

# Requirements for Plant Protection Products

## EU Requirements: EU Regulation

~~Regulation~~ 1107/2009 (the “EU Plant Protection Products Regulation”) ~~sets out~~ regulates the ~~rules for the authorisation~~ authorization, sale, use, and control of plant protection products (~~“(“PPP””,~~ which are the most common type of pesticide), amongst other things, within the ~~European Union~~ EU.

It is your responsibility to comply with the EU Plant Protection Regulation if you are selling PPP in the EU. You must also comply with other national requirements in the countries in which you sell these products.

Please see below for further information about EU requirements.

## UK Requirements:

From 1 January 2021, an amended version of Regulation 1107/2009 applies to the sale, use and control of PPP in the UK as a result of The Plant Protection Products ~~Regulation~~ (Miscellaneous Amendments) (EU Exit) Regulations 2019 (the “UK Regulation on PPP”). We have noted below where there will be relevant changes in the UK requirements from 1 January 2021.

Different rules apply to goods you sell in: (1) Great Britain (England, Scotland and Wales); and (2) Northern Ireland.

It is your responsibility to comply with the UK requirements if you are selling PPP in the UK. If you also sell PPP on Amazon EU website(s), then you must also comply with the EU Plant Protection Regulation and with other national requirements in the countries in which you sell these products.

Please see below for further information about UK requirements.

This material is for informational purposes ~~only. It is and you should not intended~~ take it as a substitute for legal advice. We encourage you to consult your legal counsel ~~if you have questions for any concerns~~ about the laws and regulations concerning your product. ~~In this regard, note~~ This material only reflects the position at the date of writing and requirements across the EU and in the UK may change . You should refer to current UK Brexit guidance about your products (see below) to learn more about changes that the Plant Protection Products Regulation has direct effect, but Member States are competent for laying down penalties, and for enforcing them may affect you from 1 January 2021.

## I. EU Requirements

**What** ~~is a plant protection product (PPP)?~~

PPP are 'pesticides' that PPP?

PPP are commonly referred to as 'pesticides' and protect crops or desirable or useful plants. A common example of a-PPP is a weed killer.

To be a-PPP, the product must contain at least one active substance ~~and~~, safeners or synergists. They must have one of the following functions:

- Protect plants or plant products against ~~pests/diseases, before or after harvest,~~harmful organisms;
- Influence the life processes of plants (such as substances influencing their growth, excluding nutrients);;
- Preserve plant products;; or
- Destroy or prevent growth of undesired plants or parts of plants.

~~PPPs~~PPP are primarily used in the agricultural sector, but can also be used in forestry, horticulture, amenity areas, and in home gardens.

### Where do PPPs need to be registered?

A-PPP must be registered in the relevant Member State before it can be sold. ~~A~~ in the EU. PPP cannot be registered if it contains ~~unauthorised~~unauthorized active substances.

### Packaging, labelling and advertising PPPs

A-PPPPPPs must be packaged in a way that ~~minimises~~minimizes the likelihood of ~~it~~them being mistaken for food, drink, or feed. The packaging should also contain components to discourage or prevent the PPP from being consumed.

PPP labels should additionally comply with ~~both~~ the below regulations:

- EU CLP (Regulation 1272/2008) (which includes the Globally Harmonized System of Classification and ~~Labelling of Chemicals (GHS) and Regulation 547/2011 (on labelling requirements for PPPs)~~. ~~Requirements under Regulation 547/2011 include labelling the following:~~Labeling of Chemicals (GHS)); and,
- EU Regulation 547/2011 (on labeling requirements for PPPs);

These regulations require that labelling include the following:

- The trade name or designation of ~~the~~ PPP;
- The name and address of the ~~authorisation~~authorization holder, the ~~authorisation~~authorization number of the PPP and, if different, the name and address of the person responsible for the final packaging and/or ~~labelling~~labeling of the PPP; ~~and~~
- Certain specified information on active substances; and
- The categories of users allowed to use the PPP, in cases where use of the PPP is limited (~~for example, where it is restricted~~e.g. limited to professional users).

~~PPPs~~PPP generally require safety phrases to be included on the product, which may vary based on the type of PPP. See [EU Regulation 547/2011](#) for more details.

Please note that there may be specific language requirements for the PPP that are set out by Member States on a national level. In addition, you should ensure that you comply with any applicable PPP advertising requirements.

## Records

Manufacturers, suppliers, distributors, importers, and exporters of PPPs must keep records of those PPPs for at least 5 years. The relevant information contained in these records must be available to the competent authority on request.

## Additional information

We strongly encourage you to visit the [following below](#) websites for more information on ~~the Plant Protection Products Regulation~~PPP:

- ~~The~~ European Commission's website, which includes the implementing regulations: [https://ec.europa.eu/food/plant/pesticides/approval\\_active\\_substances/eu\\_rules\\_en](https://ec.europa.eu/food/plant/pesticides/approval_active_substances/eu_rules_en)
- European Agency for Safety and Health at Work website: <https://osha.europa.eu/en/legislation/directives/regulation-ec-no-1107-2009-plant-protection-products>

## II. UK Requirements

### Where does the UK Regulation on PPP apply?

The UK Regulation on PPP applies to all products sold in the UK, but the provisions apply differently to Great Britain (England, Scotland and Wales, "GB") and Northern Ireland. You can read more about the position in Northern Ireland ("NI") below.

### What are PPP?

PPP are commonly referred to as 'pesticides' and protect crops or desirable or useful plants. A common example of PPP is a weed killer.

To be PPP, the product must contain at least one active substance, safeners or synergists. They must have one of the following functions:

- Protect plants or plant products against harmful organisms;
- Influence the life processes of plants (such as substances influencing their growth, excluding nutrients);

- Preserve plant products; or
- Destroy or prevent growth of undesired plants or parts of plants.

PPP are primarily used in the agricultural sector, but can also be used in forestry, horticulture, amenity areas, and in home gardens.

### **Where do PPPs need to be registered?**

PPP must be approved by the UK's Health and Safety Executive (Chemicals Regulation Division) before it can be sold in the UK. PPP cannot be registered if it contains unauthorized active substances.

### **Packaging, labelling and advertising PPPs**

PPPs must be packaged in a way that minimizes the likelihood of them being mistaken for food, drink, or feed. The packaging should also contain components to discourage or prevent the PPP from being consumed.

PPP labels should additionally comply with the below regulations:

- Classification, labelling and packaging regulations –
  - From 1 January 2021, the UK's amended version of the EU CLP Regulation 1272/2008, which applies as a result of the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019/720.
- PPP labelling regulations –
  - From 1 January 2021, an amended version of Regulation 547/2011 which applies as a result of the UK Regulation on PPP.

These regulations require that labelling include the following:

- The trade name or designation of PPP;
- The name and address of the authorization holder, the authorization number of the PPP and, if different, the name and address of the person responsible for the final packaging and/or labeling of the PPP; and
- Certain specified information on active substances; and
- The categories of users allowed to use the PPP, in cases where use of the PPP is limited (e.g. limited to professional users).

PPP generally require safety phrases to be included on the product, which may vary based on the type of PPP. See EU Regulation 547/2011 (or the UK Regulation on PPP) for more details

In addition, you should ensure that you comply with any applicable PPP advertising requirements.

### **Records**

Manufacturers, suppliers, distributors, importers, and exporters of PPPs must keep records of those PPPs for at least 5 years. The relevant information contained in these records must be available to the relevant UK competent authority on request.

### **Northern Ireland**

Please note that different rules apply in NI from 1 January 2021 as a result of the Northern Ireland Protocol. In particular, you should ensure that products sold in NI meet EU requirements

### **BREXIT: UK Government Guidance**

The UK Government has released guidance on the sale of PPPs in GB and NI from 1 January 2021.

We encourage you to review this guidance (linked below), alongside any other specific UK Government Guidance that applies to your product. You should consult your legal counsel if you have questions about how the laws and regulations apply to your products from 1 January 2021.

The Brexit guidance can be found here:

- <https://www.hse.gov.uk/brexit/regulating-pesticides.htm>

### **Additional information**

We strongly encourage you to review the guidance produced by the UK Government's Health and Safety Executive (HSE) on PPPs. The HSE sites can be found here:

- <https://www.hse.gov.uk/pesticides/pesticides-registration/index.htm>
- <https://www.hse.gov.uk/pesticides/pesticides-registration/applicant-guide/applicant-guide-contents.htm>
- <https://www.hse.gov.uk/pesticides/pesticides-registration/applicant-guide/uk-guidance.htm>

HSE has also produced specific guidance on what you need to do from 1 January 2021. You should consult your legal counsel if you have questions about how the laws and regulations apply to your products from 1 January 2021.

We also encourage you to visit the Business Companion website, which contains further guidance on UK product compliance rules:

- <https://www.businesscompanion.info/en/get-started>