of use, which shall be listed in the National Action Plans provided for in Article 4.

The following additional pesticide application equipment shall never be considered as constituting a very low scale of use:

- (i) spraying equipment mounted on trains or aircraft;
- (ii) boom sprayers larger than 3 m, including boom sprayers that are mounted on sowing equipment;
- b exempt from inspection handheld pesticide application equipment or knapsack sprayers. In this case the Member States shall ensure that operators have been informed of the need to change regularly the accessories, of the specific risks linked to that equipment, and that operators are trained for the proper use of that application equipment in accordance with Article 5.

4 The inspections shall verify that pesticide application equipment satisfies the relevant requirements listed in Annex II, in order to achieve a high level of protection for human health and the environment.

Pesticide application equipment complying with harmonised standards developed in accordance with Article 20(1) shall be presumed to comply with the essential health and safety and environmental requirements.

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5 Professional users shall conduct regular calibrations and technical checks of the pesticide application equipment in accordance with the appropriate training received as provided for in Article 5.

6 Member States shall designate bodies responsible for implementing the inspection systems and inform the Commission thereof.

Each Member State shall establish certificate systems designed to allow the verification of inspections and recognise the certificates granted in other Member States following the requirements referred to in paragraph 4 and where the time period since the last inspection carried out in another Member State is equal to or shorter than the time period of the inspection interval applicable in its own territory.

Member States shall endeavour to recognise the certificates issued in other Member States provided that the inspection intervals referred to in paragraph 1 are complied with.

[<sup>F17</sup> The Commission is empowered to adopt delegated acts in accordance with Article 20a amending Annex II in order to take account of scientific and technical progress.]

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#### **Editorial Information**

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 309 of 24 November 2009\)](#).

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#### **Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union \(Text with EEA relevance\)](#).