

[F1]SCHEDULE A1

Regulation 2(1)

Modification of the Directive

Textual Amendments

F1 Sch. A1 inserted (31.12.2020) by [The Pesticides and Fertilisers \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/306\)](#), reg. 1(4), **Sch.** (as amended by [S.I. 2020/1376](#), regs. 1(4), **5(5)**); 2020 c. 1, **Sch. 5 para. 1(1)**

1. For the purposes of these Regulations, the Directive is to be read as follows.
2. A reference in the Directive to “Member States”—
 - (a) in Article 4, is to be read as a reference to the Ministers and the Department;
 - (b) except in Article 8(6), is otherwise to be read as a reference to the appropriate United Kingdom competent authority.
3. Article 3 is to be read as if in paragraph 10(b), for the words from “Directive [98/8/EC](#)” to the end there were substituted “ Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ”.
4. Article 4 is to be read as if—
 - (a) in paragraph 1, in the fifth subparagraph, for the words from “Community” to the end substitute “ retained EU law on the use of pesticides ”;
 - (aa) after paragraph 1 there were inserted—

“**1A.** For the purposes of paragraph 1, “retained EU law on the use of pesticides” in relation to Northern Ireland includes any European Union legislation on the use of pesticides which has effect in Northern Ireland by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”;
 - (b) in paragraph 2—
 - (i) the first subparagraph were omitted;
 - (ii) in the second subparagraph, the words from “and any substantial” to the end were omitted;
 - (c) paragraphs 3 and 4 were omitted;
 - (d) in paragraph 5, the reference to Article 2 of Directive [2003/35/EC](#) were a reference to that Article read in accordance with paragraph 16.
5. Article 5 is to be read as if paragraph 3 were omitted.
6. Article 6 is to be read as if—
 - (a) in paragraph 1, in the third sentence, for the words from “as toxic” to the end there were substituted “ for acute toxicity, carcinogenicity, germ cell mutagenicity, or reproductive toxicity pursuant to Regulation [1272/2008](#) ”;
 - (b) in paragraph 3, for “Community legislation” there were substituted “ retained EU law ”.
 - (c) after paragraph 3 there were inserted—

“**3A.** For the purposes of paragraph 3, “retained EU law on waste” in relation to Northern Ireland includes any European Union legislation on waste which has effect in Northern Ireland by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”.

7. Article 7 is to be read as if paragraph 3 were omitted.
8. Article 8 is to be read as if—
 - (a) in paragraph 4, the second subparagraph were omitted;
 - (b) in paragraph 6—
 - (i) in the first subparagraph—
 - (aa) for “Member States” there were substituted “ The appropriate United Kingdom competent authority ”;
 - (bb) “and inform the Commission thereof” were omitted;
 - (ii) in the second subparagraph—
 - (aa) for “Member State” in the first place it occurs there were substituted “ appropriate United Kingdom competent authority ”;
 - (bb) for “in other” there were substituted “ by the other appropriate United Kingdom competent authorities or ”;
 - (cc) for “in another” there were substituted “ by another appropriate United Kingdom competent authority or by a ”;
 - (iii) in the third subparagraph—
 - (aa) for “Member States” in the first place it occurs there were substituted “ The appropriate United Kingdom competent authority ”;
 - (bb) for “in other” there were substituted “ by other appropriate United Kingdom competent authorities or ”;
 - (c) paragraph 7 were omitted.
9. Article 9 is to be read as if—
 - (a) in paragraph 2(b), for “Member State” there were substituted “ appropriate United Kingdom competent authority ”;
 - (b) in paragraph 3, in the first subparagraph, for “shall designate the authorities competent for establishing” there were substituted “ must establish ”;
 - (c) in paragraph 6, for “or Community law” there were substituted “law or, in relation to Northern Ireland, any European Union legislation which has effect in Northern Ireland by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”.
10. Article 11(2)(a) is to be read as if—
 - (a) for “dangerous for the aquatic environment pursuant to Directive 1999/45/EC” there were substituted “ hazardous to the aquatic environment pursuant to Regulation 1272/2008 ”;
 - (b) for “Article 16(3) of” there were substituted “ Annex 10 to ”.
11. Article 12 is to be read as if for point (b) there were substituted—

“(b) the areas described in regulation 10(2)(c) of the Plant Protection Products (Sustainable Use) Regulations 2012;”.
12. Article 13 is to be read as if—
 - (a) in paragraph 1(e), for “Community legislation” there were substituted “retained EU law”;
 - (b) after paragraph 1 there were inserted—

“1A. For the purposes of paragraph 1(e), “retained EU law on waste” in relation to Northern Ireland, includes any European Union legislation on waste which has effect in Northern Ireland by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.”.

- 13.** Article 14 is to be read as if—
- (a) paragraph 3 were omitted;
 - (b) in paragraph 4, the second subparagraph were omitted.
- 14.** Article 15 is to be read as if—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) in the first sentence, “Harmonised” were omitted;
 - (bb) in the second sentence, for “harmonised ones” there were substituted “ risk indicators in Annex IV ”;
 - (ii) the second subparagraph were omitted;
 - (b) in paragraph 2, in point (a)—
 - (i) “harmonised” were omitted;
 - (ii) for “the Community legislation concerning statistics on plant protection products” there were substituted—
 - (aa) in relation to Northern Ireland, “Annex 4 to [Directive 2009/128/EC](#)”;
 - (bb) otherwise, “Article 67(3) of Regulation ([EC](#)) No 1107/2009 of the European Parliament and of the Council”.
 - (c) for paragraph 3 there were substituted—

“3. The appropriate United Kingdom competent authority must make available the results of the evaluations carried out pursuant to paragraph 2 to the public.”;
 - (d) paragraph 4 were omitted.
- 15.** Annex 1 is to be read as if, in paragraph 7 for “relieves” there were substituted “topography”.
- 15A.—**(1) Annex 4 is to be read as follows.
- (2) Section 1 is to be read as if—
- (a) in the heading, “Harmonised” were omitted;
 - (b) in the paragraph, “harmonised” were omitted”;
 - (c) after the paragraph there were inserted—

“In this Annex, “approvals register” has the meaning given in Article 3(31B) of Regulation 1107/2009.”.
- (3) Section 2 is to be read as if—
- (a) “Harmonised” in each place it occurs (including in the headings) were omitted;
 - (b) in paragraph 1, in the first sentence, for the words from “provided to” to the end there were substituted—

“in relation to Northern Ireland, collected in accordance with Annex 4 to [Directive 2009/128/EC](#), otherwise, collected in accordance with Article 67(3) of that Regulation.”;
 - (c) for paragraph 2(b) to (e) there were substituted—
 - “(b) the active substances in Group 1 (categories A and B)—
 - (i) in relation to Northern Ireland, are those listed in Part D of the Annex to Commission Implementing Regulation (EU) No 540/2011;

- (ii) otherwise, are those listed as low-risk active substances in the approvals register;
- (c) the active substances in Group 2 (categories C and D)—
 - (i) in relation to Northern Ireland, are those listed in Parts A and B of the Annex to Commission Implementing Regulation (EU) No 540/2011;
 - (ii) otherwise, are those listed in the approvals register as active substances which are not basic substances, low-risk active substances or candidates for substitution;
- (d) the active substances in Group 3 (categories E and F)—
 - (i) in relation to Northern Ireland, are those listed in Part E of the Annex to Commission Implementing Regulation (EU) No 540/2011;
 - (ii) otherwise, are those listed as candidates for substitution in the approvals register;
- (e) the active substances in Group 4 (category G) are those not approved under Regulation (EC) No 1107/2009, and therefore not listed—
 - (i) in relation to Northern Ireland, in the Annex to Commission Implementing Regulation (EU) No 540/2011;
 - (ii) otherwise, in the approvals register;”;
- (d) in Table 1, in Row (i)—
 - (i) in the second column—
 - (aa) after “listed” there were inserted “, in relation to Northern Ireland,”;
 - (bb) at the end there were inserted “, or, otherwise, in the approvals register”;
 - (ii) for the entry in the third column there were substituted—
 - “Active substances approved or deemed to be approved under Regulation (EC) No 1107/2009 which—
 - (a) in relation to Northern Ireland—
 - (i) do not fall in other categories, and
 - (ii) are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011;
 - (b) otherwise, are not basic substances, low-risk active substances or candidates for substitution and are listed in the approvals register”;
 - (iii) in the fourth and fifth columns—
 - (aa) after “listed” there were inserted “, in relation to Northern Ireland,”;
 - (bb) at the end there were inserted “, or, otherwise, in the approvals register”;
 - (e) in paragraph 7—
 - (i) for “Member States and the Commission” there were substituted “appropriate United Kingdom competent authority”;
 - (ii) for “15(4)” there were substituted “15(3)”.

(4) Section 3 is to be read as if—

 - (a) “Harmonised” in each place it occurs (including in the headings) were omitted;
 - (b) in paragraph 1, in the first sentence, after “Regulation (EC) No 1107/2009” there were inserted “and, in relation to Northern Ireland only,”;
 - (c) for paragraph 2(b) to (e) there were substituted—

- “(b) the active substances in Group 1 (categories A and B)—
 - (i) in relation to Northern Ireland, are those listed in Part D of the Annex to Commission Implementing Regulation (EU) No 540/2011;
 - (ii) otherwise, are those listed as low-risk active substances in the approvals register;
 - (c) the active substances in Group 2 (categories C and D)—
 - (i) in relation to Northern Ireland, are those listed in Parts A and B of the Annex to Commission Implementing Regulation (EU) No 540/2011;
 - (ii) otherwise, are those listed in the approvals register as active substances which are not basic substances, low-risk active substances or candidates for substitution;
 - (d) the active substances in Group 3 (categories E and F)—
 - (i) in relation to Northern Ireland, are those listed in Part E of the Annex to Commission Implementing Regulation (EU) No 540/2011;
 - (ii) otherwise, are those listed as candidates for substitution in the approvals register;
 - (e) the active substances in Group 4 (category G) are those not approved under Regulation (EC) No 1107/2009, and therefore not listed—
 - (i) in relation to Northern Ireland, in the Annex to Commission Implementing Regulation (EU) No 540/2011;
 - (ii) otherwise, in the approvals register;”;
 - (d) in Table 2, in row (i)—
 - (i) in the second column—
 - (aa) after “listed” there were inserted “, in relation to Northern Ireland;”;
 - (bb) at the end there were inserted “, or, otherwise, in the approvals register”;
 - (ii) for the entry in the third column there were substituted—

“Active substances approved or deemed to be approved under Regulation (EC) No 1107/2009 which—

 - (a) in relation to Northern Ireland—
 - (i) do not fall in other categories, and
 - (ii) are listed in Parts A and B of the Annex to Implementing Regulation (EU) No 540/2011;
 - (b) otherwise, are not basic substances, low-risk active substances or candidates for substitution and are listed in the approvals register”;
 - (iii) in the fourth and fifth columns—
 - (aa) after “listed” there were inserted “, in relation to Northern Ireland;”;
 - (bb) at the end there were inserted “, or, otherwise, in the approvals register”;
 - (e) in paragraph 6—
 - (i) for “Member States and the Commission” there were substituted “appropriate United Kingdom competent authority”;
 - (ii) for “15(4)” there were substituted “15(3)”.
16. For the purposes of paragraph 4(d), Article 2 of Directive 2003/35/EC is to be read as if—
- (a) a reference to Member States were a reference to the Ministers and the Department;

Changes to legislation: There are currently no known outstanding effects for the The Plant Protection Products (Sustainable Use) Regulations 2012, SCHEDULE A1. (See end of Document for details)

(b) paragraph 5 were omitted.]

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