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# **S.I. No. 572/2004 — European Communities (Authorization, Placing on The Market, Use and Control of Biocidal Products) (Amendment) Regulations 2004**

STATUTORY INSTRUMENTS.

**S.I. No. 572 of 2004 .**

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EUROPEAN COMMUNITIES (AUTHORIZATION, PLACING ON THE MARKET,  
USE AND CONTROL OF BIOCIDAL PRODUCTS) (AMENDMENT)  
REGULATIONS 2004.

S.I. No. 572 of 2004 .

EUROPEAN COMMUNITIES (AUTHORIZATION, PLACING ON THE MARKET,  
USE AND CONTROL OF BIOCIDAL PRODUCTS) (AMENDMENT)  
REGULATIONS 2004.

I, JOE WALSH, Minister for Agriculture and Food, in exercise of the powers conferred on me by Section 3 of the European Communities Act, 1972 ( No. 27 of 1972 ) for the purpose of giving further effect to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998<sup>1</sup> , Council Directive 67/548/EEC of 27 June<sup>2</sup> , as last amended by Commission Directive 2001/59/EC<sup>3</sup> , Commission Directive 91/414/EEC of 15 July 1991<sup>4</sup> , Council Directive 86/609/EEC of 24 November 1986<sup>5</sup> , Council Directive 87/18/EEC of 18 December 1986<sup>6</sup> , Council Directive 90/313/EEC<sup>7</sup> , Council Directive 90/679/EEC of 26 November 1990<sup>8</sup> , Commission Directive 2001/58/EC amending for the second time Directive 91/155/EEC<sup>9</sup> , Commission Directive 79/700/EEC<sup>10</sup> , Council Directive 80/778/EEC of 15 July 1980<sup>11</sup> , Commission Directive 80/68/EEC<sup>12</sup> , Commission Directive 90/679/EEC<sup>13</sup> , Commission Directive 93/67/EEC<sup>14</sup> , Council Directive 75/440/EEC of 16 June 1975<sup>15</sup> , Council Directive 65/65/EEC of 26 January 1965<sup>16</sup> , Council Directive 81/851/EEC of 28 September 1981<sup>17</sup> , Council Directive 90/677/EEC of 13 December 1990<sup>18</sup> , Council Directive 92/73/EEC of 22 September 1992<sup>19</sup> , Council Directive

92/74/EEC of 22 September 1992<sup>20</sup>, Council Regulation (EEC) No. 2309/93 of 22 July 1993<sup>21</sup>, Council Directive 90/385/EEC of 20 June 1990<sup>22</sup>, Council Directive 93/42/EEC of 14 June 1993<sup>23</sup>, Council Directive 89/107/EEC of 21 December 1988<sup>24</sup>, Council Directive 88/388/EEC of 22 June 1988<sup>25</sup>, European Parliament and Council Directive No. 95/2/EC of 20 February 1995<sup>26</sup>, Council Directive 89/109/EEC of 21 December 1988<sup>27</sup>, Council Directive 92/46/EEC of 16 June 1992<sup>28</sup>, Council Directive 89/437/EEC of 20 June 1989<sup>29</sup>, Council Directive 91/493/EEC of 22 July 1991<sup>30</sup>, Council Directive 90/167/EEC of 26 March 1990<sup>31</sup>, European Communities Council Directive 70/524/EEC of 23 November 1970<sup>32</sup>, Council Directive 82/471/EEC of 30 June 1982<sup>33</sup>, Council Directive 77/101/EEC of 23 November 1976<sup>34</sup>, Council Directive 76/768/EEC of 27 July 1976<sup>35</sup>, Council Directive 95/5/EC of 27 February 1995<sup>36</sup>, Council Directive 91/414/EEC of 15 July 1991<sup>37</sup>, hereby make the following regulations—

1. These Regulations may be cited as the European Communities (Authorization, Placing on the Market Use and Control of Biocidal Products) (Amendment) Regulations 2004.

2. The European Communities (Authorization, placing on the Market Use and Control of Biocidal Products) Regulations 2001 ( S.I. No. 625 of 2001 ) are amended by substituting for Regulation 42—

“42 (1) An application for authorization of a biocidal product or any other service provided or act done under these Regulations shall be accompanied by such fee as the Minister may, from time to time, determine.

(2) (a) The Minister shall not consider an application unless it is accompanied by the appropriate fee.

(b) If the Minister determines that—

(i) a fee is to be paid annually, the fee shall be paid no later than 1 December in the year on which it falls due, or

(ii) where the payment of an annual fee is not made by the date due, a late fee determined by the Minister shall be paid.

(c) The Minister shall revoke an authorization, registration or Notification granted where a fee due to be paid has not yet been paid.

(3) A fee under this Regulation shall be paid in the manner that the Minister may from time to time determine.

(4) A person shall not place a thing in respect of which a fee is payable on the market unless he or she has paid the appropriate fee.”

GIVEN under my Official Seal, this 23rd day of September, 2004.

JOE WALSH,

Minister for the Agriculture and Food.

EXPLANATORY NOTE.

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations amended existing Regulations on the fixing of fees in relation to biocidal products.

<sup>1</sup>O.J. No. L 123/1 24/04/1998

<sup>2</sup>O.J. No. L 196/1 16/08/1967

<sup>3</sup>O.J. No. L 225/1 21/08/2001

<sup>4</sup>O.J. No. L 230/1 19/08/1991

<sup>5</sup>O.J. No. L 358/1 18/12/1986

<sup>6</sup>O.J. No. L 15/29 17/01/1987

<sup>7</sup>O.J. No. L 158/40 06/10/1990

<sup>8</sup>O.J. No. L 374/1 31/12/1990

<sup>9</sup>O.J. No. L 212/24 07/08/2001

<sup>10</sup>O.J. No. L 270/26 15/08/1979

<sup>11</sup>O.J. No. L 229/11 30/08/1980

<sup>12</sup>O.J. No. L 20/43 26/01/1980

<sup>13</sup>O.J. No. L 374/1 31/12/1990

<sup>14</sup>O.J. No. L 227/9 08/09/1993

<sup>15</sup>O.J. No. L 194/26 25/07/1975

<sup>16</sup>O.J. No. L 22/369 09/02/1965

<sup>17</sup>O.J. No. L 317/1 06/11/1981

<sup>18</sup>O.J. No. L 373/26 31/12/1990

<sup>19</sup>O.J. No. L 297/8 13/10/1992

<sup>20</sup>O.J. No. L 297/12 13/10/1992

<sup>21</sup>O.J. No. L 214/1 24/08/1993

<sup>22</sup>O.J. No. L 189/17 20/07/1990

<sup>23</sup>O.J. No. L 169/1 12/07/1993

<sup>24</sup>O.J. No. L 40/1 11/02/1989

<sup>25</sup>O.J. No. L 184/61 15/07/1988

<sup>26</sup>O.J. No. L 61/1 18/03/1995

<sup>27</sup>O.J. No. L 40/38 11/02/1989

<sup>28</sup>O.J. No. L 268/1 14/09/1992

<sup>29</sup>O.J. No. L 212/87 22/07/1989

<sup>30</sup>O.J. No. L 268/15 24/09/1991

<sup>31</sup>O.J. No. L 92/42 07/04/1990

<sup>32</sup>O.J. No. L 270/1 14/12/1970

<sup>33</sup>O.J. No. L 213/8 21/07/1982

<sup>34</sup>O.J. No. L 32/1 03/02/1977

<sup>35</sup>O.J. No. L 262/169 27/09/1976

<sup>36</sup>O.J. No. L 51/12 08/03/1995

<sup>37</sup>O.J. No. L 230/1 19/08/1991

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