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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

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

**PART 3**

Transferred functions from [Directive 2009/128/EC](#) of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides

**Power to update references to Annexes to [Directive 2009/128/EC](#) in light of scientific and technical progress**

**23.**—(1) The appropriate authority may, by regulations, make provision for a reference to a relevant Annex to [Directive 2009/128/EC](#) of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides in any enactment to be read as a reference to that Annex as modified by the regulations.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers that it is appropriate to do so as a result of scientific and technical progress.

(3) The appropriate authority may, by regulations, amend any enactment which makes provision corresponding to that made by a relevant Annex to [Directive 2009/128/EC](#) for the purposes of ensuring that the provision made by the enactment continues to correspond to that made by the Annex as modified by regulations made under paragraph (1).

(4) The relevant Annexes to [Directive 2009/128/EC](#) are—

- (a) Annex 1 (training subjects referred to in Article 5 of [Directive 2009/128/EC](#));
- (b) Annex 2 (health and safety and environmental requirements relating to the inspection of pesticide application equipment);
- (c) Annex 3 (general principles of integrated pest management);
- (d) Annex 4 (harmonised risk indicators).

(5) In this regulation, “the appropriate authority” means—

- (a) for regulations applying in relation to England, the Secretary of State;
- (b) for regulations applying in relation to Wales, the Welsh Ministers;
- (c) for regulations applying in relation to Scotland, the Scottish Ministers;
- (d) for regulations applying in relation to Northern Ireland, the Department.

(6) But the appropriate authority is the Secretary of State if consent is given by—

- (a) for regulations applying in relation to Wales, the Welsh Ministers;
- (b) for regulations applying in relation to Scotland, the Scottish Ministers;
- (c) for regulations applying in relation to Northern Ireland, the Department.

(7) In this regulation, “the Department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.