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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 1**

3.—(1) Chapter 1 is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, for “ [F1the Community] ” substitute “ [F2Great Britain] ”;
- (b) in paragraph 3, omit “internal”;
- (c) in paragraph 4, in the second sentence—
  - (i) for “Member States” substitute “ a competent authority ”;
  - (ii) after “authorised in their” insert “ constituent ”.

(3) In Article 2(1)(c), for “special Community” substitute “ retained EU law ”.

(4) In Article 3—

- (a) for the heading substitute “ **Definitions: general** ”;
- (b) in paragraph 4, in the definition of “substance of concern”, in the second subparagraph—
  - (i) for “dangerous” substitute “ hazardous ”;
  - (ii) for “Article 3 of Directive 1999/45/EC<sup>M1</sup>” substitute “ that Regulation ”;
- (c) in paragraph 9, in the definition of “placing on the market”—
  - (i) in the first sentence, for “ [F3the Community] ” substitute “ [F4Great Britain] ”;
  - (ii) in the second sentence, for “into the territory of the Community” substitute “ in [F5Great Britain] ”;
- (d) in paragraph 10, in the definition of “authorisation of a plant protection product”—
  - (i) for “the competent authority of a Member State” substitute “ a competent authority ”;
  - (ii) after “product in its” insert “ constituent ”;
- (e) in paragraph 16, at the end insert “ , as last amended by Directive (EU) 2015/412 of the European Parliament and of the Council <sup>M2</sup> ”;
- (f) omit paragraphs 17 and 22;

- (g) in paragraph 25, in the definition of “professional user”, after “Directive 2009/128/EC<sup>M3</sup>” insert “, and for these purposes, Directive 2009/128/EC is to be read as if Article 3(10) (b) were omitted”;
- (h) in paragraph 26, in the definition of “minor use”—
  - (i) in the words before point (a), omit “in a particular Member State”;
  - (ii) in point (a), for “that Member State” substitute “ [<sup>F6</sup>Great Britain] ”;
- (i) omit paragraph 30;
- (j) after paragraph 31 insert—

<sup>F7c</sup>**31A.** .....

**31B.** ‘approvals register’ means the register maintained in accordance with Article 27A;

**31C.** ‘unacceptable co-formulants register’ means the register maintained in accordance with Article 27B;

**31D.** ‘EU-derived domestic legislation’ has the meaning given by section 2(2) of the European Union (Withdrawal) Act 2018;”.

(5) After Article 3 insert—

*“Article 3A*

*Definitions: competent authority, constituent territory and appropriate authority*

1. In this Regulation, a reference to a competent authority or a constituent territory is to be interpreted in accordance with the provisions of this Article.
2. The Secretary of State is the competent authority for the constituent territory of England.
3. The Welsh Ministers are the competent authority for the constituent territory of Wales.
4. The Scottish Ministers are the competent authority for the constituent territory of Scotland.

<sup>F8</sup>**5.** .....

6. In this Regulation, “the appropriate authority” means—
  - (a) for regulations applying in relation to England, the Secretary of State;
  - (b) for regulations applying in relation to Wales, the Welsh Ministers;
  - (c) for regulations applying in relation to Scotland, the Scottish Ministers;

<sup>F8</sup>(d) .....

7. But the appropriate authority is the Secretary of State if consent is given by—

- (a) for regulations applying in relation to Wales, the Welsh Ministers;
- (b) for regulations applying in relation to Scotland, the Scottish Ministers;

<sup>F8</sup>(c) .....”.

#### Textual Amendments

- F1** Words in reg. 3(2)(a) 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(3)(a)(i)**
- F2** Words in reg. 3(2)(a) 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(3)(a)(ii)**
- F3** Words in reg. 3(4)(c)(i) 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(3)(a)(i)**
- F4** Words in reg. 3(4)(c)(i) 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(3)(a)(ii)**
- F5** Words in reg. 3(4)(c)(ii) 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(3)(b)(i)**
- F6** Words in reg. 3(4)(h)(ii) 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(3)(b)(i)**
- F7** Words in reg. 3(4)(j) 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(3)(b)(ii)**
- F8** Words in reg. 3(5) 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(3)(c)**

#### Commencement Information

- I1** Reg. 3 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** OJ No L 200, 30.7.1999, p 1, repealed by Regulation (EC) No 1272/2008 of the European Parliament and of the Council (OJ No L 353, 31.12.2008, p 1).
- M2** OJ No L 68, 13.3.2015, p 1, as corrected by a Corrigendum (OJ No L 82, 26.3.2018, p 17).
- M3** OJ No L 309, 24.11.2009, p 71, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p 1).

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019, Section 3.