
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019

PART 4

Consequential amendments, savings, transitional provisions and revocations

Amendment of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency

25. In Article 15 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, for paragraph 1 substitute—

“**1.** The following are regarded as being registered, and the registration as completed, for manufacture or import for the use as a plant protection product and therefore as fulfilling the requirements of Chapters 1 and 5 of this Title—

- (a) active substances manufactured or imported for use in plant protection products only and included in the approvals register in relation to at least one constituent territory;
- (b) co-formulants manufactured or imported for use in plant protection products only and not included in the unacceptable co-formulants register in relation to the whole of the UK;
- (c) any substance in relation to which the applicant has been notified in accordance with Article 9(3) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market.

1A. In paragraph 1—

- (a) in point (a)—
 - (i) “approvals register” means the register maintained in accordance with Article 27A of Regulation (EC) No 1107/2009;
 - (ii) “constituent territory” has the meaning given by Article 3A of Regulation (EC) No 1107/2009;
- (b) in point (b), “unacceptable co-formulants register” means the register maintained in accordance with Article 27B of Regulation (EC) No 1107/2009.”.

Amendment of the Plant Protection Products Regulations 2011

26.—(1) The Plant Protection Products Regulations 2011 are amended as follows.

(2) In regulation 10—

(a) for paragraph (1) substitute—

“(1) A person must not place on the market or use in a constituent territory (“the relevant constituent territory”) seeds treated with a plant protection product, other than an appropriate plant protection product, or cause or permit another person to do so.

(1A) Paragraph (1) does not apply in relation to seeds which a competent authority must not prohibit in accordance with Article 49 as read with paragraph 14 of Schedule 1 to the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019.”;

(b) in paragraph (3), for the words from “plant” to the end, substitute “an appropriate plant protection product, or seeds which a competent authority must not prohibit in accordance with Article 49 as read with paragraph 14 of Schedule 1 to the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019.”;

(c) after paragraph (3) insert—

“(4) In this regulation, “appropriate plant protection product” means—

- (a) a plant protection product authorised in relation to the relevant constituent territory for use on such seeds, or
- (b) a plant protection product authorised in relation to another constituent territory for use on such seeds, where—
 - (i) every active substance, low-risk active substance or candidate for substitution in that product is approved in relation to the relevant constituent territory, and
 - (ii) every co-formulant in that product does not appear on the unacceptable co-formulants register in relation to the relevant constituent territory.”.

Saving: the Plant Protection Products Regulations 2011

27.—(1) The amendments made to regulation 10 of the Plant Protection Products Regulations 2011 by regulation 26 do not affect—

- (a) any obligation or liability acquired, accrued or incurred before exit day;
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed before exit day; or
- (c) any investigation, legal proceeding or remedy in respect of (a) or (b) above.

(2) Any penalty, forfeiture or punishment referred to in paragraph (1)(b) may be imposed as if regulation 26 had not come into force.

(3) Any investigation, legal proceeding or remedy referred to in paragraph (1)(c) may be instituted, continued or enforced as if regulation 26 had not come into force.

Transitional provisions

28. Schedule 1 has effect.

Revocation of retained EU legislation and saving

29.—(1) The retained EU legislation in Schedule 2 is revoked.

(2) Despite paragraph (1), a grace period contained within an EU instrument listed in Schedule 2 which expires after exit day continues to have effect, and is treated as if it had been set by each competent authority in relation to its constituent territory in accordance with Article 21(6)(b) of Regulation (EC) No 1107/2009.

Revocation: EEA agreement

30. In Annex 2 to the EEA agreement, in Chapter 15—

- (a) omit points 12g and 12k;
- (b) omit the adaptations in point 13;
- (c) omit points 13a and 13aa;
- (d) omit the adaptations in point 13e;
- (e) omit points 13g to 13zzzzzzzn.