
STATUTORY INSTRUMENTS

2019 No. 1410

The Pesticides (Amendment) (EU Exit) Regulations 2019

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Pesticides (Amendment) (EU Exit) Regulations 2019.

(2) This Part and Part 3 comes into force immediately before exit day.

(3) Part 2 comes into force on exit day.

PART 2

Amendment and revocation of retained direct EU legislation

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

2.—(1) Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market is amended as follows.

(2) In Article 12(3)(c) (as renumbered by regulation 4(14)(d) of the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019(1)), for “Regulation (EC) No 882/2004” substitute “Regulation (EU) 2017/625”.

Commission Implementing Regulation (EU) No 844/2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

3.—(1) Commission Implementing Regulation (EU) No 844/2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market is amended as follows.

(2) In Article 13(4), for “Regulation (EC) No 882/2004 of the European Parliament and of the Council” substitute “Regulation (EU) 2017/625 of the European Parliament and of the Council”.

(3) Omit Article 13a.

(1) [S.I. 2019/556](#), to which there are amendments not relevant to these Regulations.

Revocations and savings: retained direct EU legislation

4.—(1) The retained direct EU legislation listed in the Schedule is revoked.

(2) A grace period contained within a Regulation listed in the Schedule which expires after exit day continues to have effect, and is to be treated as if it has been set by each competent authority in relation to its constituent territory in accordance with Article 21(6)(b) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market(2).

(3) In paragraph (2), “competent authority” and “constituent territory” are to be interpreted in accordance with Article 3A of Regulation (EC) No 1107/2009(3).

(4) Sub-paragraph (5) applies where, immediately before exit day, a Regulation listed in the Schedule includes provision which continues to apply Regulation (EC) No 396/2005 as it had effect before that Regulation applied in respect of the pesticide residue of an active substance in or on one or more products lawfully produced before a specified date (a “transitional measure”).

(5) In respect of the pesticide residue and the product or products to which the transitional measure applies, paragraphs 3 to 6 of Part 2 of Schedule 1 to the Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019(4) apply as if a reference in those paragraphs to Regulation (EC) No 396/2005 as it had effect immediately before exit day were a reference to Regulation (EC) No 396/2005 as it had effect before the specified date.

(6) For the purposes of sub-paragraphs (4) and (5), a date is “specified” if it is specified in the transitional measure.

Revocation: EEA Agreement

5. In Annex 2 to the EEA Agreement—

- (a) in Chapter 12 (foodstuffs), omit the adaptations in point 150 (Commission Implementing Regulation (EU) 2018/555);
- (b) in Chapter 15 (dangerous substances), omit points 13zzzzzzzo (Commission Implementing Regulation (EU) 2018/296) to 13zzzzzzzn (Commission Implementing Regulation (EU) 2018/1865).

PART 3**Amendment of secondary legislation****Amendment of the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019**

6.—(1) The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 are amended as follows.

(2) In regulation 5—

- (a) for paragraph (7) substitute—
 - “(7) After paragraph 4 insert—

(2) Article 21 is substituted by S.I. 2019/556.

(3) Article 3A is inserted by S.I. 2019/556.

(4) S.I. 2019/557, to which there are amendments not relevant to these Regulations.

- “5. For the purposes of paragraph 4(c), [Directive 2009/128/EC](#)(5) is to be read as if—
- (a) Article 3(10)(b) were omitted;
 - (b) in Article 14—
 - (i) obligations on Member States were obligations on the competent authorities;
 - (ii) paragraph 3 were omitted.”.”;
 - (b) in paragraph (30)(d), in the text of new paragraph 6, for point (b) substitute—
 - “(b) the date two years after the day after the day on which exit day falls.”;
 - (c) in paragraph (31)(a)(ii)(bb), omit “other”.
- (3) In regulation 11(2), in the substituted text of Article 69(10), after “paragraphs 3” insert “, 4”.
- (4) In regulation 14(3)—
- (a) in sub-paragraph (l), for paragraph (i) substitute—
 - “(i) in the first paragraph—
 - (aa) for “Community” substitute “nationally”;
 - (bb) for “Authority” substitute “competent authority”;
 - (ia) omit the third and fourth paragraphs;”;
 - (b) in sub-paragraph (n), for paragraph (i) substitute—
 - “(i) in the first paragraph, for “Community” substitute “nationally;””.
- (5) In regulation 19(7)(c), in the substituted text of point 2.4, in the final indent, for “bags” substitute “bins”.
- (6) For regulation 20(2)(a) substitute—
- “(a) in paragraph 1—
 - (i) for the first subparagraph substitute—
 - “An application for the renewal of an approval of an active substance must be submitted by a producer of the active substance to a competent authority for a constituent territory in relation to which the active substance is approved (in this Regulation, the “assessing competent authority”) no later than three years before the expiry of the approval.”;
 - (ii) omit the fourth to sixth subparagraphs;”.
- (7) Schedule 1 is amended in accordance with paragraph (8) to (9).
- (8) In Part 2—
- (a) in paragraph 2—
 - (i) for sub-paragraph (2) substitute—
 - “(2) Sub-paragraph (1) does not apply to an entry in a table in the Annex for an approval which expired before exit day.”;
 - (ii) in sub-paragraph (4), for “31st March 2022 or earlier” substitute “on or before the date three years after the day after the day on which exit day falls”;
 - (b) in paragraph 3—

- (i) in sub-paragraph (3)(n), in the substituted text of the sixth paragraph, for “febuconazole” substitute “fenbuconazole”;
 - (ii) in sub-paragraph (4)—
 - (aa) in paragraph (z)(ii)(bb), for “Silithiofam” substitute “Silthiofam”;
 - (bb) after paragraph (ee) insert—
 - “(ff) in entry 132 (Mefentrifluconazole), the seventh column is to be read as if—
 - (i) in the fourth paragraph, in the words before point 1, for “the Commission, the Member States and the Authority” there were substituted “each competent authority”;
 - (ii) in the fifth paragraph, “, by the Commission,” were omitted;
 - (gg) in entry 133 (flutianil), the seventh column is to be read as if—
 - (i) in the fourth paragraph, in the words before point 1, for “the Commission, the Member States and the Authority” there were substituted “each competent authority”;
 - (ii) in the fifth paragraph, “, from the Commission,” were omitted;
 - (hh) in entry 134 (Isoxaflutole), in the seventh column, the fourth paragraph is to be read as if—
 - (i) in the first sentence, for “the Commission, the Member States and the Authority” there were substituted “each competent authority”;
 - (ii) in the second sentence, “, by the Commission,” were omitted;
 - (ii) in entry 135 (carvone), the seventh column is to be read as if—
 - (i) in the fourth paragraph, for “the Commission, the Member States and the Authority” there were substituted “each competent authority”;
 - (ii) in the fifth paragraph, “, by the Commission,” were omitted.”;
 - (iii) in sub-paragraph (5)—
 - (aa) for paragraph (c)(ii) substitute—
 - “(ii) for the sixth paragraph there were substituted—
 - “The applicant must submit to each competent authority the information set out in point (3) within two years after the issuing of a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater.”;
 - (bb) after paragraph (c) insert—
 - “(d) in entry 11 (Methoxyfenozide), the seventh column is to be read as if, in the fifth paragraph, in the words before point 1, for “the Commission, the Member States and the Authority” there were substituted “each competent authority”.”.
- (9) In Part 3, in paragraph 10(2)—
- (a) after “level” insert “as referred to”;
 - (b) after “including” insert “an obligation to provide”.

- (10) In Part 4, for paragraph 14(4)(b) substitute—
“(b) the date three years after the day after the day on which exit day falls.”.
- (11) In Schedule 2—
(a) in Part 1, in paragraph 151, for “1,4-dimethylnaphthalene” substitute “1,4-dimethylnaphthalene”;
(b) in Part 2, in paragraph 391, for “in view of” substitute “with a view to”.

Amendment of the Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019

7.—(1) The Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019 are amended as follows.

- (2) For regulation 3(4)(c)(ii)(bb) substitute—
“(bb) at the end, insert—
“, and for these purposes [Directive 2009/128/EC](#) is to be read as if—
(i) Article 3(10)(b) were omitted;
(ii) in Article 14—
— obligations on Member States were obligations on the competent authorities;
— paragraph 3 were omitted.”;”.
- (3) In Schedule 1—
(a) in Part 2—
(i) in paragraph 3(6)(b)(i), for “1st January 2020” substitute “the date eight months after the day on which exit day falls”;
(ii) omit paragraph 4(2)(e) and (3)(a)(v);
(iii) in paragraph 6(3)(b)(i), for “1st January 2020” substitute “the date eight months after the day on which exit day falls”;
(b) in Part 4, in paragraph 11(2), for “1st April 2019” substitute “the day after the day on which exit day falls”.

28th October 2019

George Eustice
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Affairs