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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, as respects Great Britain and as respects the United Kingdom in relation to regulation 4, provide for the enforcement of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (“Regulation 1107/2009”) and of certain provisions of these Regulations.

Regulation 1107/2009 repeals Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19. 8. 1991, p. 1.), which prohibited the placing on the market and use of plant protection products containing certain active substances. Regulation 1107/2009 lays down harmonised rules for the approval of active substances and the placing on the market of plant protection products and its main purpose is to ensure a high level of protection of both human and animal health and the environment and at the same time to safeguard the competitiveness of agriculture in the European Union.

Regulation 1 requires the Secretary of State to review the operation and effect of these Regulations as they have effect in relation to England and Wales and to publish a report within five years after they come into force and within every five years thereafter. Following each review the Secretary of State will decide whether the Regulations, as they have effect in relation to England and Wales, should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

The terms and expressions used in these Regulations are defined in regulation 2

Regulation 3 provides that the Secretary of State, in relation to England and Wales, and the Scottish Ministers, in relation to Scotland, are designated as the competent authority for the purposes of Article 75(1) of Regulation 1107/2009.

Regulation 4 provides that the Secretary of State is the co-ordinating national authority for the purposes of Article 75(2) of Regulation 1107/2009.

Regulation 5 provides for emergency measures to be taken by the Secretary of State and the Scottish Ministers in circumstances where treated seeds are likely to constitute a serious risk to human or animal health or to the environment.

Regulation 6 provides that these Regulations are enforced by the Secretary of State in England, the Welsh Ministers in Wales and the Scottish Ministers in Scotland.

Regulations 7 and 8 provide for persons to be authorised to exercise the powers set out in Schedule 1 to these Regulations and for such persons to provide evidence of their authorisation on request.

Regulations 9 to 20 make provision for the enforcement of Regulation 1107/2009 by identifying who is responsible for complying with the requirements and prohibitions in that Regulation, and regulation 14 gives effect to Schedule 2 (Adjuvants).

Regulations 21 and 22 provide for the enforcement of these Regulations by creating a requirement to comply with notices issued under these Regulations, and a requirement and prohibitions in relation to preventing an authorised person from performing his or her functions under these Regulations.

Regulation 23 creates the criminal offence for contravention of or failure to comply with regulations 9 to 22, and Articles 56(1), 56(4) and Article 62(2).

**Changes to legislation:** There are currently no known outstanding effects for the  
The Plant Protection Products Regulations 2011. (See end of Document for details)

Regulation 24 makes provision in relation to offences by bodies corporate. Regulation 25 provides, in relation to certain regulations, the defence of having taken all reasonable precautions and having exercised all due diligence to avoid the commission of the offence.

Regulation 26 sets out the penalties for offences under these Regulations.

Regulation 27 gives effect to Schedule 3 (Service of documents).

Regulation 28 provides that the Scottish Ministers may make agency agreements with the Secretary of State.

Regulation 29 describes the circumstances in which an authorised person may perform his or her function in relation to land in which there is a Crown interest or a Duchy interest.

Regulation 30 provides that the Plant Protection Products Regulations 2005 (S.I. 2005/1345) (“the Regulations”) and the Plant Protection Products (Scotland) Regulations 2005 (S.S.I. 2005/331) (“the Scottish Regulations”) are saved for applications set out in Article 80(5) of Regulation 1107/2009 and that approvals granted under either of those Regulations, or under the Control of Pesticide Regulations (S.I. 1986/1510) (“the 1986 Regulations”) are deemed granted under Regulation 1107/2009. It also provides that plant protection approvals under the 1986 Regulations, the Regulations or the Scottish Regulations and valid parallel trade approvals that are valid on the date these Regulations come into force are deemed to be authorised in accordance with Regulation 1107/2009.

Regulation 31 provides for the amendments and revocations set out in Schedules 4 and 5 respectively.

A full regulatory impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector has also been prepared. Copies of both documents have been placed in the library of each House of Parliament and are available on DEFRA’s website ([www.defra.gov.uk](http://www.defra.gov.uk)). A copy of the regulatory impact assessment is also annexed to the Explanatory Memorandum to the Plant Protection Products (Fees) Regulations 2011 and to these Regulations and is available alongside the instrument on the legislation website (<http://www.legislation.gov.uk/>).

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Protection Products Regulations 2011.