

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 V

DATA PROTECTION AND DATA SHARING

Article 61

General rules on avoidance of duplicative testing

1 In order to avoid duplicative testing, any persons intending to seek an authorisation for a plant protection product shall, before carrying out tests or studies, consult the information referred to in Article 57 to ascertain if and to whom an authorisation has already been granted for a plant protection product containing the same active substance, safener or synergist ^{F1}... . [^{F2}A competent authority] shall on request from the prospective applicant provide him with the list of test and study reports prepared in accordance with Article 60 for that product.

The prospective applicant shall submit all data regarding the identity and impurities of the active substance he proposes to use. The enquiry shall be supported by evidence that the prospective applicant intends to apply for an authorisation.

2 [^{F3}A competent authority], where satisfied that the prospective applicant intends to apply for an authorisation, or the renewal or review thereof, shall provide him with the name and address of the holder or holders of previous relevant authorisations and shall at the same time inform the holders of the authorisations of the name and address of the applicant.

3 The prospective applicant for the authorisation, or the renewal or review thereof, and the holder or holders of relevant authorisations shall take all reasonable steps to reach agreement on the sharing of any test and study reports protected under Article 59, in a fair, transparent and non-discriminatory way.

Textual Amendments

- F1** Words in Art. 61(1) omitted (31.12.2020) by virtue of [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **7(4)(a)(i)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 61(1) substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **7(4)(a)(ii)** (with Sch. 1); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 61(2) substituted (31.12.2020) by [The Plant Protection Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/556\)](#), regs. 1(1), **7(4)(b)** (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, Article 61.