

SCHEDULE 1

Transitional provisions

PART 3

Plant protection products

Assessment of equivalence under Article 38(1) of Regulation (EC) No 1107/2009 where active substance last approved before exit day

11.—(1) Sub-paragraph (2) applies where—

- (a) it is necessary to assess equivalence of an active substance in accordance with Article 38 of Regulation (EC) No 1107/2009, and
- (b) the active substance was last approved before exit day in accordance with Regulation (EC) No 1107/2009 as it had effect immediately before exit day.

(2) Where this sub-paragraph applies, the assessing competent authority for the purposes of Article 38 of Regulation (EC) No 1107/2009 is the Secretary of State, subject to sub-paragraphs (3) to (5).

(3) The Secretary of State may appoint another competent authority as the assessing competent authority for the purposes of Article 38 of Regulation (EC) No 1107/2009.

(4) The assessing competent authority must notify the applicant for the authorisation of the plant protection product to which the assessment of equivalence relates following an appointment under sub-paragraph (3).

(5) An appointment in accordance with sub-paragraph (3) does not affect anything done by the Secretary of State as assessing competent authority prior to that appointment.