

## **Plantevernmidelforskriften – oversettelse til engelsk**

### **Regulation on plant protection products – translation of articles that may apply to foreign enterprises (e.g. importers of plant protection products) – these provisions are applicable on activity taking place on Norwegian territory**

#### Chapter II. Implementation of regulations

The EEA regulations referred to in § 3, § 4, § 5, § 6 and § 7 in Forskrift om plantevernmidler (Regulation on plant protection products) have as such been made part of the internal legal order, with the adaptations following the Annexes to the agreement, Protocol 1 and the Agreement in general.

#### Chapter IV. Requirements for distributors, importers and producers

##### *§ 10 Registration of distributors, importers and producers*

All distributors, importers and producers of plant protection products, except distributors who only sell ready to use-products, shall register at Mattilsynet before they sell, import or produce plant protection products. Registration shall be carried out in the manner described by Mattilsynet.

When registering, each retailer shall appoint a staff member in charge of the activities concerning plant protection products. The person concerned must hold a certificate of authorization according to § 8. The person concerned cannot be in charge of more than one retailer at the same time.

Amendments to the registered information shall be reported as soon as possible, and no later than three weeks after the amendments took place.

Producers of plant protection products shall register each product they produce.

##### *§ 11 Information and control requirements for sales*

Distributors shall, when selling plant protection products, have at least one member of staff available who holds a certificate of authorization according to the provisions in § 8. Such a person must be available at retail premises during all opening hours. This requirement does not apply to distributors only selling ready to use-products for non-professional use.

Distributors selling plant protection products shall be able to provide general information on use, handling, storage, exposure, health- and environment risks, and waste disposal. Distributors selling products for professional use, or concentrated products for non-professional use, shall also be able to provide specific information about the product concerned.

Importers shall have responsible personnel with sufficient professional expertise to be able to give guidance to distributors, and to act as a contact person for Mattilsynet.

Retailers shall ensure that plant protection products for professional use are only sold to persons with a certificate of authorization according to § 8.

#### **§ 12** *Internal control obligations*

All distributors, importers and producers shall introduce and perform internal control. The internal control shall be documented in writing, and the documents shall be available for Mattilsynet.

The internal control involves that the enterprise shall

- a) keep the organization and the distribution of responsibility under review,
- b) survey the risk of infringements of the rules, based on the activities of the enterprise, and introduce measures to reduce that risk,
- c) introduce routines to reveal, correct and prevent repeated infringements, and
- d) systematically carry out surveys of the internal control to make sure that its intended effect is reached.

#### **§ 13** *Importers obligation to take delivery of returned goods*

When the approval period of a plant protection product has expired, the importer is required to take delivery of return products in unopened packages from distributors or wholesalers. Distributors or wholesalers shall cover the return expenses.

When the approval of a plant protection product is withdrawn by Mattilsynet with immediate effect, unopened packages shall be returned to the importer. The importer shall cover the return expenses.

The importer shall have a storage room at his disposal that meets the requirements of § 24, in which to place the products that have been returned according to the first and second paragraph.

#### **§ 14** *Reporting obligations*

Importers and producers shall report on the sales of plant protection products to Mattilsynet.

### Chapter VIII. Storage of plant protection products and existing stocks

#### **§ 24** *Storage of plant protection products*

All storage of plant protection products for professional use shall be done as follows:

- a) the products shall be stored according to its labelling in a tight and locked cupboard or room clearly labelled with the EU standard toxic symbol (skull and crossbones) and the word "POISON",
- b) the cupboard or room shall be kept clean, and if necessary for the products concerned, effectively and continually ventilated with fresh air,

- c) nothing but plant protection products, as well as other chemicals, including liquid fertilizers, shall be stored in the cupboard or room,
- d) opened packages shall be stored in a closed and tight container, and
- e) no kind of goods is to be placed underneath cupboards where plant protection products are stored.

The storage of plant protection products for non-professional use (ready to use-products and concentrated products) shall be done as follows:

- a) the products shall be stored according to its labelling, and separate from cosmetics, pharmaceutical products, fodder and foodstuffs, and
- b) opened packages shall be stored in a closed and tight container.

Concentrated products for non-professional use are also required to be stored in a locked cupboard or room.

**§ 25** *Handling and return of existing stocks, empty packaging and unused plant protection products*

Plant protection products that are not to be used, and empty packages that have not been cleaned, shall be disposed of at a licensed collection facility for hazardous waste. When the authorization of a plant protection product for professional use expires, the product may still be sold for six months, unless a shorter grace period has been decided. Similarly, the product may be used and stored for 18 months after the expiring date.

Packaging that have been cleaned according to the directions on the label can be disposed of as ordinary waste.

Remnants of biological products shall be destructed according to the directions on the label.

When using a spray tank, the tank shall be emptied completely in the application field. Afterwards it shall be rinsed thoroughly and according to the directions on the label. After rinsing, the rinsing water shall be emptied in the spraying area.

The spraying equipment shall be rinsed on the outside when appropriate. The choice of place for rinsing shall give as little risk as possible for runoff to water.

When special plant protection products for greenhouses have been used, vegetative waste, soil mixtures, growing media and so forth, which have been removed from the greenhouse, shall be stored for at least one year on impervious ground and shielded from rainfall in order to prevent runoff to the surroundings.

Chapter X. Organisms for biological pest control

**§ 27** *Organisms for biological pest control*

Macrobiological plant protection products, and products containing other organisms that are not covered by the definition of microorganisms in Regulation (EU) No. 1107/2009,

and which are intended for biological pest control, can only be imported, sold or used when approved by Mattilsynet. All use shall be according to the directions on the label.

Approval of organisms according to the first paragraph can be given when

- a) the name and biology of the product has been demonstrated,
- b) the product does not impose unacceptable adverse effects on human and animal health,
- c) there is no reason to believe that the product will cause substantial adverse effect on the biodiversity,
- d) the quality and durability of the product are satisfactory,
- e) the product has satisfactory agronomical efficacy,
- f) representative uses and doses of the product has been described and demonstrated, and
- g) the packaging and labelling of the product fulfil the guidelines laid down by Mattilsynet.

Mattilsynet may require that the product is tested experimentally according to Norwegian conditions.

Application for approval must be submitted to Mattilsynet. The application shall include sufficient information for Mattilsynet to consider whether the requirements according to the second paragraph are met.

## Chapter XI. Final provisions

### **§ 28** *Tax on plant protection products*

Producers and importers shall pay tax on plant protection products. This does not apply to organisms according to § 27.

The tax on plant protection products is determined by a base rate per decare and the tax class of the product. The base rate is set by the Ministry of Agriculture and Food. Mattilsynet determines the tax classification, and calculates the tax for each approved plant protection product, based on a standard area dose (dose calculated for each product, based on the highest allowed application rate for the dominating area of use).

The different tax classes for plant protection products are as follows:

- a) tax class 1, products with low health- and environmental risks; factor 0,5
- b) tax class 2, products with low health risk and medium environmental risk, or medium health risk and low environmental risk; factor 3
- c) tax class 3, products with medium health- and environmental risks, or low health risk and high environmental risk, or high health risk and low environmental risk; factor 5
- d) tax class 4, products with medium health risk and high environmental risk, or high health risk and medium environmental risk; factor 7
- e) tax class 5, products with high health- and environmental risks; factor 9
- f) tax class 6, concentrated products for non-professional use; factor 50
- g) tax class 7, ready to use-products for non-professional use; factor 150