

SCHEDULE 1

Transitional provisions

PART 3

Plant protection products

Ongoing plant protection product authorisation applications where a member State is examining the application under Article 35 of Regulation (EC) No 1107/2009

9.—(1) This paragraph applies in relation to an application for authorisation to place a plant protection product on the market in the United Kingdom or the amendment of such an authorisation where—

- (a) before [F1IP completion day] —
 - (i) that application was made in accordance with Article 33 of Regulation (EC) No 1107/2009 as it had effect immediately before [F1IP completion day] ,
 - (ii) a member State or EEA state had agreed to examine that application in accordance with the first paragraph of Article 35 of Regulation (EC) No 1107/2009 as it had effect immediately before [F1IP completion day] , and
- (b) immediately before [F1IP completion day] a decision to grant or refuse the application had not been made by a competent authority in accordance with Article 36(2) of Regulation (EC) No 1107/2009 as it had effect immediately before [F1IP completion day] .

(2) An application in relation to which this paragraph applies is taken to have been made in accordance with Article 33 of Regulation (EC) No 1107/2009—

- (a) where the member State or EEA state described in sub-paragraph (1)(a)(ii) had made its assessment available to the United Kingdom before [F1IP completion day] in accordance with the third subparagraph of Article 36(1) of Regulation (EC) No 1107/2009 as it had effect immediately before [F1IP completion day] , on the date on which the application was made,
- (b) otherwise, on [F1IP completion day] .

(3) Where sub-paragraph (2)(a) applies to an application, anything done by the member State or EEA state in respect of the examination of the application before [F1IP completion day] is taken to have been done by a competent authority.

(4) In this paragraph, a reference to an Article of Regulation (EC) No 1107/2009 as it had effect immediately before [F1IP completion day] in respect of an EEA state means that Article as adapted by the EEA agreement as it had effect immediately before [F1IP completion day] .

Textual Amendments

- F1** Words in Sch. 1 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(21)(a)**

Commencement Information

- I1** Sch. 1 para. 9 in force at 31.12.20 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Requirement to provide existing maximum [^{F2}residue] level applications in support of new plant protection product authorisation applications

10.—(1) Sub-paragraph (2) applies where—

- (a) on or after [^{F1}IP completion day] an application is made for authorisation of a plant protection product or amendment of such an authorisation in accordance with Article 33 of Regulation (EC) No 1107/2009, and
- (b) before [^{F1}IP completion day] a relevant application for a maximum residue level was made in accordance with Article 7 of Regulation (EC) No 396/2005 as it had effect immediately before [^{F1}IP completion day] .

(2) Where this sub-paragraph applies, the obligation in Article 33(3)(e) of Regulation (EC) No 1107/2009 to provide a copy of a relevant application for a maximum residue level [^{F3}as referred to] in Article 7 of Regulation (EC) No 396/2005 is to be read as including [^{F4}an obligation to provide] a copy of the application described in sub-paragraph (1)(b).

Textual Amendments

- F1** Words in Sch. 1 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(21)(a)**
- F2** Word in Sch. 1 para. 10 heading 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(21)(c)**
- F3** Words in Sch. 1 para. 10(2) inserted (31.12.2020 immediately before IP completion day) by [The Pesticides \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1410\)](#), regs. 1(2), **6(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. 1 para. 10(2) inserted (31.12.2020 immediately before IP completion day) by [The Pesticides \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1410\)](#), regs. 1(2), **6(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** Sch. 1 para. 10 in force at 31.12.20 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(1\)](#)

Assessment of equivalence under Article 38(1) of Regulation (EC) No 1107/2009 where active substance last approved before [^{F1}IP completion day]

11.—(1) Sub-paragraph (2) applies where—

- (a) it is necessary to assess equivalence of an active substance in accordance with Article 38 of Regulation (EC) No 1107/2009, and
- (b) the active substance was last approved before [^{F1}IP completion day] in accordance with Regulation (EC) No 1107/2009 as it had effect immediately before [^{F1}IP completion day] .

(2) Where this sub-paragraph applies, the assessing competent authority for the purposes of Article 38 of Regulation (EC) No 1107/2009 is the Secretary of State, subject to sub-paragraphs (3) to (5).

(3) The Secretary of State may appoint another competent authority as the assessing competent authority for the purposes of Article 38 of Regulation (EC) No 1107/2009.

(4) The assessing competent authority must notify the applicant for the authorisation of the plant protection product to which the assessment of equivalence relates following an appointment under sub-paragraph (3).

(5) An appointment in accordance with sub-paragraph (3) does not affect anything done by the Secretary of State as assessing competent authority prior to that appointment.

Textual Amendments

F1 Words in Sch. 1 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(21)(a)**

Commencement Information

I3 Sch. 1 para. 11 in force at 31.12.20 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Compliance checks or assessment of information under Article 43(3) of Regulation (EC) No 1107/2009 where product examined before [F1IP completion day]

12.—(1) Sub-paragraph (2) applies where—

- (a) it is necessary to complete compliance checks of a plant protection product or assess information relating to the renewal of that product in accordance with Article 43(3) of Regulation (EC) No 1107/2009, and
- (b) before [F1IP completion day] a member State or EEA state examined the application for that plant protection product in accordance with the first paragraph of Article 35 of Regulation (EC) No 1107/2009 as it had effect immediately before [F1IP completion day] .

(2) Where this sub-paragraph applies, the competent authority which examined the application for the purposes of Article 43(3) of Regulation (EC) No 1107/2009 is taken to be the Secretary of State.

(3) In sub-paragraph (1)(b), the reference to Article 35 of Regulation (EC) No 1107/2009 as it had effect immediately before [F1IP completion day] in relation to an EEA state means that Article as adapted by the EEA agreement as it had effect immediately before [F1IP completion day] .

Textual Amendments

F1 Words in Sch. 1 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(21)(a)**

Commencement Information

I4 Sch. 1 para. 12 in force at 31.12.20 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

Ongoing evaluations under Article 56(3) of Regulation (EC) No 1107/2009

13.—(1) Sub-paragraph (2) applies where—

- (a) before [F1IP completion day] the holder of an authorisation of a plant protection product had notified a competent authority in accordance with Article 56(1) of Regulation (EC) No 1107/2009 as it had effect immediately before [F1IP completion day] ,
- (b) in accordance with the first subparagraph of Article 56(3) of Regulation (EC) No 1107/2009 as it had effect immediately before [F1IP completion day] , a member State or EEA state was obliged to evaluate the information received, and

Changes to legislation: There are currently no known outstanding effects for the The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019, PART 3. (See end of Document for details)

(c) immediately before [^{F1}IP completion day] that member State or EEA state had not informed the competent authority in accordance with the first or second subparagraph of Article 56(3) of Regulation (EC) No 1107/2009 as it had effect immediately before [^{F1}IP completion day] .

(2) Where this sub-paragraph applies, the first subparagraph of Article 56(3) of Regulation (EC) No 1107/2009 applies in respect of that notification as if the reference to the competent authority which first granted the authorisation were a reference to the competent authority referred to in subparagraph (1)(a) of this paragraph.

(3) In sub-paragraph (1)(b) and (c), the reference to Article 56(3) of Regulation (EC) No 1107/2009 as it had effect immediately before [^{F1}IP completion day] in relation to an EEA state means that Article as adapted by the EEA agreement as it had effect immediately before [^{F1}IP completion day] .

Textual Amendments

F1 Words in Sch. 1 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(21)(a)**

Commencement Information

I5 Sch. 1 para. 13 in force at 31.12.20 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

Changes to legislation:

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