

Regulation (EC) No 1107/2009 of the European Parliament and of the Council
of 21 October 2009 concerning the placing of plant protection products on
the market and repealing Council Directives 79/117/EEC and 91/414/EEC

CHAPTER X

ADMINISTRATIVE AND FINANCIAL PROVISIONS

^{F1}Article 72

Penalties

Textual Amendments

- F1** Art. 72 omitted (31.12.2020) by virtue of [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **12(2)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)

Article 73

Civil and criminal liability

The granting of authorisation and any other measures in conformity with this Regulation shall be without prejudice to general civil and criminal liability in [^{F2}Great Britain] of the producer and, where applicable, of the person responsible for placing the plant protection product on the market or using it.

Textual Amendments

- F2** Words in Art. 73 substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **12(3)** (with Sch. 1) (as substituted by [S.I. 2020/1376](#), regs. 1(4), **3(10)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**

^{F3}Article 74

Fees and charges

Textual Amendments

- F3** Art. 74 omitted (31.12.2020) by virtue of [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **12(4)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1107/2009 of the European Parliament and of the Council, CHAPTER X. (See end of Document for details)

Article 75

Competent authority

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3 [^{F5}A competent authority must ensure that it has] a sufficient number of suitably qualified and experienced staff so that the obligations laid down in this Regulation shall be carried out efficiently and effectively.

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Textual Amendments

- F4** Art. 75(1)(2) omitted (31.12.2020) by virtue of [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **12(5)(a)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 75(3) substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **12(5)(b)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 75(4)(5) omitted (31.12.2020) by virtue of [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **12(5)(c)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)

^{F7}Article 76

[^{F7}Expenditure by the Commission]

Textual Amendments

- F7** Deleted by [Regulation \(EU\) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations \(EC\) No 178/2002, \(EC\) No 882/2004 and \(EC\) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation \(EC\) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC.](#)

^{F8} Article 77

Guidance documents

1 A competent authority may issue, amend or withdraw technical and other guidance documents relating to the implementation of this Regulation, including (but not limited to)—

- a guidance relating to the format of the summary or complete dossiers to be used for the purposes of Article 8;
- b guidance relating to the format of the draft assessment report for the purposes of Article 11;
- c guidance relating to the format of the assessment for the purposes of Article 36;
- d guidance regarding the rules and procedure for the assessment of equivalence under Article 38;
- e guidelines on the coordination of compliance checks to be undertaken in accordance with Article 43(3);
- f guidance on the application of Article 54, including on—
 - i) the maximum quantities of plant protection products that may be released during experiments or tests;
 - ii) the minimum data to be submitted in accordance with Article 54(2);
- g guidance concerning the content of the application concerning micro-organisms, pheromones and biological products.

2 A competent authority must publish any guidance document issued or amended, or a notice specifying any guidance document withdrawn, under paragraph 1 in a manner which that competent authority considers appropriate.

3 Before issuing, amending or withdrawing a guidance document under paragraph 1 a competent authority may obtain independent scientific advice, where the competent authority considers it appropriate to do so.

4 The Secretary of State may issue, amend or withdraw a guidance document under paragraph 1 instead of a competent authority—

- a in relation to Wales, with the consent of the Welsh Ministers;
- b in relation to Scotland, with the consent of the Scottish Ministers.

5 Where the Secretary of State issues, amends or withdraws a guidance document in accordance with paragraph 4, a reference in paragraphs 2 and 3 to the competent authority is to be read as a reference to the Secretary of State.

6 In complying with any obligation under this Regulation, a person or competent authority must have regard to any guidance issued in accordance with paragraph 1.]

Textual Amendments

- F8** Arts. 77-78A substituted for Arts. 77, 78 (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **12(6)** (with [Sch. 1](#)) (as amended by [S.I. 2020/1376](#), regs. 1(4), 3(10)(b) (which amendment includes the omission of Art. 78A(3)(7))); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1107/2009 of the European Parliament and of the Council, CHAPTER X. (See end of Document for details)

[^{F8}Article 78

Amendments and implementing measures

The appropriate authority may by regulations—

- a) amend the Annexes to take account of current scientific and technical knowledge;
- b) make further provision as necessary for the implementation of this Regulation.]

Textual Amendments

F8 Arts. 77-78A substituted for Arts. 77, 78 (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **12(6)** (with Sch. 1) (as amended by [S.I. 2020/1376](#), regs. 1(4), 3(10)(b) (which amendment includes the omission of Art. 78A(3)(7))); 2020 c. 1, Sch. 5 para. 1(1)

[^{F8}Article 78A

Regulations

1 Regulations made by the Secretary of State or Welsh Ministers under this Regulation are to be made by statutory instrument.

2 For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

4 A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5 A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6 Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

- 8 Such regulations may—
- a contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
 - b make different provision for different purposes.]

Textual Amendments

F8 Arts. 77-78A substituted for Arts. 77, 78 (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **12(6)** (with Sch. 1) (as amended by [S.I. 2020/1376](#), regs. 1(4), 3(10)(b) (which amendment includes the omission of Art. 78A(3)(7))); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1107/2009 of the European Parliament and of the Council, CHAPTER X. (See end of Document for details)

^{F9}Article 79

Committee procedure

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Textual Amendments

F9 [Art. 79 omitted \(31.12.2020\) by virtue of The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\), regs. 1\(1\), 12\(7\) \(with Sch. 1\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 1107/2009 of the European Parliament and of the Council, CHAPTER X.