

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**

<sup>F1F1</sup>SECTION 1

*Authorisation*

*Subsection 4*

***Renewal, withdrawal and amendment***

*Article 44*

**Withdrawal or amendment of an authorisation**

1 <sup>F1</sup>A competent authority] may review an authorisation at any time where there are indications that a requirement referred to in Article 29 is no longer satisfied.

A <sup>F2</sup>competent authority] shall review an authorisation where it concludes that the <sup>F3</sup>environmental objectives of a river basin district] may not be achieved.

2 Where a <sup>F4</sup>competent authority] intends to withdraw or amend an authorisation, it shall inform the authorisation holder and give him the possibility to submit comments or further information.

3 The <sup>F5</sup>competent authority] shall withdraw or amend the authorisation, as appropriate, where:

- a the requirements referred to in Article 29 are not or are no longer satisfied;
- b false or misleading information was supplied concerning the facts on the basis of which the authorisation was granted;
- c a condition included in the authorisation has not been met;
- d on the basis of developments in scientific and technical knowledge, the manner of use and amounts used can be modified; or
- e the authorisation holder fails to comply with the obligations resulting from this Regulation.

4 Where a <sup>F6</sup>competent authority] withdraws or amends an authorisation in accordance with paragraph 3, it shall immediately inform the holder of the authorisation <sup>F7</sup>and the other competent authorities]. The other <sup>F8</sup>competent authorities may] withdraw or amend the authorisation accordingly taking into account <sup>F9</sup>conditions in its constituent territory] and risk mitigation measures except for cases where the second <sup>F10</sup>or third] subparagraphs of Article 36(3) have been applied. Article 46 shall apply where appropriate.

*Status: Point in time view as at 31/12/2020.*

*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 44. (See end of Document for details)*

- [<sup>F115</sup> In paragraph 1, “environmental objectives”—
- a in relation to the Northumbria River Basin District, means the objectives referred to in the WFD Regulations as applied by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003;
  - b in relation to the Solway Tweed River Basin District, means the objectives as defined in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;
  - c in relation to any other river basin district, within the meaning of the WFD Regulations, has the same meaning as in those regulations;
  - d in relation to a river basin district in Scotland, means the objectives set under section 9(1)(a)(i) of the Water Environment and Water Services (Scotland) Act 2003.
- 6 In paragraph 4, the “conditions” in the constituent territory of a competent authority include—
- a any data requirements specified in regulations made under Article 8(4)(a) or (b) in relation to that constituent territory;
  - b any uniform principles prescribed by regulations made under Article 29(6)(a) in relation to that constituent territory;
  - c any guidance issued under Article 77 in relation to that constituent territory.
- 7 In this Article—
- a “river basin district” means any of the following—
    - i) the Northumbria River Basin District;
    - ii) the Solway Tweed River Basin District;
    - iii) a river basin district within the meaning of the WFD Regulations;
    - iv) in relation to Scotland, an area designated as a river basin district by order under section 4(1) of the Water Environment and Water Services (Scotland) Act 2003;
  - b “the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.]

#### Textual Amendments

- F1** Words in Art. 44(1) substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **5(23)(a)(i)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 44(1) substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **5(23)(a)(ii)(aa)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 44(1) substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **5(23)(a)(ii)(bb)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 44(2) substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **5(23)(b)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 44(3) substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **5(23)(b)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 44(4) substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **5(23)(c)(i)(aa)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)

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- F7** Words in Art. 44(4) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(23)(c)(i)(bb)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 44(4) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(23)(c)(ii)(aa)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 44(4) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(23)(c)(ii)(bb)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 44(4) substituted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(23)(c)(ii)(cc)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 44(5)-(7) inserted (31.12.2020) by The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556), regs. 1(1), **5(23)(d)** (with Sch. 1) (as amended by S.I. 2020/1376, regs. 1(4), **3(5)(g)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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