
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace Article 52 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (EUR 2009/1107, “the 2009 Regulation”) and modify transitional provisions in paragraph 14(4) (b) of Part 4 of Schedule 1 to the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/556, “the 2019 Regulations”). The 2009 Regulation and the 2019 Regulations concern legislation in the field of pesticides and in particular plant protection products. Both the 2009 Regulation and Part 4 of Schedule 1 to the 2019 Regulations are secondary retained EU law within the meaning of section 11(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c.28). These Regulations also amend the Plant Protection Products Regulations 2011 (S.I. 2011/2131) in consequence of the replacement of Article 52 of the 2009 Regulation and make saving provision in respect of Article 52 of that Regulation.

Regulation 3 amends the 2019 Regulations to extend the maximum period during which treated seeds not authorised for use in Great Britain may be placed on the market and used so that it expires on 1st July 2027.

Regulation 4 revokes Article 52 of the 2009 Regulation, which made provision for the continued use of parallel trade permits for a maximum period of two years ending on 1st January 2023. The Article 52 arrangements applied to permits which had been granted in respect of plant protection products authorised in a member State of the European Union, where the product was identical in composition to a plant protection product already authorised in the United Kingdom (the reference product), and had not expired before IP completion day. Regulation 4 also makes new provision under Article 52A for the reinstatement of parallel trade permits which had ceased to be valid under the Article 52 arrangements. Only the original permit holders may apply for the reinstatement of their permits. Applications must be submitted no later than 1st April 2024 and must be accompanied by evidence demonstrating that the plant protection product concerned remains substantively the same, subject to any changes made to ensure that the product has remained identical to the reference product. The permit issued under Article 52A is to be valid for two years from the date of issue, provided the authorisation of the reference product does not expire in the meantime.

Regulation 4 also amends Article 28 of the 2009 Regulation to refer to new Article 52A of that Regulation. An equivalent consequential amendment is made by regulation 2 to regulation 11 of the Plant Protection Products Regulations 2011, which makes it an offence to place on the market or use a plant protection product in contravention of Article 52A; and regulation 20 of those Regulations is amended so as to make it an offence to provide false information in connection with an application for a parallel trade permit under Article 52A.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from www.legislation.gov.uk and from the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1P 4DF.