

Mutual recognition between Germany and Belgium

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Summary

Throughout Europe and the world, official authorities as well as users are trying to rationalise the use of pesticides in agriculture. One of the privileged channels is the periodic inspection of sprayers. Different steps, compulsory or not, are established in many countries in order to test the functioning of sprayers and to improve the fleet of equipment. A problem can appear for the users living near the Belgian border and who spray crops in the neighbouring country. The countries concerned are : Germany, France, Luxembourg and the Netherlands.

The Belgian law specifies that “The compulsory inspection must be applied to all sprayers that spray on the Belgian area” and “Farmers being domiciled in other EU countries can use their sprayer in Belgium without a Belgian inspection only if this sprayer was inspected by this EU country and if they have at their disposal a valid report of inspection”.

For the countries that have a compulsory inspection, it is necessary to find an arrangement which allows mutual recognition. Since May 2003, a European standard exists to uniform, in the medium term, the technical protocol but the administrative management and constraints are and will probably stay different in each country.

In order to find a solution for the farmers living near the Belgian-German borders, a mutual recognition was established between these 2 countries.

1. Introduction

Germany has a long tradition regarding the inspection and testing of sprayers. Sprayers already in use have been inspected since the end of the seventies and a new sprayer declaration procedure started in 1986. The boom sprayer inspection has been mandatory since 1993. In Belgium the obligatory inspection of sprayers in use was implemented in 1995.

Organisations, protocols and cycle lengths differ from one country to another. In Germany, the inspection is conducted by private and certified stations, following a specific protocol based on pump flow rate, pressure and spray pattern measurements, with a cycle length of 2 years. In Belgium, the inspection is conducted by public and official stations, following a protocol based on pressure and flow rate measurements, with a cycle length of 3 years.

In 1998, Belgian inspection stations started to inspect the border region near Germany. As the Ministerial Decree (09 June 1995, published in the Belgian Official Journal of 12 August 1995) asks for a mandatory inspection for all sprayers working on Belgian territory, the German farmers who own some land in Belgium should also be inspected by the Belgian inspection station.

2. Description

2.1 History

In 1997, Belgium notified the European Commission of the mandatory sprayer inspection in compliance with Directive 83/189. Following a detailed opinion from Germany, the EC asked the Belgian authorities to precise article 5 which stipulated that all sprayers used on Belgian territory would be inspected. The sprayer inspection has been implemented for several years in Germany and some German farmers could use their inspected sprayers on Belgian territory in the border regions.

In January 1998, a bilateral meeting between Germany and Belgium was organised in Bonn (Germany) to debate the mutual recognition of the sprayer inspection.

2.2 The basis of the agreement

The aim of the mutual recognition is to avoid any double inspections of the sprayers used in both countries by farmers living in the border areas of both countries. Less than 100 sprayers are affected by this problem.

Although the protocol and the cycle length differed from one country to another, both national delegations confirmed that the qualitative objective was the same: the improvement of pesticide application. Therefore the mutual recognition method has been adopted by both delegations.

2.3 Legal translation

Both countries introduced « the recognition of the inspection done in a mandatory and official way in other European countries. » into their legal decrees

The Belgian Ministerial Decree (31 August 1998, published in the Official Journal on 10 October 1998) stipulated in article 6 : « Farmers resident in another Member State of the EU may use their sprayers in Belgium without being inspected by a Belgian authority, provided that their machine has been inspected in this Member State and they have a valid certificate. »

In the Regulation of Plant Protection Products and Plant Protection Equipment - Federal Bulletin volume 2003, part I, no. 57, issued in Bonn on 4 December 2003 – it is stated that there is not any obligation for inspection of sprayers if the inspection has already been carried out on the basis of the European standard EN 13790 and the last inspection was not more than 2 years ago.

This opens the possibility of coming to a general acceptance and mutual recognition of inspected sprayers in Europe.

3. Results and conclusions

Ahead of their time, Germany and Belgium showed a positive example for harmonising the national regulations for plant protection equipment. More than an example, this bilateral agreement should be the starting point of the constitution of a European network relating to plant protection equipment.

The Belgian-German experience focuses on the importance of the European directives and organs. The bilateral commission was set up after Belgium notified the European Commission of the mandatory sprayer inspection in compliance with Directive 83/189. The European standard EN 13790 has been introduced into the German regulation.

Although there remain some differences between the two countries, it is possible to find solutions through productive discussion and co-operation. SPISE should contribute to forwarding the process of harmonisation.

References

- Belgian Steering Committee for the compulsory inspection of the sprayer, Report of the bilateral meeting Germany-Belgium, 22 January 1998, Ministry of Small Enterprises, Traders and Agricultural, Simon Bolivar Avenue 30, Bruxelles, Belgium.
- Belgian Steering Committee for the compulsory inspection of the sprayer, Report of the 8th meeting 26 February 1998, Ministry of Small Enterprises, Traders and Agricultural, Simon Bolivar Avenue 30, Bruxelles, Belgium.
- Ministerial Decree on the compulsory inspection of spraying machines (in Dutch and French) of the 31 August 1998. Published in the Belgian Official Journal of the 10 October 1998, pp 33766-33810.
- Regulation of Plant Protection Products and Plant Protection Equipment - Federal Bulletin volume 2003, part I, no. 57, issued in Bonn on 4. December 2003.