
STATUTORY INSTRUMENTS

2020 No. 1376

The Pesticides (Amendment) (EU Exit) Regulations 2020

PART 3

Amendment of secondary legislation

CHAPTER 1

Amendment of secondary legislation related to EU exit

The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019

5.—(1) The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019(1) are amended as follows.

(2) In regulation 12(5)(a)(i) and (ii) and (6), for “exit day” substitute “IP completion day”.

(3) In regulation 13(1)(a) and (b), for “exit day” substitute “IP completion day”.

(4) Omit regulation 14(5).

(5) In the Schedule, in inserted Schedule A1—

(a) after paragraph 4(a) insert—

“(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) after paragraph 6(b) insert—

“(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.”;”;

(c) for paragraph 9(c) substitute—

“(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.”;”;

(d) for paragraph 12 substitute—

“**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.”;
- (e) for paragraph 14(b)(ii) substitute—
 - “(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”;
- (f) after paragraph 15 insert—
 - “**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(2).”.
 - (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)”.’.