STATUTORY RULES OF NORTHERN IRELAND

2011 No. 295

PESTICIDES

Plant Protection Products Regulations (Northern Ireland) 2011

Made - - - -	*19th August 2011*
Coming into operation	*4th October 2011*

The Department of Agriculture and Rural Development, is a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to the common agricultural policy of the European Union(**2**), and measures in the veterinary and phytosanitary fields for the protection of public health(**3**).

The Department of Agriculture and Rural Development make the following Regulations in exercise of the powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Agriculture and Rural Development that it is expedient for references in these Regulations to Regulation (EC) No 1107/2009(**4**) 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(**5**) and 91/414/EEC(**6**) to be construed as including references to Articles 30(3) and 52(4), and to Annexes I to V of that Regulation as amended from time to time.

Citation and commencement

1.—(1) These Regulations may be cited as the Plant Protection Products Regulations (Northern Ireland) 2011 and come into operation on 4th October 2011.

Interpretation

2.—(1) In these Regulations—

"the 1987 Regulations" means the Control of Pesticides Regulations (Northern Ireland) 1987(**7**);

(**1**) 1972 c. 68
(**2**) S.I. 2000 No.2812
(**3**) S.I. 1999 No. 2027
(**4**) OJ No. L309, 24.11.2009, p.1.
(**5**) OJ No. L33, 8.2 1979, p.36.
(**6**) OJ No. L230, 19.8.1991, p.1.
(**7**) S.R. 1987 No. 414, amended by S.R. 1997 No. 469

"the 2005 Regulations" means the Plant Protection Products Regulations (Northern Ireland) 2005(**8**);

"authorised person" means a person authorised under regulation 6(1);

"the Department" means the Department of Agriculture and Rural Development in Northern Ireland;

"Regulation 1107/2009" means 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 79/11/EEC and 91/414/EEC, of which Articles 30(3) and 52(4) and Annexes I to V of that Regulation are to be read as amended from time to time; and

"treated seeds" means seeds treated with plant protection products authorised for that use in at least one Member State.

(2) Expressions used in both these Regulations and Regulation 1107/2009 have the same meaning in these Regulations as they have in Regulation 1107/2009.

(3) In these Regulations any reference to a numbered Article is to be construed as a reference to the Article so numbered in Regulation 1107/2009.

(4) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Competent Authority

3. For the purposes of Article 75(1) the designated competent authority is the Department.

Emergency measures

4.—(1) Where the Department reasonably considers that treated seeds are likely to constitute a serious risk to human or animal health or to the environment, it may issue a notice in writing restricting or prohibiting their sale or use, or both, in Northern Ireland.

(2) A notice served pursuant to paragraph (1) must—

(a) set out the grounds for issuing the notice; and

(b) give a time limit for compliance with the notice.

Enforcement

5. These Regulations are enforced by the Department.

Powers of authorised persons

6.—(1) The Department may authorise any person to exercise the powers set out in Schedule 1.

(2) Schedule 1 (Powers of authorised persons) has effect.

(3) A person may be authorised for specified purposes.

(4) An authorisation must be evidenced in writing.

Evidence of authorisation

7.—(1) An authorised person performing functions under these Regulations must produce, on request, evidence of his or her authorisation.

(**8**) S.R. 2005 No. 526, amended by S.R. 2008 No. 85 & S.R. 2008 No. 499
(**9**) 1954 c.33 (N.I.)

(2) An authorised person shall state, if requested-

(a) his or her name;

(b) the functions to be performed; and

(c) the grounds for proposing to perform those functions.

Placing on the market and use

8. A person must not place on the market or use a plant protection product in contravention of Article 28, or cause or permit another person to do so.

Seeds treated with plant protection products

9.—(1) A person must not place on the market or use seeds treated with plant protection products that are not authorised for use on such seeds in any Member State, or to cause or permit another person to do so.

(2) A person must not place on the market treated seeds in contravention of Article 49(4), or cause or permit another person to do so.

Parallel trade permits and permits for trial purposes

10.—(1) A person must not place on the market or use a plant protection product in contravention of Article 52(5), or cause or permit another person to do so.

(2) A person must not place on the market or use a plant protection product in contravention of one or more conditions in a permit granted for trial purposes under Article 54(1), or cause or permit another person to do so.

Use of plant protection products

11. A person must use a plant protection product in compliance with the conditions established in accordance with Article 31 and specified on the labelling as required in Article 55.

The provision of information on potentially harmful or unacceptable effects

12. An authorisation holder must include in a notification under Article 56(1) the information required by Article 56(2).

Adjuvants

13.—(1) A person must not place on the market or use an adjuvant in contravention of Article 58, or cause or permit another person to do so.

(2) A person must not use an adjuvant with a plant protection product authorised or permitted, or deemed to be authorised or permitted, in accordance with Regulation 1107/2009 in contravention of a requirement imposed pursuant to paragraph 2(b) of Schedule 2.

(3) Schedule 2 (Adjuvants) has effect.

The sharing of tests and studies involving vertebrate animals

14.—(1) A person must not undertake tests on vertebrate animals in contravention of the first sentence of Article 62(1), or cause or permit another person to do so.

(2) A person must comply with a direction issued by the Department pursuant to Article 62(6).

Packaging and presentation

15.—(1) A person must not package a plant protection product or an adjuvant in contravention of Article 64(1), or cause or permit another person to do so.

(2) A person must not make available to the general public a plant protection product or adjuvant in contravention of Article 64(2), or cause or permit another person to do so.

Labelling

16. A person must not place on the market a plant protection product in contravention of Article 65(1) or cause or permit another person to do so, unless the plant protection product is—

(a) placed on the market before 14th June 2015;

(b) approved under the 1987 Regulations or the 2005 Regulations; and

(c) labelled in accordance with Article 16 of Council Directive 91/414/EEC concerning the placing of plant protection products on the market(**10**).

Advertising

17. A person must not advertise a plant protection product in contravention of Article 66(1), (2), (4), (5) or (6), or cause or permit another person to do so.

Record keeping

18.—(1) Producers, suppliers, distributors, importers, and exporters of plant protection products must not contravene the requirement set out in the first sentence of Article 67(1).

(2) A professional user of plant protection products must not contravene the requirements set out in the second sentence of Article 67(1).

(3) Producers, suppliers, distributors, importers, exporters and professional users of plant protection products must not contravene the second paragraph of Article 67(1).

(4) A producer of a plant protection product must not contravene Article 67(2).

(5) An authorisation holder must not contravene Article 67(3).

The provision of information

19.—(1) A person listed in paragraph (2) must not—

(a) make a statement which they know to be false in a material particular;

(b) recklessly make a statement which is false in a material particular; or

(c) intentionally fail to disclose any material particular,

in relation to the application or request specified in paragraph (2).

(2) Paragraph (1) applies to the following persons in relation to the following applications or requests–

(a) an applicant, or their representative, in relation to an application under Article 33(1);

(b) an authorisation holder, in relation to an application under Article 40(1) or Article 43(1);

(c) a person making an application on behalf of an official or scientific body involved in agricultural activities or on behalf of a professional agricultural organisation, in relation to an application under Article 40(2);

(**10**) OJ No. L230, 19.8.1991, p.1.

(d) an authorisation holder, a person making an application on behalf of an official or scientific body involved in agricultural activities, a person making an application on behalf of a professional agricultural organisation or a professional user, in relation to a request under Article 51(1); or

(e) an applicant, or their representative, in relation to an application under Article 52(1) or 54(2).

(3) A prospective applicant must not—

(a) submit data knowing them to be false in a material particular;

(b) recklessly submit data which are false in a material particular; or

(c) intentionally fail to disclose data,

in a submission for the purposes of the second paragraph of Article 61(1).

(4) A prospective applicant must not provide samples or mock ups of packaging and drafts of labels and leaflets required by the Department pursuant to Article 65(2)–

(a) knowing them to be false in a material particular; or

(b) recklessly as to whether they are false in a material particular.

(5) A person must not cause or permit any person, in relation to an application under Article 52(1) or 54(2), to make a statement which the former knows to be false in a material particular.

Non-compliance with notices

20.—(1) A person must comply with the provisions of a notice served under–

(a) regulation 4(1) or (2); or

(b) paragraph 7(1), (3) or (8) of Schedule 1; or

(c) paragraph 8(1), (3) or (6) of Schedule 1.

(2) The Department or an authorised person may make arrangements to ensure that the requirements in a notice issued by them are complied with if the person on whom the notice was served fails to comply with the requirements in the notice.

(3) Any costs reasonably incurred by the Department or any authorised person in ensuring that the requirements of a notice are complied with may be recovered, on demand, from the person on whom the notice was served.

Obstruction of an authorised person

21.—(1) A person–

(a) must not intentionally obstruct any person performing his or her functions under these Regulations; and

(b) must comply with any requirement made by an authorised person performing his or her functions under these Regulations.

(2) A person purporting to give information required by an authorised person performing his or her functions under these Regulations must not—

(a) make a statement which they know to be false in a material particular;

(b) recklessly make a statement which is false in a material particular; or

(c) intentionally fail to disclose any material particular.