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## STATUTORY INSTRUMENTS

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### 2019 No. 556

## 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 10

12.—(1) Chapter 10 is amended as follows.

(2) Omit Article 72.

[<sup>F1</sup>(3) In Article 73, for “the Member States” substitute “Great Britain”.]

(4) Omit Article 74.

(5) In Article 75—

(a) omit paragraphs 1 and 2;

(b) in paragraph 3, for “Member States shall ensure that competent authorities have” substitute “A competent authority must ensure that it has”;

(c) omit paragraphs 4 and 5.

(6) For Articles 77 and 78 substitute—

#### *“Article 77*

#### *Guidance documents*

1. A competent authority may issue, amend or withdraw technical and other guidance documents relating to the implementation of this Regulation, including (but not limited to)—

(a) guidance relating to the format of the summary or complete dossiers to be used for the purposes of Article 8;

(b) guidance relating to the format of the draft assessment report for the purposes of Article 11;

(c) guidance relating to the format of the assessment for the purposes of Article 36;

(d) guidance regarding the rules and procedure for the assessment of equivalence under Article 38;

- (e) guidelines on the coordination of compliance checks to be undertaken in accordance with Article 43(3);
- (f) guidance on the application of Article 54, including on—
  - (i) the maximum quantities of plant protection products that may be released during experiments or tests;
  - (ii) the minimum data to be submitted in accordance with Article 54(2);
- (g) guidance concerning the content of the application concerning micro-organisms, pheromones and biological products.

2. A competent authority must publish any guidance document issued or amended, or a notice specifying any guidance document withdrawn, under paragraph 1 in a manner which that competent authority considers appropriate.

3. Before issuing, amending or withdrawing a guidance document under paragraph 1 a competent authority may obtain independent scientific advice, where the competent authority considers it appropriate to do so.

4. The Secretary of State may issue, amend or withdraw a guidance document under paragraph 1 instead of a competent authority—

- (a) in relation to Wales, with the consent of the Welsh Ministers;
- (b) in relation to Scotland, with the consent of the Scottish Ministers;
- <sup>F2</sup>(c) .....

5. Where the Secretary of State issues, amends or withdraws a guidance document in accordance with paragraph 4, a reference in paragraphs 2 and 3 to the competent authority is to be read as a reference to the Secretary of State.

6. In complying with any obligation under this Regulation, a person or competent authority must have regard to any guidance issued in accordance with paragraph 1.

*Article 78*

*Amendments and implementing measures*

The appropriate authority may by regulations—

- (a) amend the Annexes to take account of current scientific and technical knowledge;
- (b) make further provision as necessary for the implementation of this Regulation.

*Article 78A*

*Regulations*

1. Regulations made by the Secretary of State or Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 <sup>M1</sup>.

<sup>F23</sup>. . . . .

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

<sup>F27</sup>. . . . .

8. Such regulations may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.”.

(7) Omit Article 79.

**Textual Amendments**

**F1** Reg. 12(3) substituted (31.12.2020 immediately before IP completion day) by [The Pesticides \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1376\)](#), regs. 1(4), **3(10)(a)**

**F2** Words in reg. 12(6) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Pesticides \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1376\)](#), regs. 1(4), **3(10)(b)**

**Commencement Information**

**I1** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Marginal Citations**

**M1** [2010 asp 10](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019, Section 12.