

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

^{F1}SECTION 1

Authorisation

[^{F1}Subsection 3A

Mutual recognition of authorisations within Great Britain

Article 42A

Mutual recognition

- 1 This Subsection applies where a plant protection product has been authorised by a competent authority in accordance with Article 29 (the “reference competent authority”).
- 2 The following persons may apply for an authorisation for the same plant protection product, the same use and under comparable agricultural practices within the constituent territory of another competent authority—
 - a the holder of the authorisation granted by the reference competent authority;
 - b an official or scientific body involved in agricultural activities or a professional agricultural organisation—
 - i) with the consent of the authorisation holder, or
 - ii) where consent is refused, with the consent of the competent authority to which the application is made on the grounds of public interest.
- 3 An applicant under paragraph 2(b) must demonstrate that the use of such a plant protection product is of general interest within the constituent territory of the competent authority.
- 4 An application may not be made under paragraph 2 where—
 - a the plant protection product contains an active substance, safener, synergist, low-risk active substance, basic substance or candidate for substitution which is not approved in relation to the constituent territory of the other competent authority;
 - b the plant protection product contains an active substance, safener, synergist, low-risk active substance, basic substance or candidate for substitution which is approved in relation to the constituent territory of the other competent authority, but—
 - i) the conditions of that approval are incompatible with the product to which the application relates, or

Status: Point in time view as at 31/12/2020.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, Subsection 3A. (See end of Document for details)

- ii) the technical specification relating to that approval is not equivalent to the technical specification of the approval of the same substance, safener, synergist or candidate in relation to the constituent territory of the reference competent authority, where necessary as determined in accordance with Article 38;
- b) the plant protection product contains a co-formulant which is entered on the unacceptable co-formulants register in relation to the constituent territory of the other competent authority; or
- c) the relevant data requirements specified in regulations made under Article 8(4)(a) and (b), the relevant uniform principles for evaluation and authorisation of plant protection products prescribed in regulations made under Article 29(6)(a) or any guidance issued under Article 77 relating to those requirements or principles are not the same in relation to the constituent territory of each competent authority.

Article 42B

Authorisation

1 The competent authority to which an application under Article 42A(2) is submitted, having examined the application and the accompanying documents referred to in Article 42C(1), and as appropriate with regards to the circumstances in its constituent territory, must authorise the plant protection product concerned under the same conditions as the reference competent authority, except in accordance with paragraph 2 or 3.

2 The competent authority may authorise the plant protection product where it contains a candidate for substitution or a substance approved in accordance with Article 4(7).

3 Paragraphs 1 and 2 do not apply where Article 36(3) applies.

Article 42C

Procedure

1 An application under Article 42A must be accompanied by the following—

- a) a copy of the authorisation granted by the reference competent authority;
- b) a formal statement that the plant protection product is identical to that authorised by the reference competent authority;
- c) a complete or summary dossier as required in Article 33(3) when requested by the competent authority;
- d) an assessment report of the reference competent authority containing information on the evaluation and decision on the plant protection product.

2 The competent authority to which an application under Article 42A is submitted must decide on the application within 120 days.]

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