
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Plant Protection Products Regulations (Northern Ireland) 2005.

These Regulations, in respect of Northern Ireland, provide for the enforcement of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (“Regulation 1107/2009”) and of certain provisions of these Regulations.

Regulation 1107/2009 repeals Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L230, 19.8.1991, p.1.), which prohibited the placing on the market and use of plant protection products containing certain active substances. Regulation 1107/2009 lays down harmonised rules for the approval of active substances and the placing on the market of plant protection products and its main purpose is to ensure a high level of protection of both human and animal health and the environment and at the same time to safeguard the competitiveness of agriculture in the European Union.

The terms and expressions used in these Regulations are defined in regulation 2.

The Department of Agriculture and Rural Development is designated as the competent authority for the purposes of Article 75(1) of Regulation 1107/2009 in regulation 3.

Regulation 4 provides for emergency measures to be taken by the Department in circumstances where treated seeds are likely to constitute a serious risk to human or animal health or to the environment.

Regulation 5 provides that these Regulations are enforced by the Department.

Regulations 6 and 7 provide for persons to be authorised to exercise the powers set out in Schedule 1 to these Regulations and for them to provide evidence of their authorisation on request.

Regulations 8 to 19 make provision for the enforcement of Regulation 1107/2009 by identifying who is responsible for complying with the requirements and prohibitions in that Regulation and regulation 13 gives effect to Schedule 2 (Adjuvants).

Regulations 20 and 21 provide for the enforcement of these Regulations by creating a requirement to comply with notices issued under these Regulations and a requirement and prohibitions in relation to preventing an authorised person from performing his or her functions under these Regulations.

Regulation 22 creates the criminal offence for contravention of or failure to comply with regulation 8 to 21, and Articles 56(1), 56(4) and Article 62(2).

Regulation 23 makes provision in relation to offences by bodies corporate. Regulation 24 provides, in relation to certain regulations, the defence of having taken all reasonable precautions and having exercised all due diligence to avoid the commission of the offence.

Regulation 25 sets out the penalties for offences under these Regulations.

Regulation 26 describes the circumstances in which an authorised person may perform his or her function in relation to land in which there is a Crown interest.

Regulation 27 provides that the Plant Protection Products Regulations (Northern Ireland) 2005 (S.R. 2005/526) are saved for applications set out in Article 80(5) of Regulation 1107/2009 and approvals granted under those Regulations are deemed granted under Regulation 1107/2009. It also provides that plant protection approvals under the Control of Pesticide Regulations (Northern Ireland) 1987

Changes to legislation: *There are currently no known outstanding effects for the Plant Protection Products Regulations (Northern Ireland) 2011. (See end of Document for details)*

(S.R. 1987/414) and valid parallel trade approvals that are valid on the dates these Regulations come into operation are deemed to be authorised in accordance with Regulation 1107/2009.

Regulation 28 provides for the amendments and revocations set out in Schedules 3 and 4 respectively.

Changes to legislation:

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