STATUTORY INSTRUMENTS

2020 No. 1376

EXITING THE EUROPEAN UNION
AGRICULTURE
ENVIRONMENTAL PROTECTION
PESTICIDES

The Pesticides (Amendment) (EU Exit) Regulations 2020

Made - - - - 30th November 2020

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**1**).

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Pesticides (Amendment) (EU Exit) Regulations 2020.

(2) These Regulations come into force on IP completion day, except as provided in paragraphs (3) and (4).

(3) The following provisions come into force immediately before the coming into force of regulation 3 of the Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019(**2**)—

(a) this regulation; and

(**1**) 2018 c. 16.

(**2**) S.I. 2019/559. Regulation 1(2) states that regulation 3 comes into force immediately before exit day. By virtue of Schedule 5, paragraph 1(1) of the European Union (Withdrawal Agreement) Act 2020 (c. 1) it instead comes into force immediately before IP completion day.

(b) in Chapter 1 of Part 3, regulations 4(1) and (2) and 7(1) and (2).

(4) The rest of Chapter 1 of Part 3 comes into force immediately before IP completion day.

PART 2

Amendment of retained direct EU legislation

Commission Implementing Regulation (EU) No 844/2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

2.—(1) Commission Implementing Regulation (EU) No 844/2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market(**3**) is amended as follows.

(2) In Article 6(3), at the end, insert "The requirement applies to substances approved for use within Great Britain where that approval expires on or after 13 May 2026.".

(3) In Article 11—

(a) in paragraph 9—

(i) in the first subparagraph—

(aa) for "rapporteur Member State" substitute "assessing competent authority";

(bb) for "European Chemicals Agency ('the Agency')" substitute "Agency";

(cc) for "37(1)" substitute "37A(2)(2)";

(dd) for "harmonised classification" substitute "mandatory classification and labelling";

(ii) in the second and third subparagraphs, for "rapporteur member state" substitute "assessing competent authority";

(iii) in the final subparagraph—

(aa) after "1907/2006," insert " or by an Agency opinion,";

(bb) for harmonised classification substitute "mandatory classification";

(cc) for "Annex VI of Regulation (EC) No 1272/2008" substitute "the GB mandatory classification and labelling list";

(dd) for "Annex VI" substitute "the GB mandatory classification and labelling list";

(ee) for "rapporteur Member State's" substitute "assessing competent authority's".

(4) In Article 11b—

(a) for "Committee for Risk Assessment" substitute "Agency";

(b) for "referred to in Article 37(4) of Regulation (EC) No 1272/2008" substitute "on a proposal from the assessing competent authority".

(**3**) As amended by S.I. 2019/556, S.I. 2019/559 and S.I. 2019/1410.

PART 3

Amendment of secondary legislation

CHAPTER 1

Amendment of secondary legislation related to EU exit

The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019

3.—(1) The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019(**4**) are amended as follows.

(2) In regulation 1—

(a) for the heading, substitute—

"Citation, commencement, extent and interpretation";

(b) after paragraph (1), insert—

"(1A) Regulation 28 and Schedule 1 extend to Great Britain.".

(3) In regulation 3—

(a) in paragraphs (2)(a) and 4(c)(i)—

(i) for ""Community" substitute "the Community";

(ii) for "United Kingdom" substitute "Great Britain"";

(b) in paragraph (4)—

(i) in subparagraphs (c)(ii) and (h)(ii), for "the United Kingdom" substitute "Great Britain";

(ii) in subparagraph (j), in the inserted text, omit paragraph 31A;

(c) in paragraph (5), in inserted Article 3A omit paragraphs 5, 6(d) and 7(c).

(4) In regulation 4—

(a) in paragraph (2)(d), in inserted paragraph 8, omit paragraph 8(d);

(b) in paragraph (20), in substituted Article 13, omit paragraphs 4(c) and 7(d);

(c) in paragraphs (25)(d) and (26)(e), in inserted paragraph 5, omit paragraph 5(c);

(d) in paragraph (27)—

(i) in substituted Article 20—

(aa) for Article 20(2)(a), substitute—

"(a) the conclusion of the assessing competent authority and the opinion of the Agency, if any, referred to in Article 37(4) of Regulation (EC) No 1272/2008;";

(ii) omit Articles 20(6)(c) and 21(9)(c);

(e) in paragraph (29)(e), in substituted paragraph 5F, omit paragraph 5F(c);

(f) in paragraph (30), in inserted Article 23A, omit paragraph 7(c).

(5) In regulation 5—

(a) in paragraph (2)(b)(ii)—

(i) in paragraph (aa), for "the United Kingdom" substitute "Great Britain";

(**4**) S.I. 2019/556, amended by S.I. 2019/1410; there are other amending instruments but none is relevant.

(ii) in paragraph (cc), after "United Kingdom" insert "or, where the product is intended for use in Northern Ireland, is transported to Northern Ireland";

(b) in paragraph (3)(a)(v) and (3)(b), for "the United Kingdom" substitute "Great Britain";

(c) in paragraph (16)(c), in inserted Article 40A, for "exit day" substitute "IP completion day" in each place it occurs;

(d) in paragraph (16)(d), for "exit day" substitute "IP completion day" in each place it occurs;

(e) in paragraph (18)(c), for "exit day" substitute "IP completion day";

(f) in paragraph (21), in the title of inserted Subsection 3A, for "the UK" substitute "Great Britain";

(g) in paragraph (23)(d), in the inserted text, omit paragraphs 5(e) and 7(a)(v);

(h) in paragraph (26)—

(i) in subparagraph (a)(ii), omit "or Article 8(1) of the Genetically Modified Organisms (Northern Ireland) Order 1991";

(ii) in subparagraph (b), in inserted paragraph 3, omit sub-paragraph (d);

(i) in paragraph (28)(b)(ii), for "the United Kingdom" substitute "Great Britain";

(j) in paragraph 30(b), (d) and (e), for "exit day" substitute "IP completion day" in each place it occurs;

(k) in paragraphs (31)(c)(ii) and (32)(c), omit "or Article 8(1) of the Genetically Modified Organisms (Northern Ireland) Order 1991".

(6) In regulation 6(2), in the substituted text, in paragraph 1, omit "or Schedule 2 to the Plant Protection Products Regulations (Northern Ireland) 2011".

(7) In regulation 7(2)(a)(iii), for "the United Kingdom" substitute "Great Britain".

(8) For regulation 10(3) substitute—

"(3) For Article 68 substitute—

"Article 68

Monitoring and controls

A competent authority shall publish by 31 August each year a report, for the previous year, on the scope and the outcome of the official controls performed in order to verify compliance with this Regulation.".".

(9) In regulation 11(2), in substituted Article 69, omit paragraph 9(c).

(10) In regulation 12—

(a) for paragraph (3) substitute—

"(3) In Article 73, for "the Member States" substitute "Great Britain".";

(b) in paragraph (6), in the substituted text, omit Articles 77(4)(c) and 78A(3) and (7).

(11) In regulation 13(2), in the inserted paragraphs 1G, 2 and 2F, for "exit day" substitute "IP completion day" in each place it occurs.

(12) In regulation 15—

(a) in paragraph (2), in substituted Article 1(2)(a), (3) and (4)(a), and

(b) in paragraph (4) in inserted Article 2A(6),

for "exit day" substitute "IP completion day".

(13) In regulation 16(2) in inserted Article A1, for "exit day" substitute "IP completion day" in each place it occurs.

(14) In regulation 16(5)—

(a) in subparagraph (b)—

(i) for paragraph (i) substitute—

"(i) in point 1.1, in the second paragraph, for the words from "the Member State" to "Commission" substitute "Great Britain";";

(ii) for paragraph (ix) substitute—

"(ix) in point 7.1, in the fourth paragraph, for "EU regions" substitute "regions of Great Britain";";

(b) in subparagraph (c)—

(i) for paragraph (i) substitute—

"(i) in point 1.1, in the second paragraph, for the words from "the Member State" to "Commission" substitute "Great Britain";";

(ii) for paragraph (v) substitute—

"(v) in point 7.1.1, for "EU regions" substitute "regions of Great Britain";".

(15) In regulation 17—

(a) in paragraph (2), in inserted Article A1, for "exit day" substitute "IP completion day" in each place it occurs;

(b) for paragraph (6)(e), substitute—

"(e) in point 2.2, in the seventh indent, for "the Union" substitute "Great Britain";";

(c) in paragraphs (7)(a) and (8)(a)—

(i) for "Member State" substitute "the Member State";

(ii) for "United Kingdom" substitute "Great Britain".

(16) In regulation 20—

(a) in paragraph (7)(a)(i), for "the United Kingdom" substitute "Great Britain";

(b) in paragraph (11)(f), in inserted paragraph 5A, for "12" substitute "13";

(c) for paragraph (13)(b), substitute—

"(b) in paragraph 1—

(i) in the first subparagraph—

(aa) for "Committee for Risk Assessment" substitute "Agency" in both places it occurs;

(bb) for "37(4)" substitute "37A(4)";

(cc) for "Authority" substitute "assessing competent authority" in the first place it occurs; and

(dd) for the second sentence, substitute—

"The assessing competent authority may obtain independent scientific advice where it considers it appropriate to do so.";

(ee) in the third sentence, for ", the Member States and the Commission" substitute "and the other competent authorities";

(ii) omit the second subparagraph".

(17) In regulation 21(5)—

(a) in subparagraph (b)—

(i) in paragraph (vii)(ee), for "the UK" substitute "Great Britain";

(ii) in paragraph (ix)(aa) and (bb), for "the United Kingdom" substitute "Great Britain";

(iii) in paragraph (xi)—

(aa) for "Union" substitute "the Union";

(bb) for "United Kingdom" substitute "Great Britain";

(b) for subparagraph (c)(i), substitute—

"(i) in point 1.1, in the second paragraph, for the words from "the Member State" to "Commission" substitute "Great Britain";".

(18) In regulation 22(5)(c)(i)—

(a) for "Member State" substitute "the Member State";

(b) for "United Kingdom" substitute "Great Britain".

(19) In regulation 27(1)(a) and (b), for "exit day" substitute "IP completion day".

(20) In regulation 29(2), for "exit day" substitute "IP completion day".

(21) In Schedule 1—

(a) for "exit day" substitute "IP completion day" in each place it occurs;

(b) in Part 2—

(i) omit paragraph 3(3)(c) and (i) and (4)(u);

(ii) paragraph 3 is amended as follows—

(aa) after subparagraph (4)(ii), insert—

"(jj) in entry 137 (Dimethenamid-P), the seventh column is to be read as if, for the fourth and fifth paragraphs there were substituted—

"The applicant must submit to each competent authority confirmatory information as regards the effect of water treatment processes on the nature of residues present in surface and groundwater, when surface water or ground water is abstracted for drinking water.

The applicant must submit the requested information within two years from the date of publication of a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater.";

(kk) in entry 139 (Florpyrauxifen-benzyl), the seventh column is to read as if, for the fourth paragraph there were substituted—

"The applicant must submit to each competent authority an updated assessment of the information submitted and, where relevant, further information to confirm the absence of endocrine activity in accordance with points 3.6.5 and 3.8.2 of Annex 2 to Regulation (EC) No 1107/2009 by 24 July 2021.".";

(bb) after subparagraph (5)(d), insert—

"(e) in entry 12 (Alpha-cypermethrin), the seventh column is to be read as if—

(i) in the third paragraph, in the words before point (1), for "the Commission, the Member States and the Authority" there were substituted "each competent authority";

(ii) for the fourth paragraph there were substituted—

"The applicant must submit the information requested in point (1) by 31 March 2021; the information requested in point (2) within two years from the date of publication of a guidance document on evaluation of isomer mixtures; and the information requested in point (3) within two years from the date of publication of a guidance document on evaluation of the effect of water treatment processes on the nature of residues present in surface and groundwater.";

(iii) for the fifth paragraph there were substituted—

"For the information requested in point (4), the applicant must submit an updated assessment of the information already submitted and, where relevant, further information to confirm the absence of androgenic endocrine activity by 30 October 2021.".";

(c) in Part 3, in the heading to paragraph 10, for "reside" substitute "residue";

(d) in Part 4, in paragraph 14—

(i) in subparagraph (2), for "the United Kingdom", in both places it occurs, substitute "in Great Britain";

(ii) in subparagraph (3), for "the United Kingdom" substitute "Great Britain".

The Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019

4.—(1) The Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019(**5**) are amended as follows.

(2) In regulation 3(3), in paragraph (b) of inserted paragraph (5A), for "exit day" substitute "IP completion day".

(3) In regulation 12(2), for "exit day" substitute "IP completion day".

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

5.—(1) The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019(**6**) 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

(**5**) S.I. 2019/559.
(**6**) S.I. 2019/306.

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(**7**).".

(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—

(**7**) Article 3(31B) and Article 27A were inserted by S.I. 2019/556.

"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)".".

The Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019

6.—(1) The Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019(**8**) are amended as follows.

(2) In regulation 3—

(a) in paragraph (4)(c)(i), in the inserted text, omit point (zc);

(b) in paragraph (5), in inserted Article 3A, omit paragraph 5;

(c) in paragraphs (6)(c) and (7), in the substituted text, omit paragraph 3(c).

(3) In regulation 4—

(a) in paragraph (4)(c), in the substituted text, omit paragraphs 2B(d) and 2C(c);

(b) in paragraph (9), in the substituted text, omit paragraph 5(c);

(c) in paragraph (11)(e), in the inserted text, omit paragraph 5(c);

(d) in paragraph (12), in the substituted text, omit paragraph 8(c);

(e) in paragraph (13)(c), in the inserted text, omit paragraph 5(c);

(f) in paragraph (14), in the substituted text, omit Article 17(2)(c).

(4) In regulation 5—

(a) in paragraph (3), in the inserted text, omit paragraph 5(c);

(b) in paragraph (5)(b), in the substituted text, omit paragraph 4(c).

(5) In regulation 7—

(a) omit paragraph (3)(b);

(b) for paragraph (4), substitute—

(**8**) S.I. 2019/557, amended by S.I.2019/1410; there are other amending instruments but none is relevant.

"(4) In Article 28, for paragraph 3 substitute—

"**3.** All laboratories analysing samples for the official controls on pesticide residues must—

(a) have regard to any relevant guidance;

(b) participate in any proficiency tests for pesticides organised by a competent authority.".";

(c) in paragraphs (5), (6), (8) and (10)(b), for "United Kingdom", in each place it occurs, substitute "Great Britain";

(d) in paragraph (11)(b)(ii), for "United Kingdom" substitute "Great Britain";

(e) in paragraph (11)(c), for inserted paragraph 2A, substitute—

"**2A.** For the purpose of the first annual report under paragraph 1, paragraph 2(a) is to be read as if for "in accordance with each competent authority's control programme and any Great Britain control programme" there were substituted "by the United Kingdom as an EU member State in accordance with Commission Implementing Regulation (EU) 2019/533 concerning a coordinated multiannual control programme of the Union for 2020, 2021 and 2022 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin(**9**) as it had effect immediately before IP completion day".

(6) In regulation 9(4), in the substituted text—

(a) in Article 46—

(i) omit paragraph 1B(c);

(ii) in paragraph 2(a), for "United Kingdom" substitute "Great Britain";

(iii) in paragraph 3, for ", the Scottish Ministers and the Department" substitute "and the Scottish Ministers";

(b) omit Article 46B(3) and (7).

(7) After regulation 11, for Chapter 2 of Part 2, substitute—

"CHAPTER 2

Commission Implementing Regulation (EU) 2019/533

Commission Implementing Regulation (EU) 2019/533 concerning a coordinated multiannual control programme of the Union for 2020, 2021 and 2022 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin.

12.—(1) Commission Implementing Regulation (EU) 2019/533 concerning a coordinated multiannual control programme of the Union for 2020, 2021 and 2022 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin is amended as follows.

(2) In Article 1, in the first paragraph, for "Member States" substitute "The competent authorities".

(3) In Article 2, after paragraph 3 insert—

"**4.** For the purposes of paragraph 3—

(**9**) OJ No L 88, 29.3.2019, p 28.

(a) Directive 2006/125/EC is to be read as if, in Article 2(c) of that Directive the reference to point 1 of Article 2 of Directive 91/414/EEC were a reference to Article 2(1) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market;

(b) Directive 2006/141/EC is to be read as if, in Article 2(e) of that Directive the reference to point 1 of Article 2 of Directive 91/414/EEC were a reference to Article 2(1) of Regulation (EC) No 1107/2009."

(4) In Article 3—

(a) in the first paragraph—

(i) for "Member States" substitute "The competent authorities";

(ii) for the second sentence, substitute "Those results shall be submitted to the other competent authorities in accordance with the agreed format.";

(b) in the second paragraph, for "Member States" substitute "the competent authorities".

(5) Omit Articles 4 and 5.

(6) After Article 5, omit the words from "This Regulation" to "Member States".

(7) In Annex 1—

(a) in Part A, in the table—

(i) for "Member States" substitute "the competent authorities" in both places it occurs; and

(ii) for "'National Summary report'" substitute "information submitted under Article 31 of Regulation (EC) No 396/2005" in both places it occurs;

(b) in Part B, in the footnotes to the table—

(i) in footnote (1), for "Part A of Annex I to Regulation (EC) No 396/2005", substitute "Section A of the list in Part 1 of the MRLs register relating to the relevant constituent territory"; and

(ii) in footnote (5), for the words "to EFSA", substitute ", in the information submitted under Article 31 of Regulation (EC) No 396/2005,";

(c) in Part C, in the table—

(i) in the Isoprothiolane row, in the fifth column, omit the words "The substance is not to be analysed in or on any product in 2021 and 2022.";

(ii) in the Pymetrozine row, in the fifth column, omit the words from "is not to be analysed" to "it".

(8) In Annex 2—

(a) in point (1), for the words from "each Member State" to the end substitute "all of the competent authorities collectively is 71";

(b) in point (2)—

(i) in the first paragraph—

(aa) for "the table in point (5)" substitute "point (1)";

(bb) for "each Member State shall" substitute "the competent authorities must collectively";

(ii) in the second and third paragraphs—

(aa) for "that table" substitute "point (1)" in both places it occurs;

(bb) for "each Member State shall" substitute "the competent authorities must collectively" in both places it occurs;

(c) in point (3)—

(i) for "the table in point (5)" substitute "point (1)";

(ii) for "each Member State" substitute "the United Kingdom in 2020 and Great Britain in subsequent years";

(d) in point 4—

(i) in the first paragraph—

(aa) for "Member States" substitute "Competent authorities";

(bb) for "the table in point (5)" substitute "point (1)";

(cc) for "Member State" substitute "competent authority";

(ii) in the second paragraph, for "Member States" substitute "a competent authority";

(e) after point (4), insert—

"(4A) For the purposes of this Annex, samples taken by the United Kingdom as an EU Member State in accordance with this Regulation as it had effect immediately before IP completion day are deemed to have been taken by the competent authorities collectively in 2020.";

(f) omit point (5)."

(8) In regulation 14(3)(a) and (b) for "exit day" substitute "IP completion day".

(9) In Schedule 1—

(a) in Part 2—

(i) in paragraph 2,

(ii) in paragraphs 3(1), (2), (3), (4), (5) and (6),

(iii) in paragraph 4(1),

(iv) in paragraph 5,

(v) in paragraphs 6(1), (2), (3) and (4),

(vi) in paragraph 7,

(vii) in paragraphs 8(1) and (2), and

(viii) in paragraph 9(1) and (2),

for "exit day" substitute "IP completion day" in each place it occurs;

(b) in Part 3, in paragraph 10(1) and (3), for "exit day" substitute "IP completion day" in each place it occurs;

(c) in Part 4, in paragraph 11(1), for "exit day" substitute "IP completion day" in each place it occurs;

(d) in Part 5, in paragraph 12(1), for "exit day" substitute "IP completion day" in each place it occurs;

(e) in Part 6—

(i) in paragraph 13(1)—

(aa) for "2018/555" substitute "2019/533";

(bb) for "United Kingdom" substitute "Great Britain";

(cc) for "2019, 2020 and 2021" substitute "2020, 2021 and 2022";

(ii) in paragraph 13(2), for "2018/555" substitute "2019/533";

(iii) omit paragraphs 13(3)(d), (4)(c) and (5);

(iv) omit paragraph 14(3) and (7).

The Pesticides (Amendment) (EU Exit) Regulations 2019

7.—(1) The Pesticides (Amendment) (EU Exit) Regulations 2019(**10**) are amended as follows.

(2) In regulation 4(2), (4) and (5), for "exit day" substitute "IP completion day" in each place it occurs.

(3) In regulation 6—

(a) in paragraph (2)(b), in inserted point (b),

(b) in paragraph (8)(a)(i), in inserted subparagraph (2),

(c) in paragraph (8)(a)(ii), and

(d) in paragraph (10), in inserted paragraph (b),

for "exit day" substitute "IP completion day".

(4) In regulation 7(3), for "exit day" substitute "IP completion day" in each place it occurs.

CHAPTER 2

Amendment of secondary legislation relating to pesticides

The Plant Protection Products (Sustainable Use) Regulations 2012

8.—(1) The Plant Protection Products (Sustainable Use) Regulations 2012(**11**) are amended as follows.

(2) After regulation 9(4) insert—

"(4A) For the purposes of paragraph (4), "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.".

(3) In regulation 15(6)(b), for "European Union law" substitute ", 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".

The Official Controls (Plant Protection Products) Regulations 2020

9.—(1) The Official Controls (Plant Protection Products) Regulations 2020(**12**) are amended as follows.

(2) In regulation 4, omit "and EU member States".

(3) In regulation 6(1)—

(a) in the opening words, for "a competent authority of a member State as provided for in Article 104," substitute "another competent authority";

(b) in paragraph (a), for "a competent authority of a member State" substitute "that other competent authority".

(**10**) S.I. 2019/1410.
(**11**) S.I. 2012/1657, amended by S.I. 2019/306; there are other amending instruments but none is relevant.
(**12**) S.I. 2020/552.

(4) Omit regulation 6(2).

PART 4

Revocations

Revocation: retained direct EU legislation

10. The retained direct EU legislation listed in the Schedule is revoked.

Revocation: EEA Agreement

11. In Annex 2 to the EEA Agreement—

(a) in Chapter 12 (foodstuffs), omit the adaptations in point 171 (Commission Implementing Regulation (EU) 2019/533);

(b) in Chapter 15 (dangerous substances) omit points 13zzzzzzzzzo (Commission Implementing Regulation (EU) 2018/1981) to 13zzzzzzzzzm (Commission Implementing Regulation (EU) 2020/29).

Victoria Prentis
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

30th November 2020

SCHEDULE

Regulation 10

Revocations

1. Commission Regulation (EU) 2019/973 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for bispyribac, denatonium benzoate, fenoxycarb, flurochloridone, quizalofop-P-ethyl, quizalofop-P-tefuryl, propaquizafop, tebufenozide in or on certain products.

2. Commission Regulation (EU) 2019/977 amending Annexes II and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for aclonifen, *Beauveria bassiana* strain PPRI 5339, *Clonostachys rosea* strain J1446, fenpyrazamine, mefentrifluconazole and penconazole in or on certain products.

3. Commission Implementing Regulation (EU) 2019/989 concerning the non-renewal of approval of the active substance chlorpropham, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

4. Commission Regulation (EU) 2019/1015 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for aminopyralid, captan, cyazofamid, flutianil, kresoxim-methyl, lambda-cyhalothrin, mandipropamid, pyraclostrobin, spiromesifen, spirotetramat, teflubenzuron and tetraconazole in or on certain products.

5. Commission Implementing Regulation (EU) 2019/1085 renewing the approval of the active substance 1-methylcyclopropene, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011, and amending the Annex to Commission Implementing Regulation (EU) 2015/408.

6. Commission Implementing Regulation (EU) 2019/1090 concerning the non-renewal of approval of the active substance dimethoate, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

7. Commission Implementing Regulation (EU) 2019/1100 concerning the non-renewal of approval of the active substance desmedipham, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

8. Commission Implementing Regulation (EU) 2019/1101 renewing the approval of the active substance tolclofos-methyl in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

9. Commission Implementing Regulation (EU) 2019/1137 renewing the approval of the active substance dimethenamid-P in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

10. Commission Implementing Regulation (EU) 2019/1138 approving the active substance florpyrauxifen-benzyl in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

11. Commission Regulation (EU) 2019/1176 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 2,5-dichlorobenzoic acid methylester, mandipropamid and profoxydim in or on certain products.

12. Commission Regulation (EU) 2019/1559 amending Annexes II and II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cyflufenamid, fenbuconazole, fluquinconazole and tembotrione in or on certain products.

13. Commission Regulation (EU) 2019/1561 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlormequat in cultivated fungi.

14. Commission Implementing Regulation (EU) 2019/1582 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for imazalil in or on certain products.

15. Comission Implementing Regulation (EU) 2019/1589 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, beta-cyfluthrin, bifenox, chlorotoluron, clofentezine, clomazone, cypermethrin daminozide, deltamethrin, dicamba, difenoconazole, diflubenzuron, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, picloram, prosulfocarb, pyriproxyfen, thiophanate-methyl, triflusulfuron and tritosulfuron.

16. Commission Implementing Regulation (EU) 2019/1605 approving the low-risk active substance Bacillus subtilis strain IAB/BS03, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

17. Commission Implementing Regulation (EU) 2019/1606 concerning the non-renewal of the approval of the active substance methiocarb, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

18. Commission Implementing Regulation (EU) 2019/1675 renewing the approval of the active substance Verticillium albo-atrum strain WCS850 as a low-risk substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

19. Commission Implementing Regulation (EU) 2019/1690 renewing the approval of the active substance alpha-cypermethrin, as a candidate for substitution, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

20. Commission Regulation (EU) 2019/1791 amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 1-decanol, 2,4-D, ABE-IT 56, cyprodinil, dimethenamid, fatty alcohols, florpyrauxifen-benzyl, fludioxonil, fluopyram, mepiquat, pendimethalin, picolinafen, pyraflufen-ethyl, pyridaben, S-abscisic acid and trifloxystrobin in or on certain products.

21. Commission Regulation (EU) 2019/1792 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for amitrole, fipronil, flupyrsulfuron-methyl, imazosulfuron, isoproturon, orthosulfamuron and triasulfuron in or on certain products.

22. Commission Implementing Regulation 2019/2094 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances benfluralin,

dimoxystrobin, fluazinam, flutolanil, mancozeb, mecoprop-P, mepiquat, metiram, oxamyl and pyraclostrobin.

23. Commission Implementing Regulation (EU) 2020/17 concerning the non-renewal of the approval of the active substance chlorpyrifos-methyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

24. Commission Implementing Regulation (EU) 2020/18 concerning the non-renewal of the approval of the active substance chlorpyrifos, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

25. Commission Implementing Regulation (EU) 2020/23 concerning the non-renewal of the approval of the active substance thiacloprid, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

26. Commission Implementing Regulation 2020/192 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for prochloraz in or on certain products.

27. Commission Implementing Regulation (EU) 2020/421 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances abamectin, Bacillus subtilis (Cohn 1872) strain QST 713, Bacillus thuringiensis subsp. Aizawai strains ABTS-1857 and GC-91, Bacillus thuringiensis subsp. Israeliensis (serotype H-14) strain AM65-52, Bacillus thuringiensis subsp. Kurstaki strains ABTS 351, PB 54, SA 11, SA12 and EG 2348, Beauveria bassiana strains ATCC 74040 and GHA, clodinafop, clopyralid, Cydia pomonella Granulovirus (CpGV), cyprodinil, dichlorprop-P, fenpyroximate, fosetyl, Lecanicillium muscarium (formerly 'Verticillium lecanii') strain Ve6, mepanipyrim, Metarhizium anisopliae (var. anisopliae) strain BIPESCO 5/F52, metconazole, metrafenone, Phlebiopsis gigantea strains FOC PG 410.3, VRA 1835 and VRA 1984, pirimicarb, Pseudomonas chlororaphis strain MA342, pyrimethanil, Pythium oligandrum M1, rimsulfuron, spinosad, Streptomyces K61 (formerly 'S. griseoviridis'), Trichoderma asperellum (formerly 'T. harzianum') strains ICC012, T25 and TV1, Trichoderma atroviride (formerly 'T. harzianum') strains IMI 206040 and T11, Trichoderma gamsii (formerly 'T. viride') strain ICC080, Trichoderma harzianum strains T-22 and ITEM 908, triclopyr, trinexapac, triticonazole and ziram.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d) and (g)) arising from the withdrawal of the UK from the European Union.

Part 2 amends retained direct EU legislation in the field of pesticides, and in particular legislation relating to plant protection products.

Part 3 amends secondary legislation relating to pesticides, including amendments to take account of the Protocol on Ireland/Northern Ireland in the Withdrawal Agreement. Chapter 1 of Part 3 makes amendments to the Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019, the Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019, the Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019, the Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019, and the Pesticides (Amendment) (EU Exit) Regulations 2019 (the "Exit Regulations"). Chapter 2 makes amendments to the Plant Protection Products (Sustainable Use) Regulations 2012 and the Official Controls (Plant Protection Products) Regulations 2020.

Part 4 revokes redundant retained EU law.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.