

Economic Community of West African States, African Regional Bodies

## Regulation C/REG.3/05/2008 on Harmonization of the Rules Governing Pesticides Registration in ECOWAS Region

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Regulation C/REG.3/05/2008 on Harmonization of the Rules Governing Pesticides Registration in ECOWAS Region

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Economic Community of West African States

## **Regulation C/REG.3/05/2008 on Harmonization of the Rules Governing Pesticides Registration in ECOWAS Region**

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**Commenced**

*[This is the version of this document at 18 May 2008.]*

### **The Council of Ministers**

MINDFUL of Articles 10, 11 and 12 of ECOWAS Revised Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

MINDFUL of Decision C/DEC.1/5/83 relating to the short and medium-term programme for the implementation of the Regional Agricultural Development Strategy;

MINDFUL of Decision A/DEC.5/5/82 relating to the production of selected basic seeds and the choice of seed production stations;

MINDFUL of Decision C/DEC.1/5/81 relating to common agricultural policy;

CONSIDERING the FAO International Code of Conduct on the Distribution and Use of Pesticides;

CONSIDERING the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;

CONSIDERING the Stockholm Convention on Persistent Organic Pollutants (POPs);

CONSIDERING the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;

CONSIDERING the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa;

CONSIDERING the strategic role of the agricultural sector in the economies of Member States, in providing food for the populations and reducing poverty in rural areas;

AWARE that promotion of sustainable agriculture leading to food security and improved living standard for the populations requires the use of any substance or combination of substances likely to help achieve this result;

CONVINCED that pesticides could contribute to development of sustainable agriculture in our Member States, given their proven efficacy in agricultural systems across the world;

AWARE of the need to foster and create, in the sub-region, the conditions for sustainable agriculture underpinned by regular market supply of quality pesticides accessible to farmers;

RECOGNIZING, however, that the use of pesticides could pose a danger both for the populations and for the environment of our Member States;

DESIROUS of building inter-state cooperation within ECOWAS for the sale and use of quality pesticides through harmonization of the rules governing registration of pesticides in ECOWAS region;

WELCOMING the active involvement and positive contribution of other sub-regional organizations, notably CILSS and UEMOA, in the formulation of this Regulation;

ON THE RECOMMENDATION of ECOWAS Member States' Ministers of Food and Agriculture meeting in Ouagadougou, Burkina Faso, on 8 November 2007;

**ENACTS**

**I:  
General  
provisions**

**Chapter 1  
Definitions**

**Article 1 – Definitions**

For the purpose of this Regulation:

ECOWAS means the Economic Community of West African States;

WAPRC means the West African Pesticides Registration Committee for pesticides evaluation and registration in West Africa;

APPLICATOR means any individual or corporate entity engaged, for his/her own purposes or on behalf of a third party, in phytosanitary protection of crops, treatment of stored food items, treatment of the premises and materials used for storage of agricultural produce, sanitization of the means of transport for and storage of agricultural produce, sanitization of public places, dwelling accommodation and animal shelters, and in external disinfestation of animals;

PROVISIONAL AUTHORIZATION OF SALE (PAS) means the temporary authorization to market a pesticide, pending collection of such additional data as may be required for its registration;

BIOCIDE means any product used to combat harmful organisms; for example, products designed to eliminate mosquitoes, fleas and cockroaches; cowshed disinfectants, etc;

BIOPESTICIDE means any pesticide derived from natural organisms such as animals, plants, bacteria and some kinds of mineral;

PACKAGING means any container together with its protective wrappings used to deliver pesticides to the consumer through wholesale and retailer distribution networks;

DISTRIBUTOR means any authorized individual or corporate body who imports or procures for himself, approved pesticides for commercial purposes;

MANUFACTURER means any company, individual, public or private body, activities or functions of which comprise, directly or indirectly through an agent or body under its control, or with whom it has entered into an agreement for the manufacture of the active ingredients of pesticides or the preparation of formulations and products from such ingredients.

FORMULATION means any combination of processes which aims at making a pesticide effectively usable for a set purpose or transforming such product in a marketable form;

REGISTRATION means the process by which relevant national or regional authorities approve the sale and use of a pesticide after satisfying themselves through appraisal of all available scientific data that the product in question effectively contributes to attainment of established objectives and does not constitute unacceptable risk to human and animal health or the environment;

ACTIVE INGREDIENT means the biologically active part of a pesticide as contained in its formulation;

COMMON NAME means the name given to the active ingredient of a pesticide by the International Standards Organization or a name endorsed by a national standards structure

as generic term for the product or a name commonly used solely to describe the said active ingredient;

COMMERCIAL NAME (TRADE NAME) means the name under which the pesticide is labeled, registered and marketed by the manufacturer and which, if protected by national or regional legislation, may be used exclusively by the manufacturer to distinguish the product from other pesticides containing similar active ingredient;

STANDARDS means any set of benchmarks that could be used to assess the quality of a pesticide; Pesticide means any substance or combination of substances:

- a) used to repel, eliminate or control harmful organisms including human or animal disease vectors and undesirable plant or animal species that cause damage or are otherwise harmful during production, processing, storage, transportation or marketing of food items, agricultural produce, timber and timber products or animal feed;
- b) administered to animals to combat insects, arachnids and other endoor ectoparasites;
- c) used as growth regulator of plants and defoliant, desiccation agents and fruits polishing agents or to prevent premature fall off or fruits; as well as substances applied on crops, before or after harvest, to protect produce from deterioration.

PROHIBITED PESTICIDE means any such pesticide, use of which has been fully or partly prohibited by specific regulation with the objective to protect human and animal health or the environment. This term is also applicable to a pesticide, first use registration of which has been rejected or which has been withdrawn by the industry either from the domestic market or from the national or regional registration process, where it is obvious that such a measure has been taken to protect human health or the environment.

STRICTLY REGULATED PESTICIDE means all such pesticides, use of which has been fully or partly prohibited by a specific decision of the competent authority with the objective to protect human and animal health or the environment, but of which one or several specific uses have been authorized. The term is also applicable to any pesticide, registration of which has been fully or partly rejected or which has been withdrawn by the industry either from the domestic market or from the national or regional registration process, where it is obvious that such a measure has been taken to protect human health or the environment.

PRODUCT OR PESTICIDE PRODUCT means any active ingredient and other components, in the form it is packaged and sold.

PERSISTENT ORGANIC POLLUTANT (POP) means any chemical substance with toxic properties, resistant to deterioration, builds up in living organisms and is disseminated by air, water and migratory animals across international borders and deposited far away from its original location, or builds up in land and water ecosystems.

RESIDUE means any specific substances left by pesticides in food, agricultural products, animal feed or the environment. The term refers to all pesticides residues, such as conversion products, metabolites and reagents, as well as impurities deemed significant from the toxicology standpoint. It (pesticides residues) includes residues from unknown source or unavoidable residues like those contained in the environment, and also those resulting from known use of chemical products;

RETAILER means all such authorized individual or cooperate body that procures pesticides from distributors or manufacturers in the national territory for commercial purposes.

## **Chapter II**

### **Purpose and field of application**

#### **Article 2 – Purpose**

A Regulation on pesticides registration common to all ECOWAS Member States (hereinafter referred to as Common Regulation), is hereby established.

The purpose of this Common Regulation shall be to:

- a) protect the populations and the environment of West Africa against the potential dangers in the use of pesticides;
- b) facilitate trade in pesticides amongst and within the Member States, through application of principles and rules mutually agreed at regional level, to dismantle trade barriers;
- c) facilitate timely and convenient access by farmers to quality pesticides;
- d) ensure rational and judicious use of pesticides;
- e) contribute to the creation of a climate propitious to private investment in the pesticides industry; and
- f) promote public-private sector partnership.

#### **Article 3 – Field of application**

This Regulation shall be applicable to all activities involving experiments on, as well as authorization, marketing, use and control of, pesticides and biopesticides in the Member States.

## **Chapter III**

### **Guiding principles**

#### **Article 4 – Principle of harmonization**

In pursuance of harmonization as intended by this Regulation, ECOWAS shall help bridge the gap between Member States' legislations in the field of pesticides.

#### **Article 5 – Principle of free movement of pesticides**

For effective organization of a regional market in furtherance of the regional agricultural policy, there shall be free movement of pesticides in the territory of ECOWAS Member States upon registration and being declared as being in conformity with the quality standards defined in the applicable texts.

#### **Article 6 – Principle of mutual recognition and equivalence**

Member States shall implement the principle of mutual recognition of pesticides registrations based on the technical specifications and regional standards on pesticides

as well as on the registration conditions and procedures applicable in ECOWAS, and shall recognize such conditions and procedures as equivalent.

### **Article 7 – Principle of recognizing international standards**

To ensure the free movement of pesticides within ECOWAS region and foster regional and international trade thereon, Member States shall anchor their pesticides technical regulations on:

- a) international standards, directives and recommendations, particularly those prescribed by the Rotterdam, Stockholm, Basle and Bamako Conventions;
- b) FAO specifications and OECD standards; and the
- c) commitments of the Member States that have ratified the aforementioned Conventions.

### **Article 8 – Principle of participation and information**

1. Member States shall ensure the full participation of the pesticides sector players in the process of public decision-making in matters of pesticide.
2. Member States shall organize public access to pesticide information available to public authorities.
3. Member States shall help train and build the awareness of pesticides sector players.

## **Chapter IV Organ and tools for pesticides management**

### **Article 9 – West African Committee for Pesticides Registration**

1. A West African Committee for Pesticides Registration, hereinafter called WACPR, is hereby established. This Committee shall implement the Common Regulation on behalf of the ECOWAS Commission. To this end, it shall operate under the direct institutional authority of the Commission.
2. The WACPR shall be structured into sub-divisions to improve its effectiveness.
3. The head office of WACPR coordination unit shall be located within ECOWAS Commission premises in Abuja. However, this head office may be transferred to any other ECOWAS Member State.
4. The WACPR shall work closely with national pesticides management committees for development of the sector. To this end, each Member State shall set up a National Committee for Pesticides Management (NCPM) where this does not already exist.
5. The NCPM shall first examine and approve pesticides registration applications, prior to their submission to ECOWAS Commission for similar action.
6. All applications for pesticides registration shall be submitted to ECOWAS Commission which shall, through the WACPR, verify that such applications have met the set

standards. In the registration process, the NCPM shall be responsible for pre-registration (experimental trial) as well as post-registration (control).

7. The functions, composition, functioning and financing of WACPR as well as the number of its sub-divisions shall be determined by ECOWAS Commission in an enabling Regulation.

### **Article 10 – Pesticide management tools**

1. Five lists of pesticides are hereby instituted for more effective pesticides management in ECOWAS and in its Member States:
  - a) List of registered pesticides or pesticides accorded provisional authorization of sale (PAS);
  - b) List of strictly controlled pesticides;
  - c) List of pesticides under toxicant monitoring;
  - d) List of prohibited pesticides; and
  - e) List of registered pesticides approved by each Member State.
2. The above lists shall constitute the official tools for pesticides management in Member States.
3. The list of registered pesticides approved by each Member State shall be drawn up on the basis of list of the pesticides registered by ECOWAS Commission.
4. However, Member States may refuse to authorize the sale, on their national market, of a registered pesticide, or a pesticide that has been accorded provisional authorization of sale (PAS). In this connection, they shall submit a request to the Commission stating the reasons for the refusal. ECOWAS Commission shall inform the Member States of its decision.

## **II: Registration of pesticides**

### **Chapter V Obligation and responsibility to register**

#### **Article 11 – Obligation to register**

No pesticide may be marketed and used in the territory of Member States unless it has been registered or accorded PAS in accordance with the provisions of this Common Regulation,

except where the use for which it is intended has not been covered by the provisions of Articles 19 and 28 hereunder.

### **Article 12 – Registration responsibility**

1. Consideration and evaluation of pesticides registration applications shall be the responsibility of WACPR. This exercise shall be applicable to all Member States.
2. The decision to register shall be taken by ECOWAS Commission on the recommendation of WACPR.
3. Registration conditions and procedures are defined in Chapters VI and VII of this Common Regulation.

### **Article 13 – Implementation**

Pursuant to the provisions of Article 7 of this Regulation, the WACPR shall evaluate all the notifications and Decision Concept Papers (DCP) regarding the aforementioned Conventions. It shall submit its opinion thereon to the Commission which, in turn, shall transmit same to Member States for implementation.

### **Article 14 – Inappropriate use**

1. Pesticides shall be used in appropriate manner.
2. Appropriate usage includes:
  - a) compliance with the conditions stipulated in Articles 15 and 16 and those indicated on the label; and
  - b) application of the principles of best phytosanitary and veterinary practices, or of vectors control, as well as the principle of integrated management of harmful pests, whenever this is possible.

## **Chapter VI**

### **Registration conditions**

#### **Article 15 – Registration requirements**

1. A pesticide shall be registered on the basis of registration dossier, the contents of which shall be clearly defined by ECOWAS Commission.
2. A pesticide shall be registered where it has met the requirements defined in the registration dossier.
3. The applicant for pesticide registration shall have its headquarters or a representation in one of the Member States.
4. Pesticide registration shall be granted for specific purpose, and such purpose shall be such as has been authorized in the Member States.
5. Registration shall be granted with specific restrictions as to its use.

#### **Article 16 – Registration criteria**

1. The registration criteria shall embrace the biological efficacy and quality of the formulations offered for sale, their toxicity and risk to humans, as well as their harmful impact and the danger posed to the environment.
2. These criteria shall be spelt out by ECOWAS Commission in conjunction with WACPR and Member States, in an enabling Regulation.

#### **Article 17 – Registration processing fee**

A fee is hereby instituted for processing of all pesticides registration applications. The amount of such processing fee shall be determined by ECOWAS Commission on the recommendation of WACPR. The said fee shall be borne by the applicant.

#### **Article 18 – Period of validity of registration**

Pesticide registration shall be valid for five (5) years, renewable.

#### **Article 19 – Emergency situations**

1. The use of unregistered pesticide or a pesticide that has not been accorded the PAS by the Commission shall be accepted, exceptionally, in the event of phytosanitary, veterinary and sanitary emergencies such as unforeseen pest invasion or unexpected emergence of disease vector.
2. The use of unregistered pesticide or a pesticide that has not been accorded the PAS shall be authorized only where there is no other available alternative for management of the harmful organism. The usage so authorized shall be at limited scale and for specific time frame.
3. A Member State wishing to use unregistered pesticide or a pesticide that has not been granted provisional authorization of sale (PAS) in the event of emergency, shall immediately inform the Commission accordingly, submitting to it a report containing

the justification for its request. The Commission shall approve or reject such request after due consideration.

## **Chapter VII**

### **Registration procedure**

#### **Article 20 – Evaluation of registration applications**

The procedures for evaluation of registration applications shall be established and defined by the Commission.

#### **Article 21 – Registration decisions**

1. The Commission may:
  - a) decide to register a pesticide for a period of five (5) years, renewable;
  - b) grant provisional authorization of sale (PAS) pending further study;
  - c) keep the file open for further information;
  - d) refuse to register a pesticide; and
  - e) withdraw the registration or the PAS.
2. A pesticide registered or accorded the PAS shall bear one sole registration number that is common to all Member States.
3. The registration or the PAS granted by Commission shall be signed in two copies. One copy shall be transmitted to the applicant, and the second kept by WACPR.
4. The WACPR shall, after every meeting, update the list of registered pesticides and of those accorded the PAS. The updated list shall be forwarded to each Member State and published in the Official Journal of ECOWAS.

#### **Article 22 – Provisional registration and validity**

1. Provisional authorization of sale (PAS) shall be granted where additional data and information have been deemed necessary to satisfactorily meet the conditions spelt out in Article 15 of this Regulation.
2. The PAS shall be valid for three (3) years, and is not renewable.

#### **Article 23 – Further study**

A pesticide registration application shall be kept for further study where the information provided is not sufficient to meet the conditions stipulated in Article 15 of this Regulation.

In that event, the Commission shall, through the WACPR, request the applicant to furnish the requisite additional information.

### **Article 24 – Rejection of registration application**

An application for registration of pesticide shall be rejected where it has failed to meet the conditions set out in Articles 15 and 16 of this Regulation.

### **Article 25 – Review, modification or annulment of registrations and PAS**

1. Pesticide registration or PAS may be reviewed. Such review may result in withdrawal of registration or, where appropriate, legal action.
2. Pesticide registration or PAS may be annulled were:
  - a) any one of the requirements is no longer fulfilled; and
  - b) the information required for registration or PAS has been deemed false or fallacious.
3. Pesticide registration or PAS may be modified where, in light of new scientific and technical knowledge:
  - a) the directions and the quantities recommended for use could be modified; and
  - b) appraisal of the data provided in the application for registration has changed.

### **Article 26 – Confidentiality**

1. The data furnished by an applicant for pesticide registration shall be confidential.
2. This confidentiality shall not apply in the event of a request by a Member State regarding:
  - a) designation and level of the active ingredient (s) and description of commercial product;
  - b) the names of other substances considered hazardous for humans or the environment;
  - c) the physical-chemical data on the active ingredient (s), matters concerning degradation or metabolites of (eco) toxicological significance and the commercial product;
  - d) the means used to make the ingredient (s), active; or the commercial product, harmless;
  - e) summary of the results of the tests conducted to establish the efficacy of the product and its safety for humans, animals, plants and the environment;
  - f) the methods and precautions recommended to reduce risks during handling, storage, transportation, etc;
  - g) the methods used for analysis of the active ingredient(s), its or their post-application residues, as well as the metabolites or other components deemed to be (eco) toxicologically significant;
  - h) product disposal and packaging modalities;
  - i) needed decontamination measures in the event of accidental application or leakage; and

- j) the first aid measures and the medical treatment to be applied in the event of accidental exposure or poisoning.

## **Chapter VIII Trials**

### **Article 27 – Trial protocols**

Detailed conditions for experimental protocols and methodologies, for the purpose of pesticide registration, shall be spelt out in the pesticides registration dossier of the Commission.

### **Article 28 – Experimental trials with emissions of unauthorized products**

Experimental trials in Member States for research or development purposes, involving emission into the environment of phytosanitary product not authorized by the Commission, shall not be conducted except with prior authorization of the appropriate authority of the Member State in which the trial or test is to be undertaken and in accordance with applicable national legislation.

### **Article 29 – Biological efficacy tests**

1. Biological efficacy tests for the purpose of registration of a pesticide shall be conducted by the public or private institutions approved by ECOWAS Commission on the recommendation of WACPR.
2. Such tests shall be undertaken according to the protocols formulated by the Commission on the recommendation of WACPR.

## **Chapter IX Appeal**

### **Article 30 – Right of appeal**

1. Appeal against the rejection of application for registration as defined in Article 24 of this Regulation, or for modification or annulment of a PAS or registration as stipulated in Article 25 above, may be brought before the President of the Commission or his/her representative or, where appropriate, before the Community Court of Justice.
2. The appeal procedure shall be defined by ECOWAS Commission on the recommendation of WACPR.

**III:  
Marketing  
of  
pesticides**

**Chapter X  
Conditions**

**Article 31 – Licencing**

1. The exercise of the profession of pesticide manufacturer, importer, distributor, retailer, applicator, exporter, formulator, repackaging and transporter shall be subject to license issued by the Member State concerned.
2. The licence is renewable at the request of the holder for similar duration. It may be suspended or withdrawn.
3. The conditions and modalities for obtaining license, or for its suspension or withdrawal shall be specified by each Member State, in accordance with the pertinent provisions of this Regulation.

**Article 32 – Stock accounting**

1. All pesticide dealers shall keep a detailed record of all entries and sales of pesticides in a ledger which could be consulted and checked at any time by the official control service or any other accredited private body and by the competent Departments of the Ministry of Trade or other relevant Ministry.
2. The quantities of pesticides received, procured and stored shall not be included in obsolete stock.

**Article 33 – Warehouse storage conditions**

For the purpose of effective conservation of pesticides, all warehouses for storage of pesticides intended for sale shall:

- a) have adequate temperature and moisture levels; and
- b) be tidy and well-ventilated.

**Article 34 – Storage conditions**

1. Pesticides shall be stored in their original container with their labels intact. They shall be conserved separately in key-locked cupboards. The storage cupboards shall

be exposed to free air circulation and access thereto shall be monitored to avoid unauthorized use.

2. More detailed conditions for storage of pesticides that conform to international directives shall in due course be spelt out by the Commission on the recommendation of WACPR.

### **Article 35 – Transportation conditions**

1. Pesticides shall be transported in a compartment isolated from the driver and passengers.
2. Pesticides shall not be transported in the same compartment as animals, food, clothings, household items or other personal effects.
3. Detailed conditions for transportation of pesticides shall, in due course, be defined by the Commission on the recommendation of WACPR.

### **Article 36 – Installation of factories**

Installation of pesticide manufacturing and/or packing company shall be subject to prior authorization of the country concerned in conformity with international standards.

### **Article 37 – Import and export regimes**

1. Without prejudice to community regulations in matters of foreign trade, the import and export of pesticides shall be subject to prior authorization of the concerned country based on the list of registered pesticides approved by the Member State in question.
2. The importer or exporter shall furnish all the information required on the forms designed for that purpose by the Commission.

## **Chapter XI Labelling**

### **Article 38 – Obligation to label**

1. Any packaging containing a registered pesticide shall bear a label.
2. User Information shall be provided in the labels and the instruction leaflets attached to the registration application.

### **Article 39 – Content of a label**

1. The minimum information required on the label and/or instruction leaflets shall be specified by the Commission. The labels and/or instruction leaflets shall be written in the official language(s) of the country where the product is marketed.
2. Pictograms shall complement the text on the label.
3. The label shall bear at the bottom a toxicology band in accordance with FAO/WHO classification of pesticides.

## **Chapter XII Packaging**

### **Article 40 – Characteristics of packaging**

The characteristics of packagings shall be those set by ECOWAS Commission, and shall be in conformity with international standards.

#### **IV: Quality control of pesticides**

## **Chapter XIII Responsibilities and procedures**

### **Article 41 – General responsibility for quality control**

1. Member States have the overall responsibility for post-registration control, distribution and use of pesticides. They shall, to this end, accord to their competent authorities the necessary powers as well as the human and financial resources to carry out their mission.
2. Management of packagings and stocks of obsolete pesticides shall be the responsibility of Member States; and this shall be realized in accordance with the standards set by ECOWAS Commission.

### **Article 42 – Empowerment and powers of quality control agents**

1. Member States shall draw up a list of the phytosanitary agents accredited to undertake control.
2. Such agents shall be empowered to conduct inspections and investigations enabling them to, among other things:
  - a) enter professional premises including compounds and buildings for pesticide manufacture, formulation and distribution as well as warehouses, storerooms and storage depots for pesticides.
  - b) access and cause to be transmitted to it all documentation relating to the operations of pesticides formulators, repackaging agents and distributors;
  - c) inspect pesticides plants, vehicles and treatment devices; and

- d) collect samples, and ensure that these samples are representative enough and quantitatively sufficient to allow for comparative evaluation.
3. Inspections during production and marketing shall be carried out in the presence of the formulator, repackaging agent, distributor or his/her representative.

### **Article 43 – Toxicant monitoring**

Registered pesticides or pesticides accorded the PAS featuring on the list of products under toxicant monitoring as stipulated in Article 10 of this Regulation shall be subject to special monitoring by the competent structures of Member States.

### **Article 44 – Field of control**

1. Pesticides control in ECOWAS region shall be conducted at any time and at any venue of production, import, export, storage, transportation, formulation and packaging, as well as marketing, utilization and disposal of the said pesticides.
2. Member States shall monitor compliance with the prescriptions contained of this Common Regulation, particularly those on:
  - a) licensing;
  - b) the import and export requirements stipulated in Article 36;
  - c) quality of the formulations offered for sale;
  - d) authorized areas of application and the restrictions prescribed for registration and PAS;
  - e) labeling requirements;
  - f) use of pesticides marketed according to the indications on the labels;
  - g) storage and transportation conditions;
  - h) impact of pesticides on the environment.
  - i) any other conditions defined in this Regulation

### **Article 45 – Control procedures**

1. Pesticides control shall be conducted in accordance with extant Regulations of the Community.
2. However, pesticides control shall be carried out in the presence of the pesticide manufacturer, importer, distributor, applicator, exporter, formulator, repackaging agent and transporter or his/her accredited representative, with an appropriate

report containing pertinent observations as well as technical recommendations or instructions.

3. A model control report shall be defined by the Commission on the recommendation of WACPR.

### **Article 46 – Right of appeal and experts' re-evaluation**

1. In the case of dispute over control report, the formulator, packaging agent, distributor, applicator and transporter shall have the right of recourse to experts' re-evaluation.
2. The appeal process shall be that which is in force in Member States.

## **V: Special provisions**

### **Chapter XIV Sanctions**

#### **Article 47 – Sanctions**

1. Member States shall take appropriate measures to impose sanction for breaches of the provisions of this Regulation and its enabling texts.
2. The following shall constitute breaches of the provisions of this Regulation and its enabling texts:
  - a) the production, import or export of unregistered pesticides;
  - b) marketing of pesticides without license;
  - c) false statements on the label of a pesticide and the use of any trickery to mislead people over the quality of the pesticide;
  - d) alteration or any wilful falsification of a label;
  - e) lack of proper stock accounting;
  - f) hindrance to the official discharge of control duties;
  - g) any other infringement of this Regulation and its enabling texts.

## **VI: Final provisions**

#### **Article 48 – Implementation**

In furtherance of its activities, WACPR shall be open to the sub-regional institutions operating in the pesticides sector. Specific Conventions shall define the modalities of such opening.

#### **Article 49 – Publication**

This Regulation shall be published by the Commission in the Official Journal of the Community within thirty (30) days following signature by the Chairperson of the Council of Ministers. It shall also be published in Member States' Official *Gazette* within the same timeframe.

### **Article 50 – Entry into force**

This Regulation shall enter into force upon publication.

Done at Abuja, this 18<sup>th</sup> day of May 2008

H.E. Mrs. Minata Samaté Cessouma

Chairperson

for: Council of Ministers