1. ------IND- 2018 0431 A-- EN- ------ 20191218 --- --- FINAL

Act of 28 March 2019
amending the Carinthian Plant Protection Product Act

The Carinthian provincial parliament has decided the following:

Article I

The Carinthian Plant Protection Product Act, Provincial Law Gazette No 31/1991, last amended by Provincial Law Gazette No 71/2018, is amended as follows:

1. In point k of § 3(1), the full stop is replaced by a semicolon and the following point l is added:

 ‘l) Non-professional user: any person who is not a professional user within the meaning of point e or an advisor within the meaning of point f.’

2. § 5(1c) reads as follows:

‘(1c) Non-professional users may use only those plant protection products that are authorised under the provisions regarding the placing on the market of plant protection products for use in domestic gardens and on allotments and

 1. low-risk plant protection products, as defined in Article 47 of Regulation (EU) No 1107/2009 regarding the placing on the market of plant protection products or

 2. contain substances approved for organic farming pursuant to Annex II of Regulation (EU) No 889/2008 on organic production.’

3. § 12(1) reads as follows:

‘(1) The provincial government must monitor compliance with the provisions of §§ 5 to 11 and the ordinances issued pursuant to these provisions

 1. by professional users and authorised parties

 2. by non-professional users where there is a justified suspicion that provisions of this Act or the ordinances issued in connection therewith have been violated,

but in any case in accordance with the provisions of Union law on the supervision of the use of plant protection products.’

4. The following paragraph 5 shall be added after § 13a(4):

‘(5) Insofar as this Act refers to Regulation (EU) No 889/2008, this reference shall be to Commission Regulation (EU) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EU) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control, OJ L 250 of 18 September 2008, p. 1, as last amended by Commission Implementing Regulation (EU) 2018/1584 of 22 October 2018, OJ L 264 of 23 October 2018, p. 1.’

Article II

(1) This Act shall enter into force on the day following promulgation.

(2) Plant protection products which are approved for use in domestic gardens and on allotments and which comply with the requirements of Article I(2) (§ 5 (1c)) may be used by non-professional users until 31 December 2019.

(3) This Act has been subjected to a notification procedure as defined by Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of standards and technical regulations (Notification No 2018/0431/A).