

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 III

PLANT PROTECTION PRODUCTS

^{F1F1}SECTION 1

Authorisation

Subsection 1

Requirements and contents

Article 28

Authorisation for placing on the market and use

1 A plant protection product shall not be placed on the market or used [^{F1}in a constituent territory] unless it has been authorised [^{F2}by the relevant competent authority] in accordance with this Regulation.

2 By way of derogation from paragraph 1, no authorisation shall be required in the following cases:

- a use of products containing exclusively one or more basic substances;
- b placing on the market and use of plant protection products for research or development purposes in accordance with Article 54;
- c production, storage or movement of a plant protection product intended for use in [^{F3}the constituent territory of another competent authority], provided that the product is authorised [^{F4}by that other competent authority for that constituent territory];
- d production, storage or movement of a plant protection product intended for use [^{F5}outside Great Britain] provided that [^{F6}there are inspection requirements in place] to ensure that the plant protection product is exported from [^{F7}the United Kingdom or, where the product is intended for use in Northern Ireland, is transported to Northern Ireland];
- e placing on the market and use of plant protection products for which a parallel trade permit [^{F8}is in force] in accordance with [^{F9}Article 52A and, for these purposes, a plant protection product subject to a grace period granted in accordance with Article 46 (as applied by Article 52A) is to be treated as though it were a product for which a parallel trade permit is in force].

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, Article 28. (See end of Document for details)

Textual Amendments

- F1** Words in Art. 28(1) inserted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(2)(a)(i)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 28(1) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(2)(a)(ii)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 28(2)(c) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(2)(b)(i)(aa)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 28(2)(c) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(2)(b)(i)(bb)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 28(2)(d) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(2)(b)(ii)(aa)** (with Sch. 1) (as amended by S.I. 2020/1376, regs. 1(4), 3(5)(a)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 28(2)(d) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(2)(b)(ii)(bb)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 28(2)(d) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(2)(b)(ii)(cc)** (with Sch. 1) (as amended by S.I. 2020/1376, regs. 1(4), 3(5)(a)(ii)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 28(2)(e) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(2)(b)(iii)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 28(2)(e) substituted (31.12.2023) by The Plant Protection Products (Miscellaneous Amendments) Regulations 2023 (S.I. 2023/1321), regs. 1(2), **4(2)** (with reg. 5)

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, Article 28.