



## Hoofdproductschap Akkerbouw

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### **REGULATION HPA USE APPLICATION EQUIPMENT FOR PLANT PROTECTION PRODUCTS 2003**

Regulation of the Product Board of Agriculture of 20 March 2003 concerning rules on the use of application equipment for plant protection products (regulation HPA use application equipment for plant protection products 2003)

The governing board of the Product Board of agriculture; Paid attention to Article 93, 95, 104, first and third paragraph and 106 of the law on the company organisation and to Article 2, 4, 15 and 16 of the Installations regulations Product boards of Agriculture 1997; Heard the Commission Cultivation Affairs

Decides:

#### *§ 1 Definitions*

##### Article 1

This regulation understands under:

- a. Product Board: Product Board of agriculture;
- b. governing board : governing board of the Product Board;
- c. daily governing board: daily governing board of the Product Board;
- d. president : President of the Product Board;
- e. sector manager : as such by the daily governing board official appointed person who is charged especially with cultivation affairs;
- f. commission : Commission cultivation affairs;
- g. entrepreneur : the natural or legal person who practice a venture for which the Product Board have been established;
- h. plant protection products: plant protection products meant as in Article 1, first paragraph, component g of the Plant Protection Products Law;
- i. Application equipment : mechanically moved equipment for the distribution of plant protection products, intended to use for treatments of the whole target area in outside cultivations, which sprays mainly downwards;
- j. Member State : state, not being the Netherlands, which is party at the agreement concerning the European Union.

#### *§ 2 Prohibition provisions*

##### Article 2

1. It has been prohibited for the entrepreneur to use or to let use of application equipment during the application of plant protection products on a plant or on the ground.
2. The prohibition, meant in the first paragraph, does not apply for:
  - a. application equipment which have been approved by a certified agency as meant in Article 3 and of which the entrepreneur can show a valid certificate of approval;
  - b. application equipment, in use by an entrepreneur in a Member State, which has been inspected in that Member State and what is approved according to the regulations for application equipment that Member State makes according to a written approval document in case of this inspection;
  - c. application equipment which is not older then three years, to prove by means of the invoice.

### *§ 3 The testing requirements*

#### Article 3

1. On behalf of the governing board inspects, or let the in Article 2, second paragraph, component a meant certified agency, application equipment inspect on the requirements made to the application equipment, as incorporated in the appendix;
2. The testing approval is delivered by the certified agency on behalf of the Product Board to the entrepreneur;
3. The validity of the testing approval is three years after date of issuing.

### *§ 4 Remaining provisions*

#### Article 4

1. The governing board can decide, heard the commission, to grant exemption for one of more provisions from of this regulation and thereby determine closer regulations.
2. The President is competent on behalf of the governing board, to decision, heard the commission, to modify the content of the appendix, until is foreseen in modification of the appendix by regulation. Then the concerning decision is considered to be withdrawn.
3. A decision as meant in the first and second paragraph is announced in the "Verordeningenblad Bedrijfsorganisatie" and becomes effective on of the second day after announcement, unless the concerning decision stipulates differently.
4. The sector manager is, on behalf of the governing board, competent to grant dispensation of the provisions in Article 2, first paragraph on written request of the entrepreneur and can thereby determine closer regulations.

#### Article 5

The provisions at or under this regulation, where to entrepreneurs obligations are imposed, are binding to other natural and legal persons, as far as they are performing operations that are commercially committed to be performed in ventures.

#### Article 6

On summary offence of the provisions at or under this regulation legal measures are put. A money fine to impose by the competent Court cannot be higher than €450, - by summary offence, until the proposal of law, submitted on 24 February 2000, "New regulate concerning discipline jurisdiction in the publicly legal company organisation (Law Discipline Jurisdiction Company Organisation 2002)", Kamerstukken II no. 27025 (1999-2000), to law it is raised and becomes effective.

### *§ 5 Final provisions*

#### Article 7

The regulation HPA use application equipment for plant protection products 2000 is withdrawn. The under Article 3 of that regulation delivered testing approvals, which on the time of coming into force of this present regulation are valid, preserved their stipulated validity of two years after date of issuing according to that regulation.

#### Article 8

This regulation becomes effective as of 1 July 2003.

If the "Verordeningenblad Bedrijfsorganisatie" in which this regulation is placed, is spent after 30 June 2003, this regulation becomes effective the second day after publication in the "Verordeningenblad Bedrijfsorganisatie" and reacts she back to and including 1 July 2003, with the exceptions made in Article 6.

#### Article 9

This regulation is quoted as: Regulation HPA use application equipment for plant protection products 2003.

The Hague, 20 March 2003

J.H.M. KIENHUIS, President

R.J.M. AT BERGE, Secretary