

SCHEDULE 2

Regulation 14(4)

Adjuvants

1. An adjuvant is authorised for use with an authorised plant protection product in England and Wales if it is included in a list of adjuvants published by the Secretary of State from time to time (in this paragraph referred to as “the English and Welsh list”) or, if not included in the English and Welsh list, if it is used with an authorised plant protection product for the sole purpose of research and development. A person may apply to the Secretary of State for an adjuvant to be included on the English and Welsh list.

2. An adjuvant is authorised for use with an authorised plant protection product in Scotland if it is included in a list of adjuvants published by the Scottish Ministers from time to time (in this paragraph referred to as “the Scottish list”) or, if not included in the Scottish list, if it is used with an authorised plant protection product for the sole purpose of research and development. A person may apply to the Scottish Ministers for an adjuvant to be included on the Scottish list.

3. The Secretary of State and the Scottish Ministers may, in relation to their respective lists, in relation to any adjuvant for which an application has been made for inclusion on their lists or which is included in their lists, at any time—

- (a) determine data requirements (concerning human safety or environmental protection) to which the inclusion, or the continued inclusion, of that adjuvant in their lists shall be subject;
- (b) determine requirements to which the use of that adjuvant with authorised plant protection products shall be subject; and
- (c) for reasons of human safety or environmental protection, or with the consent of the applicant, amend any requirement which has been determined under sub-paragraph (a) or (b).

4. The Secretary of State and the Scottish Ministers shall, in relation to any adjuvant included in their respective lists, also state any requirements which they have determined under paragraph 3(b) and any amendments to such requirements that have been made under paragraph 3(c).

5. The Secretary of State and the Scottish Ministers may, in relation to any adjuvant included in their respective lists, remove that adjuvant from their lists—

- (a) if it appears to the Secretary of State or the Scottish Ministers that the applicant has failed to comply with any data requirement which has been determined in relation to that adjuvant under paragraph (3)(a) or amended under paragraph 3(c);
- (b) if it appears to the Secretary of State or the Scottish Ministers that any literature relating to the adjuvant is not in accordance with any requirement to which the use of that adjuvant is subject, as determined under paragraph (3)(b) or amended under paragraph 3(c);
- (c) if it appears to the Secretary of State or the Scottish Ministers that—
 - (i) any literature relating to the adjuvant refers to a plant protection product; and
 - (ii) the use of that adjuvant with that plant protection product is not in accordance with the conditions of the authorisation given in relation to that plant protection product;
- (d) for reasons of human safety or environmental protection; or
- (e) at the request of the applicant.

6. The Secretary of State and the Scottish Ministers shall, upon a decision to remove an adjuvant from their respective lists, include in their lists—

- (a) that decision; and

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- (b) the date on which, and any conditions in accordance with which, the removal is to take effect.

7.—(1) In paragraph 5(c)(i), “literature relating to the adjuvant” means—

- (a) the labelling of the packaging in which the adjuvant is contained;
- (b) any leaflet accompanying that package; or
- (c) any other material in writing produced by, or on behalf of, the applicant describing the adjuvant or how to use it.

(2) In paragraph 5(c)(ii), “authorisation” means any authorisation or permission granted, or deemed to be granted, in accordance with Regulation 1107/2009 and in paragraphs 1, 2 and 3(b) “authorised” shall be construed accordingly.