SCHEDULE 2

Regulation 16

Transitional, transitory and savings provisions

1. In this Schedule—

"COPR" means the Control of Pesticides Regulations 1986(**1**);

"COPR biocidal product" means any substance, preparation or organism prepared or used for any of the purposes listed in regulation 3(1) of COPR, which is not a plant protection product;

"Plant protection product" has the same meaning as in Article 2(1) of Regulation (EC) No 1107/2009(**2**) 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;

"Unlisted active substance" means an existing active substance which has not been subject to a decision to approve or not approve it in accordance with Article 9 of the Biocides Regulation.

2.—(1) Following a decision that an unlisted active substance shall be approved in accordance with Article 9(1)(a) of the Biocides Regulation, COPR shall cease to apply to a COPR biocidal product containing that active substance on the dates determined in accordance with paragraphs 4 to 6.

(2) Where there is more than one unlisted active substance in a COPR biocidal product, the decision in sub-paragraph (1) shall be taken to mean the decision in relation to the last of the unlisted active substances in the COPR biocidal product.

3. Following a decision that an unlisted active substance shall not be approved in accordance with Article 9(1)(b) of the Biocides Regulation, COPR shall cease to apply to a COPR biocidal product containing that active substance from the date or dates upon which the biocidal product may no longer be placed on the market or used pursuant to that decision.

4.—(1) Where—

(a) there is a decision referred to in paragraph 2; and

(b) no application is submitted in accordance with the Biocides Regulation for authorisation or mutual recognition in parallel in respect of the COPR biocidal product on or before the date of approval of the active substance,

COPR shall cease to apply to the COPR biocidal product in accordance with sub-paragraph (2).

(2) For the purposes of sub-paragraph (1), COPR shall cease to apply to the COPR biocidal product at the expiry of—

(a) 180 days from the date of approval, in relation to the placing on the market of the biocidal product; and

(b) 365 days from the date of approval, in relation to the disposal and use of existing stocks of the biocidal product.

5.—(1) Where—

(a) there is a decision referred to in paragraph 2; and

(b) an application is submitted in accordance with the Biocides Regulation for authorisation or mutual recognition in parallel of the COPR biocidal product on or before the date of approval of the active substance,

(**1**) S.I. 1986/1510, amended by S.I. 1997/188.
(**2**) OJNo. L309, 24.11.2009, p.1.

COPR shall cease to apply to the COPR biocidal product in accordance with sub-paragraphs (2) to (4).

(2) Where a decision is taken to authorise the COPR biocidal product, COPR shall cease to apply to the biocidal product from the date of that decision.

(3) Where the application referred to in sub-paragraph (1)(b) is rejected, COPR shall cease to apply to the COPR biocidal product at the expiry of—

(a) 180 days from the date of the decision to reject the application, in relation to the placing on the market of the biocidal product; and

(b) 365 days from the date of the decision to reject the application, in relation to the disposal and use of existing stocks of the biocidal product.

(4) Where a decision is taken not to authorise the COPR biocidal product, COPR shall cease to apply to the COPR biocidal product at the expiry of—

(a) 180 days from the date of that decision in relation to the placing on the market of the biocidal product; and

(b) 365 days from the date of that decision in relation to the disposal and use of existing stocks of the biocidal product.

6.—(1) Following an application for authorisation under the Biocides Regulation on or before 1st September 2017 in respect of a COPR biocidal product which falls within Article 93(1) of the Biocides Regulation, COPR ceases to apply to that biocidal product in accordance with sub-paragraphs (2) to (5).

(2) Where a decision is taken to authorise the COPR biocidal product, COPR shall cease to apply to the biocidal product from the date of that decision.

(3) Where the application referred to in sub-paragraph (1) is rejected, COPR shall cease to apply to the COPR biocidal product from the date of rejection.

(4) Where a decision is taken not to authorise the COPR biocidal product, COPR shall cease to apply to the biocidal product at the expiry of—

(a) 180 days from the date of that decision in relation to the placing on the market of the biocidal product; and

(b) 365 days from the date of the decision or 1st September 2018 (whichever is the later) in relation to the disposal and use of existing stocks of the biocidal product.

(5) Where no application for authorisation of the COPR biocidal product has been made by 1st September 2017, COPR shall cease to apply to the biocidal product after—

(a) 28th February 2018 in relation to the making available of the biocidal product on the market; and

(b) 1st September 2018 in relation to the disposal and use of existing stocks of the biocidal product.

7. Despite the revocation of the Biocidal Products Regulations 2001 by virtue of regulation 34(a) of these Regulations, paragraph 13 of Schedule 13 to the Biocidal Products Regulations 2001 is preserved so that COPR shall continue not to apply to COPR biocidal products where, by virtue of that paragraph, it previously ceased to apply.

8.—(1) Where a certificate of exemption—

(a) was issued under paragraphs 6 to 12 of Schedule 13 to the Biocidal Products Regulations 2001; and

(b) has not expired or been revoked prior to 1st September 2013,

that certificate is hereby revoked.

(2) Where a certificate is revoked pursuant to sub-paragraph (1), the competent authority may issue a new certificate of exemption which exempts any person or class of person or any biocidal product or class of biocidal product from Article 17(1) of the Biocides Regulation.

9. A certificate of exemption granted pursuant to paragraph 8(2)—

(a) must be in writing;

(b) must be granted for a period of time not exceeding the time period allowed for the continuation of the current system or practice, including any phase out period, allowed for under Article 89 of the Biocides Regulation;

(c) may be granted subject to conditions; and

(d) may be revoked by certificate in writing at any time.

10.—(1) Despite the revocation of the Biocidal Products Regulations 2001, the Biocidal Products (Amendment) Regulations 2007 and the Biocidal Products (Amendment) Regulations 2010 by virtue of regulation 34(a), (d) and (e) of these Regulations, the regulations listed in sub-paragraph (2) shall continue to apply for the purposes of evaluating applications for biocidal product authorisations pursuant to regulation 15(1) of these Regulations.

(2) The regulations referred to in sub-paragraph (1) are—

(a) Regulations 2, 3, 9, 10, 11, 12 ,13, 14, 15, 17, 18, 25, 32, 34, 35 and 37 of, and Schedules 3,4, and 5 to, the Biocidal Products Regulations 2001;

(b) Regulations 2, 3, 4, 8, 9, 10,11 and 21 of the Biocidal Products (Amendment) Regulations 2007; and

(c) Regulations 3 and 4 of the Biocidal Products (Amendment) Regulations 2010.