



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2022/0852/B (Belgium)

Royal Decree regulating fumigations and defumigations

Date received : 12/12/2022

End of Standstill : 13/03/2023

Message

Message 002

Communication from the Commission - TRIS/(2022) 04403

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2022/0852/B

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202204403.EN)

1. MSG 002 IND 2022 0852 B EN 12-12-2022 B NOTIF

2. B

3A. SPF Economie, PME, Classes moyennes et Energie

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4. 2022/0852/B - C00C

5. Royal Decree regulating fumigations and defumigations

6. This concerns biocidal products (TP 14, 18) and plant protection products

7. -

8. The purpose of this draft Royal Decree is, in the first place, to replace the current Royal Decree of 14 January 1992 regulating fumigations (Belgian Official Gazette of 5 February 1992) by a new updated version, as the fumigation



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regulations had to be adapted to the new legislation on biocides and plant protection products, and on workplace welfare (Workplace Welfare Code).

Thus, the old Decree of 14 January 1992 still determines expressly the active substances with which fumigations can be carried out (Article 1). Many of these active substances are now banned, such as methyl bromide. For this reason, the new draft decree stipulates that fumigations may not be carried out with biocides and plant protection products which are authorised under the relevant legislation in force (Article 3 of the draft).

It is also stipulated that from now on, fumigations and defumigations may only be carried out by a fumigation director who holds a specific professional plant use licence for the active substance in question, provided that it is fumigation with a plant protection product, or who is a registered user, insofar as it is fumigation with a biocidal product.

Each fumigation or defumigation must be filled in in the database that already exists and whose link has been included in the Decree itself (Article 5 of the draft).

The general safety measures before and during fumigation remain unchanged (Article 6 to 17 of the draft). On the other hand, all provisions relating to the protection of workers have been adapted in accordance with the most recent legislation on workplace welfare (Article 18 to 31 of the draft).

The specific provisions for certain fumigations and derogations from the general provisions have undergone little to no change. On the other hand, following the ban on methyl bromide, the provisions on soil disinfection in agriculture have been adapted accordingly (Article 52 et seq. of the draft). Subsequently, some new provisions on tarpaulin fumigations (Article 55 of the draft) and defumigation (Article 57 of the draft) were adopted.

Finally, the existing Royal Decree of 14 January 1992 is repealed.

In the Annexes, the operating conditions of a fumigation zone and the provisions of the fumigation plan are specified.

9. The public interest objectives that the project intends to pursue: this draft regulates the use of fumigation agents (biocidal products and plant protection products) to protect public health and workers' safety.

10. References to basic texts: Royal Decree of 14 January 1992 regulating fumigations

11. No

12. -

13. No

14. No

15. -

16. TBT aspect

No - The draft does not have a significant impact on international trade.

SPS aspect

No - The draft is not a sanitary or phytosanitary measure.



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European Commission

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