



COMMISSION IMPLEMENTING DECISION (EU) 2024/373

of 24 January 2024

on the harmonised standards for inspection of pesticide application equipment in use drafted in support of Directive 2009/128/EC of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard 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 ⁽¹⁾, and in particular Article 20(2) thereof,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽²⁾, and in particular Article 10(6) thereof,

Whereas:

- (1) In accordance with Article 8(4) of Directive 2009/128/EC, pesticide application equipment which is in conformity with harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*, is to be presumed to be in conformity with the essential health and safety and environmental requirements set out in Annex II to that Directive covered by those standards or parts thereof.
- (2) By letter M/435 of 24 November 2008 the Commission made a request to the European Committee for Standardisation (CEN) for the drafting of harmonised standards in support of Directive 2009/128/EC.
- (3) On the basis of the request M/435 of 24 November 2008, CEN drafted harmonised standard EN ISO 16122-5:2020 (aerial spray systems).
- (4) The Commission together with CEN has assessed whether standard EN ISO 16122-5:2020 drafted by the CEN complies with the request M/435 of 24 November 2008.
- (5) The standard satisfies the requirements which it aims to cover and which are set out in Directive 2009/128/EC. It is therefore appropriate to publish the references of that standard in the *Official Journal of the European Union*.
- (6) Commission Communication 2015/C 196/02 ⁽³⁾ already published the references of four harmonised standards regarding inspection of sprayers in use: EN ISO 16122-1:2015 (general requirements), EN ISO 16122-2:2015 (horizontal boom sprayers), EN ISO 16122-3:2015 (sprayers for bush and tree crops) and EN ISO 16122-4:2015 (fixed and semi-mobile sprayers). In the interest of clarity and legal certainty, a complete list of references of harmonised standards drafted in support of Directive 2009/128/EC and satisfying the essential requirements they aim to cover should be published in one act. Those four other references should therefore also be included in this Decision. Communication 2015/C 196/02 should therefore be repealed.

⁽¹⁾ OJ L 309, 24.11.2009, p. 71, ELI: <https://eur-lex.europa.eu/eli/dir/2009/128/oj>

⁽²⁾ OJ L 316, 14.11.2012, p. 12, ELI: <https://eur-lex.europa.eu/eli/reg/2012/1025/oj>

⁽³⁾ Commission communication in the framework of the implementation of 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 C 196, 12.6.2015, p. 4).

- (7) Compliance with a harmonised standard confers a presumption of conformity with the corresponding essential requirements set out in Union harmonisation legislation from the date of publication of the reference of such standard in the *Official Journal of the European Union*. This Decision should therefore enter into force on the date of its publication,

HAS ADOPTED THIS DECISION:

Article 1

The references to harmonised standards for inspection of pesticide application equipment in use drafted in support of Directive 2009/128/EC, listed in the Annex to this Decision, are hereby published in the *Official Journal of the European Union*.

Article 2

Communication 2015/C 196/02 is repealed.

Article 3

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 24 January 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

No	Reference of the standard
1.	EN ISO 16122-1:2015 Agricultural and forestry machinery – Inspection of sprayers in use – Part 1: General (ISO 16122-1:2015)
2.	EN ISO 16122-2:2015 Agricultural and forestry machinery – Inspection of sprayers in use – Part 2: Horizontal boom sprayers (ISO 16122-2:2015)
3.	EN ISO 16122-3:2015 Agricultural and forestry machinery – Inspection of sprayers in use – Part 3: Sprayers for bush and tree crops (ISO 16122-3:2015)
4.	EN ISO 16122-4:2015 Agricultural and forestry machines – Inspection of sprayers in use – Part 4: Fixed and semi-mobile sprayers (ISO 16122-4:2015)
5.	EN ISO 16122-5:2020 Agricultural and forestry machines – Inspection of sprayers in use – Part 5: Aerial spray systems (ISO 16122-5:2020)