

Applicable penalties for infringements of Regulation (EC) 1107/2009 notified under Article 72 (2) of Regulation (EC) 1107/2009

The table is compiled base on data provided by the Member States between June and October 2021

| Member State | Legal provisions | Min Fine | Max fine | Criminal sanctions | Specific provisions online commerce PPPs |
|---------------------|--|--|--|--|---|
| Belgium | Law of 21 December 1998, regarding the norms for products for the improvement of sustainable production- and consumption patterns, and for the protection of the environment and public health, article 17 §1 12° http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1998122141&table_name=loi | EUR 16 | EUR 4,000.000 | Prison sentence from 3 days to 8 years | No specific provisions |
| Bulgaria | Article 155 of the Plant protection act (чл. 155 от Закона за защита на растенията) | EUR 500 natural person ; EUR 1,000-legal entity | EUR 1,500 natural person ; EUR 2500-legal entity | No | Not allowed-requirement for physical store |
| Czech Republic | § 79c, g,b of the Act No. 326/2004 Coll. on phytosanitary care and changes of some other related Acts | No | EUR 1,550 natural persons; 154,000 for legal entities | Infringement of IP rights only | No specific provisions |

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| Denmark | Section 59 of the Chemicals Act cf. Statutory Order No. 115 of 26 January 2017, with subsequent amendments and section 63 of Statutory Order No. 2281 of 29 December 2020 on pesticides. | DKK 5,000 (EUR 470)- non-professionals Professional: 30,000 DKK (EUR 4,000) for RED products, 20,000 DKK (EUR 2,700) for YELLOW and 10,000 DKK (EUR 1,400) for GREEN in these cases. | Determined by the court, no maximum (indicative fines proposed by the authorities up to DKK 45,000) | If the offence has been committed intentionally or through gross negligence, the penalty may, in the worst case, increase to imprisonment for up to 2 years | No specific provisions |

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| Germany | Section 68 and 69 of the Act concerning the Protection of Crop Plants (Gesetz zum Schutz der Kulturpflanzen) - Plant Protection Act (Pflanzenschutzgesetz – PflSchG) | EUR 5; confiscation of the PPPs concerned. | EUR 10,000(personal illegal use); EUR 50,000 (professional illegal use; marketing, import); confiscation of the PPPs concerned. | Section 69 PflSchG-custodial sentence of up to five years. | Allowed; Section 24 PflSchG-obligation to notify the authority of contact details of the seller; plus certificate for competence (Section 9 (1) No 5 PflSchG). |

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| Estonia | § 101 of the Plant Protection Act and § 83 of the Penal Code; § 364 (1) and § 368 ⁵ (1) of the Penal Code. | | EUR 32,000; violation of environmental requirements for agricultural activity- EUR 200,000; illegal import- EUR 3,200 | Illegal use of PPP is criminalised; Penal Code (§ 368 (1) and (2)) Illegal plant operation through negligence, which causes, outside the plant, danger to human life or health or a risk of environment | allowed |
| Ireland | Statutory Instrument 159 of 2012 Disallowance from the CAP payments | | Class A fine (currently max. fine is €5,000) | No | No |

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| Greece | Law 4036/2012 | EUR 500-use, marketing in Greece; EUR 10,000-import, product, market for outside Greece | EUR 30,000-in Greece; EUR 50,000-outside Greece | Yes, 3 months to 1 year | No information |
| Spain | National Plant Health Law 43/2002 Law 33/2011, General Law of Public Health Royal Legislative Decree 1/2007 Law 26/2007, on Environmental Liability. Organic Law 12/1995, for the Repression of Smuggling | EUR 300 | EUR 3.000.000 (or twice the estimated profit if it's higher) | Yes, Penal Code (Organic Law 10/1995). | Allowed only for non-professional users (new legislation, not published yet) |

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| France | Code rural et de la pêche maritime, Article L. 253-13 and following ; most infractions are criminalised | | EUR 150 000 use ; EUR 350,000 marketing ; EUR 750 000 for contrefait PPPs | Yes, up to 7 years imprisonment and EUR 750,000 fine; 2 months imprisonment and EUR 300,000 fine for use or 10% of the average annual turnover for the last three years | No restrictions |

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| Croatia | Act on the implementation of Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market (<i>Official Gazette</i> , No. 80/13, 32/19, 32/20). | EUR 4.000 legal person; EUR 2.000 natural person | EUR 133.000- illegal import legal person; EUR 13,350 placing on the market; sowing treated seeds, use by legal person; EUR 3,338- use by natural person | Article 261. paragraph 1. of the Criminal Code (Official Gazette, No. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18 and 126/19) for illicit trade and Article 264. of the Criminal Code counterfeit | Article 8. of the Act on Sustainable Use of Pesticides prescribes places of sale of PPP. |
| Italy | Legislative Decree of 17 April 2014, n.69 | EUR 1,000 | EUR 150,000 | in case the infringement under Article 28 breaches a fundamental right under the Italian constitution | No |

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| Cyprus | The Plant Protection Products Law of 2011 Confiscation, suspension of PPP permit | | EUR 10,000 use EUR 30,000 marketing, import | Article 20 of L. 141(I)/201: 2 years imprisonment and/or up to EUR 40,000 fine | Not permitted (sale only in authorised places) |
| Latvia | Article 21(1) of Plant Protection Law | 30 EUR-use/marketing natural person; EUR 70-use legal person; EUR 350 marketing legal person | EUR 2000-use/marketing natural person; EUR 10,000 use/marketing legal person; | | Not possible in practice due to applicable requirements |
| Lithuania | Article 342 of the Code of Administrative Offenses | EUR 60 | EUR 4,000 | No | Allowed provided that the seller has also physical location |
| Luxembourg | Loi du 19 décembre 2014 relative aux produits phytopharmaceutiques, articles 18,19 and 20 | EUR 250 | EUR 250,000 | Yes | Yes |
| Hungary | Article 59 (3) and (5) of Decree 46 of 2008 on food chain and its official control and Article 3 and Annex 1 of Government Decree 194/2008 | 100,000 HUF/EUR 284 | 150,000 HUF/ EUR 427,000 | No | Not allowed- only physical premises |

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| Malta | Subsidiary Legislation S.L. 430.07 of the Laws of Malta (Plant Protection Products (Implementation) Regulations); Chapter 430 of the Laws of Malta (“Pesticides Control Act”) Article 9 | No | EUR 2,329 | No | No information |
| Netherlands | Asked | EUR 50 | EUR 870,000 (or even more in special circumstances) | Yes | No information |
| Austria | <u>§15 Pflanzenschutzmittelgesetz 2011</u> | No | EUR 15,000/30,000 EUR for recurrent infractions | Contravention of environment laws/eco-crime or fraud | Allowed for both professional and non-professional uses |

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| Poland | Article 76 of the Act of 8 March 2013 on Plant Protection Products Article 75c(3) of this Act | | Illegal use- PLN 500-1200 (EUR 100-200) Sale (sanction fees)- 200% the value of the illegal product The permit to trade of the legal entity can be withdrawn if the violation is fragrant | Illegal marketing and import- up to 3 years imprisonment ; fine imposed by court | Allowed under specific condition to provide information to the customer |
| Portugal | Decree-Law n.º 145/2015 of the 31st July | EUR 1250/2500 legal entities | EUR 3700/44.000 | Fraud/ counterfeit only | No information |
| Romania | Article 3(1)a) of Government Decision No. 1230/2021 Article 31(2) (g) of Government Ordinance No. 4/1995 | EUR 2028- marketing and use; EUR 304 -improper labelling | EUR 3043- marketing and use; EUR 912-improper labelling and packaging | No | No restrictions |
| Slovenia | Plant Protection Products Act and the Decree on the implementation of Regulations on the placing of plant protection products on the market | EUR 15,000 | EUR 32,000 | No | Not allowed |

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| Slovakia | Phytosanitary act (https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2011/405/), § 32 (11) – Internet Sale; § 34 – Import of PPPs; § 39 - Sanctions – | EUR 3,300 | EUR 16,500 use EUR 66,300 marketing,import | Criminal Code, § 254 (1), § 300, 301 and 302 | Allowed, § 31 (11) of the Act on Phytosanitary care |
| Finland | 37-39 § Act on Plant Protection Products (1563/2011): https://tukes.edilex.fi/fi/lainsaadanto/20111563 Haven't participated in Silver Axe | No limit, should be proportionate to the infraction; indicative fines: minimum around 10,000-20,000 EUR; maximum around EUR 50,000 | | Finnish Criminal Code (39/1889) for health offence (Chapter 44)-max 6 months; environmental offence (Chapter 48)-max 2 years | No |

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| Sweden | <p>Environmental sanction charge = chapter 30 in the Environmental Code (1998:808) (Miljöbalk (1998:808) Svensk författningssamling 1998:1998:808 t.o.m. SFS 2020:1174 - Riksdagen) and the Regulation of Environmental sanction charge (2012:259) (Förordning (2012:259) om miljösanktionsavgifter Svensk författningssamling 2012:2012:259 t.o.m. SFS 2020:1300 - Riksdagen)</p> <p>Conditional fine: Chapter 26 article 14 in the Environmental Code (1998:808) (Miljöbalk (1998:808) Svensk författningssamling 1998:1998:808 t.o.m. SFS 2020:1174 - Riksdagen)</p> | Environmental charge or conditional fine- per category, no min and max Use: SEK 10 000- class 1; SEK 5 000-class 2 Marketing: SEK 50,000 per 1 PPP | | Chapter 29 in the Environmental Code (1998:808) (Miljöbalk (1998:808) Svensk författningssamling 1998:1998:808 t.o.m. SFS 2020:1174 - Riksdagen) | No |