THE SCHEDULE

AMENDMENTS TO PART 1 OF SCHEDULE 2 TO THE SUPPLY OF MACHINERY (SAFETY) REGULATIONS 2008

3. After section 2.3 insert—

"2.4. MACHINERY FOR PESTICIDE APPLICATION

2.4.1. ***Definition***

"Machinery for pesticide application" means machinery that is specifically intended for the application of plant protection products within the meaning of Article 2(1) of Regulation 1107/2009/EC of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market(**1**) (excluding any such machinery placed on the market or put into service before 15th December 2011).

2.4.2. ***General***

The responsible person in relation to machinery for pesticide application must ensure that an assessment is carried out of the risks of unintended exposure of the environment to pesticides, in accordance with the process of risk assessment and risk reduction referred to in the General Principles, point 1.

Machinery for pesticide application must be designed and constructed taking into account the results of the risk assessment referred to in the first paragraph so that the machinery can be operated, adjusted and maintained without unintended exposure of the environment to pesticides.

Leakage must be prevented at all times.

2.4.3. ***Controls and monitoring***

It must be possible to easily and accurately control, monitor and immediately stop the pesticide application from the operating positions.

2.4.4. ***Filling and emptying***

The machinery must be designed and constructed to facilitate precise filling with the necessary quantity of pesticide and to ensure easy and complete emptying, while

(**1**) OJ No L 309, 24.11.2009, p.1.

preventing spillage of pesticide and avoiding the contamination of the water source during such operations.

2.4.5. ***Application of pesticides***

2.4.5.1. **Application rate**

The machinery must be fitted with means of adjusting the application rate easily, accurately and reliably.

2.4.5.2. **Distribution, deposition and drift of pesticide**

The machinery must be designed and constructed to ensure that pesticide is deposited on target areas, to minimise losses to other areas and to prevent drift of pesticide to the environment. Where appropriate, an even distribution and homogeneous deposition must be ensured.

2.4.5.3. **Tests**

In order to verify that the relevant parts of the machinery comply with the requirements set out in sections 2.4.5.1 and 2.4.5.2 the responsible person must, for each type of machinery concerned, perform appropriate tests, or have such tests performed.

2.4.5.4. **Losses during stoppage**

The machinery must be designed and constructed to prevent losses while the pesticide application function is stopped.

2.4.6. ***Maintenance***

2.4.6.1. **Cleaning**

The machinery must be designed and constructed to allow its easy and thorough cleaning without contamination of the environment.

2.4.6.2. **Servicing**

The machinery must be designed and constructed to facilitate the changing of worn parts without contamination of the environment.

2.4.7. ***Inspections***

It must be possible to easily connect the necessary measuring instruments to the machinery to check the correct functioning of the machinery.

2.4.8. ***Marking of nozzles, strainers and filters***

Nozzles, strainers and filters must be marked so that their type and size can be clearly identified.

2.4.9. ***Indication of pesticide in use***

Where appropriate, the machinery must be fitted with a specific mounting on which the operator can place the name of the pesticide in use.

2.4.10. ***Instructions***

The instructions must provide the following information:

(a) precautions to be taken during mixing, loading, application, emptying, cleaning, servicing and transport operations in order to avoid contamination of the environment;

(b) detailed conditions of use for the different operating environments envisaged, including the corresponding preparation and adjustments required to ensure the deposition of pesticide on target areas while minimising losses to other areas, to prevent drift to the environment and, where appropriate, to ensure an even distribution and homogeneous deposition of pesticide;

(c) the range of types and sizes of nozzles, strainers and filters that can be used with the machinery;

(d) the frequency of checks and the criteria and method for the replacement of parts subject to wear that affect the correct functioning of the machinery, such as nozzles, strainers and filters;

(e) specification of calibration, daily maintenance, winter preparation and other checks necessary to ensure the correct functioning of the machinery;

(f) types of pesticides that may cause incorrect functioning of the machinery;

(g) an indication that the operator should keep updated the name of the pesticide in use on the specific mounting referred to in section 2.4.9;

(h) the connexion and use of any special equipment or accessories, and the necessary precautions to be taken;

(i) an indication that the machinery may be subject to national requirements for regular inspection by designated bodies, as provided for in Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009(**2**) establishing a framework for Community action to achieve the sustainable use of pesticides;

(j) the features of the machinery which must be inspected to ensure its correct functioning;

(k) instructions for connecting the necessary measuring instruments.”.

(**2**) OJ No. L 309, 24.11.2009, p. 71.