
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 2

Amendment of retained direct EU legislation

CHAPTER 1

Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

Chapter 1

3.—(1) Chapter 1 is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, for “Community” substitute “United Kingdom”;
- (b) in paragraph 3, omit “internal”;
- (c) in paragraph 4, in the second sentence—
 - (i) for “Members States” substitute “a competent authority”;
 - (ii) after “authorised in their” insert “constituent”.

(3) In Article 2(1)(c), for “special Community” substitute “retained EU law”.

(4) In Article 3—

- (a) for the heading substitute “Definitions: general”;
- (b) in paragraph 4, in the definition of “substance of concern”, in the second subparagraph—
 - (i) for “dangerous” substitute “hazardous”;
 - (ii) for “Article 3 of Directive 1999/45/EC(1)” substitute “that Regulation”;
- (c) in paragraph 9, in the definition of “placing on the market”—
 - (i) in the first sentence, for “Community” substitute “United Kingdom”;
 - (ii) in the second sentence, for “into the territory of the Community” substitute “in the United Kingdom”;
- (d) in paragraph 10, in the definition of “authorisation of a plant protection product”—
 - (i) for “the competent authority of a Member State” substitute “a competent authority”;
 - (ii) after “product in its” insert “constituent”;

(1) OJ No L 200, 30.7.1999, p 1, repealed by Regulation (EC) No 1272/2008 of the European Parliament and of the Council (OJ No L 353, 31.12.2008, p 1).

- (e) in paragraph 16, at the end insert “, as last amended by Directive (EU) 2015/412 of the European Parliament and of the Council⁽²⁾”;
 - (f) omit paragraphs 17 and 22;
 - (g) in paragraph 25, in the definition of “professional user”, after “[Directive 2009/128/EC](#)⁽³⁾” insert “, and for these purposes, [Directive 2009/128/EC](#) is to be read as if Article 3(10)(b) were omitted”;
 - (h) in paragraph 26, in the definition of “minor use”—
 - (i) in the words before point (a), omit “in a particular Member State”;
 - (ii) in point (a), for “that Member State” substitute “the United Kingdom”;
 - (i) omit paragraph 30;
 - (j) after paragraph 31 insert—
 - 31A.** “the Department” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;
 - 31B.** ‘approvals register’ means the register maintained in accordance with Article 27A;
 - 31C.** ‘unacceptable co-formulants register’ means the register maintained in accordance with Article 27B;
 - 31D.** ‘EU-derived domestic legislation’ has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018;”.
- (5) After Article 3 insert—

“Article 3A

Definitions: competent authority, constituent territory and appropriate authority

1. In this Regulation, a reference to a competent authority or a constituent territory is to be interpreted in accordance with the provisions of this Article.
2. The Secretary of State is the competent authority for the constituent territory of England.
3. The Welsh Ministers are the competent authority for the constituent territory of Wales.
4. The Scottish Ministers are the competent authority for the constituent territory of Scotland.
5. The Department is the competent authority for the constituent territory of Northern Ireland.
6. 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.
7. 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;

(2) OJ No L 68, 13.3.2015, p 1, as corrected by a Corrigendum (OJ No L 82, 26.3.2018, p 17).

(3) OJ No L 309, 24.11.2009, p 71, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p 1).

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