

Statutory Instrument 1999 No. 3483

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (England and Wales) Regulations 1999

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STATUTORY INSTRUMENTS

1999 No. 3483

AGRICULTURE, ENGLAND AND WALES

PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (England and Wales) Regulations 1999

Approved by both Houses of Parliament

Made

22nd December 1999

Coming into force

1st February 2000

The Minister of Agriculture, Fisheries and Food (hereinafter referred to as "the Minister"), being a Minister designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to the common agricultural policy of the European Community, acting in exercise of the powers conferred on him by the said section 2(2), and, in respect of the provisions of these Regulations relating to Part 1 of Schedule 2 to these Regulations, the Minister and the Secretary of State, acting jointly in relation to England, and the Minister and the National Assembly for Wales, acting jointly in relation to Wales, in exercise of the powers conferred on them by section 16(2) of the Food and Environment

Protection Act 1985[3], and of all other powers enabling them in that behalf, after consultation in accordance with section 16(9) of the said Act of 1985 with the Advisory Committee on Pesticides established under section 16(7) of that Act[4], hereby make the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

Title, commencement and extent

1. - (1) These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 1999 and shall come into force on 1st February 2000.

(2) These Regulations shall extend to England and Wales only.

Interpretation

2. - (1) In these Regulations -

"EEA State" means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992[5] as adjusted by the Protocol signed at Brussels on 17th March 1993[6];

"product" means any crop, food or feeding stuff specified in Schedule 2;

"putting into circulation" means any handing over, whether or not for a consideration, of any product -

(a) in the case of fruit and vegetables, after they have been harvested, and

(b) in any other case, at any time.

"the Residues Directives" means Council Directive 86/362/EEC[7] (as amended by Council Directives 88/298/EEC[8], 90/654/EEC[9], 93/57/EEC[10], 94/29/EC[11], 95/39/EC[12], 96/33/EC[13], 97/41/EC[14] and Commission Directives 97/71/EC[15], 98/82/EC[16], 1999/65/EC[17] and 1999/71/EC[18], together with Council Directive 86/363/EEC[19] (as amended by Council Directives 93/57/EEC, 94/29/EC, 95/39/EC, 96/33/EC, 97/41/EC and Commission Directives 97/71/EC, 98/82/EC and 1999/71/EC) and Council Directive 90/642/EEC[20] (as amended by Council Directives 93/58/EEC[21], 94/30/EC[22], 95/38/EC[23], 95/61/EC[24], 96/32/EC[25], 97/41/EC and Commission Directives 97/71/EC, 98/82/EC, 1999/65/EC and 1999/71/EC).

(2) The words and expressions "dried", "processed", "composite food", "drying" and "processing" when used either in regulation 4 or in paragraphs (d) and (e) of regulation 6 shall have the same meaning as when used in the Residues Directives and any related expressions shall be construed accordingly.

(3) Any reference in these Regulations, in relation to a pesticide, to a pesticide residue is a reference to the substance named in column 2 of Schedule 1 opposite the reference to that pesticide in column 1 of that Schedule.

(4) Any reference in these Regulations to a Schedule or to a regulation shall be construed as a reference respectively to a Schedule to these Regulations or a regulation in these Regulations.

(5) Any reference in any Schedule to these Regulations to any product, figure or pesticide includes any qualifying words relating to that product, figure or pesticide in that Schedule.

Maximum residue levels

3. - (1) The maximum level of any pesticide residue which may be left in any product named in Part 1 of Schedule 2 shall be the number of milligrams of the pesticide residue per kilogram of the product specified opposite the name of that product under the name of the pesticide concerned.

(2) In the case of any product named in paragraph 3, 4 or 5 of Part 1 of Schedule 2 which has been dried, paragraph (1) of this regulation applies to the maximum level of pesticide residue applicable under that Part of that Schedule as it has effect by virtue of regulation 6(c).

4. - (1) No person shall put into circulation any product named in Part 2 of Schedule 2 which contains a level of pesticide residue greater than the number of milligrams of that pesticide residue per kilogram of the product specified opposite the name of that product under the name of the pesticide concerned.

(2) Subject to paragraph (3) below, paragraph (1) above shall apply in relation to -

(a) any product (in this regulation a "dried or processed product") which after drying or processing is obtained from any of the products named in Part 2 of Schedule 2, and

(b) any composite food which includes any of the products named in that Part of that Schedule,

and the reference in paragraph (1) to a product named in that Part of that Schedule shall be construed accordingly.

(3) Where -

(a) paragraph (1) above applies in relation to a dried or processed product or a composite food by virtue of paragraph (2) above, and

(b) no maximum permitted level has been expressly specified in Part 2 of Schedule 2 as the amount of pesticide residue which may be contained in that dried or processed product or composite food,

paragraph (1) applies by reference to the maximum permitted level of pesticide residue applicable under that Part of that Schedule as it has effect by virtue of regulation 6(d) or, as the case may be, (e).

(4) Any person who, without reasonable excuse, contravenes or causes or permits any other person to contravene any provision of this regulation shall be guilty of an offence, and shall be liable -

(a) on summary conviction, to a fine not exceeding the statutory maximum; and

(b) on conviction on indictment, to a fine.

(5) In any proceedings for an offence under this regulation, it is a defence for the person charged to prove that when the product in question (or, as appropriate, the dried or processed product or the composite food) was put into circulation -

(a) it was so put with the intention of its being exported to a country which is not an EEA State and the offence was caused by a treatment applied to that product being a treatment -

(i) required by the country of destination in order to prevent the introduction of harmful organisms into its territory; or

(ii) necessary to protect the product from harmful organisms during transport to the country of destination and storage there, or

(b) it was so put with the intention that -

(i) it be used in the manufacture of things other than foodstuffs and animal feed; or

(ii) it be used for sowing or planting.

(6) Sections 19 and 22 of, and Schedule 2 to, the Food and Environment Protection Act 1985 shall apply for the purposes of this regulation as they apply for the purposes of that Act taking references therein to that Act or any part of it to be references to this regulation.

Seizure or disposal of crops, food or feeding stuffs

5. If any product contains a level of pesticide residue above that permitted under either regulation 3(1) or 4(1), the Minister of Agriculture, Fisheries and Food and the National Assembly for Wales shall each have the power -

(a) to seize or dispose of the consignment containing that product, or any part of it, or to require that some other person shall dispose of it, or

(b) to direct some other person to take such remedial action as appears to the said Minister or to the said Assembly, as the case may be, to be necessary.

Sampling and analysis

6. In determining for the purposes of regulation 3(1) or 4(1) whether the level of pesticide residue left or contained in any product exceeds the maximum permitted level -

(a) the whole or such part only of that product shall, so far as is practicable, be taken into account as specified in column 3 of schedule 3 opposite the name of that product in column 2 of that Schedule;

(b) the procedure laid down in the Codex Recommended Method of Sampling for the Determination of Pesticide Residues^[26] shall so far as is practicable be followed;

(c) in the case of any product named in paragraph 3, 4, or 5 of Part 1 of Schedule 2 which has been dried that Part of that Schedule shall have effect as if for the number of milligrams of each pesticide residue specified opposite the name of that product there were substituted that number of milligrams divided by the fraction of 1 kilogram to which 1 kilogram of the product is reduced by the drying process;

(d) in the case of any product named in Part 2 of Schedule 2 which has been dried or processed, that Part of that Schedule shall have effect where no such maximum permitted level of pesticide residue is specified therein for the product in its dried or processed form as if the maximum permitted level of pesticide residue specified opposite the name of the product in that Part of that Schedule has been modified to take account of the concentration of the product caused by the drying process or, as the case may be, the dilution or concentration of the product caused by the processing; and

(e) in a case where two or more products have been mixed to form a single composite food in relation to which no such maximum permitted levels are specified in Part 2 of Schedule 2, that Part of that Schedule shall have effect as if such maximum permitted levels had been specified in relation to that composite food for each of the pesticide residues which are specified therein opposite the names of each of the products which have been mixed to form the composite food, taking into account -

(i) the relative concentrations of each of the constituent products in the mixture; and

(ii) the provisions of paragraph (d) above.

Revocations

7. The Regulations specified in Schedule 4 are hereby revoked in so far as they apply to England and Wales.

Hayman

Minister of State Ministry of Agriculture Fisheries and Food

13th December 1999

Signed by authority of the Secretary of State for Health

Yvette Cooper

Parliamentary Under-Secretary of State for Public Health Department of Health

22nd December 1999

Signed on behalf of the National Assembly for Wales

Dafydd Elis-Thomas

The Presiding Officer

17th December 1999

SCHEDULE 1

Regulation 2(3)

<i>Column 1</i>	<i>Column 2</i>
<i>Pesticide</i>	<i>Residues</i>
Acephate	acephate
Aldrin & Dieldrin	singly or combined, expressed as dieldrin (HEOD)
2-Aminobutane	2-aminobutane
Aminotriazole	aminotriazole
Atrazine	atrazine
Azinphos-methyl	azinphos-methyl
Benalaxyl	benalaxyl
Benfuracarb	benfuracarb
Binapacryl	binapacryl
Biphenthrin	biphenthrin
Bitertanol	bitertanol
Bromophos-ethyl	bromophos-ethyl
Camphechlor (Toxaphene)	camphechlor (toxaphene)
Captafol	captafol
Captan	captan
Carbaryl	carbaryl
Carbendazim, Benomyl and Thiophanate-methyl	carbendazim, benomyl and thiophanate-methyl (expressed as carbendazim)
Carbon disulphide	carbon disulphide
Carbon Tetrachloride	carbon Tetrachloride
Carbofuran	sum of carbofuran and 3-hydroxy-carbofuran, expressed as carbofuran
Carbophenothion	sum of carbophenothion, its sulphoxide and its sulphone, expressed as carbophenothion
Carbosulfan	carbosulfan
Cartap	cartap
Chlordane	(1) for products of animal origin: sum of <i>cis</i> - and <i>trans</i> -isomers and oxychlordane expressed as chlordane; (2) for cereals, fruit and vegetables: sum of <i>cis</i> - and <i>trans</i> -isomers expressed as chlordane
Chlorfenvinphos	sum of E- and Z-isomers of chlorfenvinphos
Chlormequat	chlormequat

Chlorothalonil	chlorothalonil
Chlorobenzilate	chlorobenzilate
Chlorpyrifos	chlorpyrifos
Chlorpyrifos-methyl	chlorpyrifos-methyl
Cyfluthrin	cyfluthrin, including other mixed isomeric constituents (sum of isomers)
Cypermethrin	cypermethrin (sum of isomers)
Daminozide	sum of daminozide and 1,1-dimethyl-hydrazine expressed as daminozide
DDT	sum of pp'-DDT, op'-DDT, pp'-DDE and pp'-TDE (DDD) expressed as DDT
Deltamethrin	deltamethrin
Diazinon	diazinon
1,2-Dibromoethane	1,2-dibromoethane
Dichlofluanid	dichlofluanid
Dichlorvos	dichlorvos
Dichlorprop	dichlorprop (including dichlorprop P)
Dicofol	dicofol
Diiflubenzuron	diiflubenzuron
Dimethipin	dimethipin
Dimethoate	dimethoate
Dinoseb	dinoseb
Dioxathion	dioxathion
Disulfoton	sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton
Endosulfan	sum of alpha- and beta- isomers and of endosulfan sulphate, expressed as endosulfan
Endrin	endrin
Ethephon	ethephon
Ethion	ethion
Etrimfos	etrimfos
Fenarimol	fenarimol
Fenbutatin oxide	fenbutatin oxide
Fenchlorphos	fenchlorphos (sum of fenchlorphos and fenchlorphos oxon, expressed as fenchlorphos)
Fenitrothion	fenitrothion
Fentin	fentin expressed as triphenyltin cation

Fenvalerate	fenvalerate (sum of isomers)
Fluazifop	fluazifop and esters (including conjugates) of fluazifop, expressed as free acid
Flurochloridone	flurochloridone
Furathiocarb	furathiocarb
Glyphosate	glyphosate
Haloxifop	haloxyfop and esters (including conjugates) of haloxifop, expressed as free acid
Hexachlorobenzene (HCB)	hexachlorobenzene
Hexachlorocyclohexane (HCH)	hexachlorocyclohexane (HCH) alpha, beta and gamma isomers individually or summed as in Schedule 2
Heptachlor	sum of heptachlor and heptachlor epoxide, expressed as heptachlor
Hydrogen cyanide	cyanides expressed as hydrogen cyanide
Hydrogen phosphide	phosphides expressed as hydrogen phosphide
Imazalil	imazalil
Inorganic bromide	determined and expressed as total bromine from all sources
Ioxynil	ioxynil
Iprodione	iprodione
Lambda-cyhalothrin	lambda-cyhalothrin
Malathion	sum of malathion and malaoxon, expressed as malathion
Maleic hydrazide	maleic hydrazide
Maneb, Mancozeb, Metiram Propineb and Zineb	determined and expressed as carbon disulphide (CS ₂)
Mecarbam	mecarbam
Mercury compounds	determined as total mercury and expressed as mercury
Metalaxyl	metalaxyl
Methacrifos	methacrifos
Methamidophos	methamidophos
Methyl bromide (bromomethane)	methyl bromide (bromomethane)
Mevinphos	sum of cis- and trans- mevinphos
Monocrotophos	monocrotophos
Omethoate	omethoate (from use of formothion, dimethoate and omethoate)
Paraquat	paraquat

Parathion	parathion
Parathion- methyl	parathion- methyl
Permethrin	permethrin (and sum of isomers)
Phorate	sum of phorate, its oxygen analogue and their sulfoxides and sulphones expressed as phorate
Phosalone	phosalone
Phosmet	phosmet
Phosphamidon	sum of phosphamidon (E- and Z- isomers) and N-desethylphosphamidon (E- and Z- isomers) expressed as phosphamidon
Pirimiphos-methyl	pirimiphos-methyl
Procymidone	procymidone
Propargite	propargite
Propiconazole	propiconazole
Propoxur	propoxur
Propyzamide	propyzamide
Pyrethrins	sum of pyrethrins I and II, cinerins I and II, jasmolins I and II
Quinalphos	quinalphos
Quintozene	sum of quintozene, pentachloroaniline and methyl pentachlorophenyl sulphide expressed as quintozene
Tecnazene	tecnazene
TEPP	TEPP
Thiabendazole	thiabendazole
Triazophos	triazophos
Trichlorfon	trichlorfon
Triforine	triforine
2, 4, 5-T	2, 4, 5-T
Vinclozolin	sum of vinclozolin and all metabolites containing 3, 5-dichloroaniline moiety, expressed as vinclozolin

SCHEDULE 2

Regulation 3(1)

PART 1

PART 1 - Table - 1 of 2

PART 1 - Table - 2 of 2

PART 2

PART 2 - Table - 1 of 5

PART 2 - Table - 2 of 5

PART 2 - Table - 3 of 5

PART 2 - Table - 4 of 5

PART 2 - Table - 5 of 5

SCHEDULE 3

Regulation 6(a)

Note: The word 'fresh' is taken to extend to products which have been chilled.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Group of products</i>	<i>Products included in the groups</i>	<i>Part of product to which maximum residue levels apply</i>
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar: nuts		
(i) CITRUS FRUIT	Grapefruit Lemons Limes Mandarins (including clementines and similar hybrids) Oranges Pomelos	Whole Product

	Others	
(ii) TREE NUTS (shelled or unshelled)	Almonds Brazil nuts Cashew nuts Chestnuts Coconuts Hazelnuts Macadamia nuts Pecans Pine nuts Pistachios Walnuts Others	Whole product after removal of shell
(iii) POME FRUIT	Apples Pears Quinces Others	Whole product after removal of stems
(iv) STONE FRUIT	Apricots Cherries Peaches (including nectarines and similar hybrids) Plums Others	Whole product after removal of stems
(v) BERRIES AND SMALL FRUIT	(a) <i>Table and wine grapes</i> Table grapes Wine grapes (b) <i>Strawberries</i> (other than	Whole product after removal of caps and stems (if any) and, in the case of currants, fruits with stems.

	<p>wild)</p> <p>(c) <i>Cane fruit</i></p> <p>(other than wild)</p> <p>Blackberries</p> <p>Dewberries</p> <p>Loganberries</p> <p>Raspberries</p> <p>Others</p> <p>(d) <i>Other small fruit and berries</i></p> <p>(other than wild)</p> <p>Bilberries</p> <p>Cranberries</p> <p>Currants (red, black and white)</p> <p>Gooseberries</p> <p>Others</p> <p>(e) <i>Wild berries and wild fruit</i></p>	
(vi) MISCELLANEOUS FRUIT	<p>Avocados</p> <p>Bananas</p> <p>Dates</p> <p>Figs</p> <p>Kiwi fruit</p> <p>Kumquats</p> <p>Litchis</p> <p>Mangoes</p> <p>Olives (table consumption)</p> <p>Olives (oil extract)</p>	<p>Whole fruit after removal of stems (if any) and in the case of pineapple, after removal of the crown</p> <p>Whole fruit after removal of stems (if any) after removal of soil (if any) by rinsing in running water</p>

	Passion fruit Pineapples Pomegranates Others	
2. Vegetables, fresh or uncooked, frozen or dry		
(i) ROOT AND TUBER VEGETABLES	Beetroot Carrots Celeriac Horseradish Jerusalem artichokes Parsnips Parsley root Radishes Salsify Sweet potatoes Swedes Turnips Yams Others	Whole product after removal of tops and adhering soil (if any) (removal of soil by rinsing in running water or by gentle brushing of the dry product)
(ii) BULB VEGETABLES	Garlic Onions Shallots Spring onions Others	For dry onions, shallots and garlic: whole product after removal of easily detachable skin and soil (if any) Onions, shallots and garlic other than dry, spring onions: whole product after removal of roots and soil (if any)
(iii) FRUITING VEGETABLES	(a) <i>Solanacea</i> Tomatoes Peppers Aubergines Others	Whole product after removal of stems

	<p>(b) <i>Cucurbits - edible peel</i></p> <p>Cucumbers</p> <p>Gherkin</p> <p>Courgettes</p> <p>Others</p> <p>(c) <i>Cucurbits - inedible peel</i></p> <p>Melons</p> <p>Squashes</p> <p>Watermelons</p> <p>Others</p>	
	(d) <i>Sweet corn</i>	Kernels or cobs without husks
(iv) BRASSICA VEGETABLES	<p>(a) <i>Flowering brassicas</i></p> <p>Broccoli</p> <p>Cauliflower</p> <p>Others</p>	Cauliflower and broccoli curd only
	<p>(b) <i>Head brassicas</i></p> <p>Brussels sprouts</p> <p>Head cabbage</p> <p>Others</p> <p>(c) <i>Leafy brassicas</i></p> <p>Chinese cabbage</p> <p>Kale</p> <p>Others</p>	Product after removal of decayed leaves (if any)
	(d) <i>Kohlrabi</i>	Whole product after removal of tops and adhering soil (if any) (removal of soil by rinsing in running water or by gentle brushing of the dry product)

(v) LEAF VEGETABLES AND FRESH HERBS	<p>(a) <i>Lettuce and similar</i></p> <p>Cress</p> <p>Lamb's lettuce</p> <p>Lettuce</p> <p>Scarole</p> <p>Others</p> <p>(b) <i>Spinach and similar</i></p> <p>Spinach</p> <p>Beet leaves (chard)</p> <p>Others</p> <p>(c) <i>Watercress</i></p> <p>(d) <i>Witloof</i></p> <p>(e) <i>Herbs</i></p> <p>Chervil</p> <p>Chives</p> <p>Parsley</p> <p>Celery Leaves</p> <p>Others</p>	Whole product after removal of decayed outer leaves, root and soil (if any)
(vi) LEGUME VEGETABLES (FRESH)	<p>Beans (with pods)</p> <p>Beans (without pods)</p> <p>Peas (with pods)</p> <p>Peas (without pods)</p> <p>Others</p>	Whole product after removal of pods or with pods if they are intended to be eaten
(vii) STEM VEGETABLES	<p>Asparagus</p> <p>Cardoons</p>	Whole product after removal of decayed tissue and soil (if any); leeks and fennel: whole product after removal of roots and soil (if any)

	<div>Celery</div> <div>Fennel</div> <div>Globe artichokes</div> <div>Leeks</div> <div>Rhubarb</div> <div>Others</div>	
(viii) FUNGI	<div>Mushrooms (other than wild)</div> <div>Wild Mushrooms</div>	Whole product after removal of soil or growing medium
3. Pulses		
	<div>Beans</div> <div>Lentils</div> <div>Peas</div> <div>Others</div>	Whole product
4. Oil seeds		
	<div>Linseed</div> <div>Peanuts</div> <div>Poppy seed</div> <div>Rape seed</div> <div>Sesame seed</div> <div>Sunflower seed*</div> <div>Soya bean</div> <div>Others</div>	<div>Whole seed or kernel after removal of shell and husk, when possible</div> <div>*Whole seed including shell, when present, and whole seed without shell, when shell is absent</div>
5. Potatoes		
	<div>Early potatoes</div> <div>Ware potatoes</div>	Whole product after removal of soil (if any) (removal of soil by rinsing in running water or by gentle brushing of the dry product)
6. Tea (dried leaves and stalks, fermented or otherwise, Camellia sinensis)		
		Whole product
7. Hops (dried), including hop pellets and unconcentrated powder		

		Whole product
8. Cereal grains		
	Wheat Rye Barley Sorghum Oats Triticale Maize Buckwheat Millet Rice Other cereals	Whole commodity without husk
9. Products of animal origin		
	Meat, fat and preparations of meat	Whole commodity (For fat soluble pesticides a portion of carcass fat is analysed and MRLs apply to carcass fat)
	Milk	Whole commodity
	Eggs	Whole egg whites and yolks combined after removal of shells
10. Spices		
	Cumin seed Juniper berries Nutmeg Pepper, black and white Vanilla pods Others	Whole product

SCHEDULE 4

Regulation 7

REVOCATIONS

<i>Title</i>	<i>Number</i>
The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations 1994	S.I. 1994/1985
The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1995	S.I. 1995/1483
The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1996	S.I. 1996/1487
The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1997	S.I. 1997/567
The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1998	S.I. 1998/2922
The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1999	S.I. 1999/1109

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales only, are made under section 2(2) of the European Communities Act 1972 and Part III of the Food and Environment Protection Act 1985 and consolidate and replace the provisions of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations 1994 (S.I. 1994/1985) and the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1995 to 1999 (S.I. 1995/1483, 1996/1487, 1997/567, 1998/2922 and 1999/1109).

To the extent that the Regulations are made under the European Communities Act 1972, regulation 4 and Schedule 2 Part 2 specify maximum levels of pesticide residues which crops, food and feeding stuffs may contain in implementation of Council Directive 86/362/EEC (OJ No. L221, 7.8.86, p. 37) and Council Directive 86/363/EEC (OJ No. L221, 7.8.86, p. 43) as regards cereals and products of animal origin, and Council Directive 90/642/EEC (OJ No. L350, 14.12.90, p. 71) as regards certain products of plant origin (including fruit and vegetables), each as last amended by Commission Directive 1999/71/EC (OJ No. L194, 27.7.99, p. 36) (these Directives as so amended being referred to in these Regulations as "the Residues Directives"). In particular, these Regulations specify for the first time maximum residue levels for the pesticide Azoxystrobin in implementation of Commission Directive 1999/71/EC. Regulation 4 also creates offences, specifies penalties, provides defences and confers enforcement powers where these maximum residue levels have been exceeded in respect of products put into circulation.

To the extent that these Regulations are made under the Food and Environment Protection Act 1985, they specify maximum levels of pesticide residues which may be left in crops, food and feeding stuffs which are not the subject of the Residues Directives. Since they are made under section 16(2)(k) of that Act, regulation 3 and

Schedule 2 Part 1) do no more than specify the maximum residue level which may be left in a particular product. Offences and penalties for contravention of regulation 3 are prescribed respectively by sections 16(12) and 21(3) of that Act.

The Regulations also confer powers to seize and dispose of products where maximum residue levels have been exceeded (regulation 5) and prescribe how much of a particular product is to be taken into account in determining whether a maximum residue level has been exceeded in accordance with Council Directive 90/642/EEC (regulation 6 and Schedule 3). Provision is also made with regard to the manner for determining whether maximum residue levels have been exceeded when found in dried or processed products or composite foods, so far as these are the subject of the Residues Directives (regulation 6).

The Regulations include certain drafting improvements to the preceding legislation, in particular omitting reference to the means by which a pesticide residue may come to be in any product (see regulations 2(3), 3(1) and 4(1)) and clarifying the provisions setting maximum residue levels in their application to dried or processed products or composite foods (see regulations 3(2), 4(2) and (3)).

These Regulations revoke the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 1994 (S.I. 1994/1985) and the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Amendment) Regulations 1995 to 1999 (S.I. 1995/1483, 1996/1487, 1997/567, 1998/2922 and 1999/1109) in so far as they apply to England and Wales (regulation 7 and Schedule 4).

A copy of the Codex Recommendations is available for inspection at the library of the Ministry of Agriculture, Fisheries and Food, Whitehall Place, London SW1A 2EY.

A regulatory impact assessment has been prepared in respect of these Regulations. Copies of this assessment can be obtained from the Pesticides Safety Directorate of the Ministry of Agriculture, Fisheries and Food, Room 313, Mallard House, Kings Pool, 3 Peasholme Green, York YO1 7PX. A copy has been placed in the library of each House of Parliament.

Notes:

[1] S.I. 1972/1811.[back](#)

[2] 1972 c. 68; the powers conferred by section 2(2) were extended by virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c. 51).[back](#)

[3] 1985 c. 48; see section 24(1) for a definition of "the Ministers" and section 24(3) on the exercise of this power. Section 16 was amended by the Pesticides (Fees and Enforcement) Act 1989 (c. 27) and by the Pesticides Act 1998 (c. 26), and the functions of the Secretary of State under section 16(2) of the 1985 Act were transferred, so far as exercisable in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).[back](#)

[4] Established by S.I. 1985/1516.[back](#)

[5] OJ No. L1, 3.1.94, p.3.[back](#)

[6] OJ No. L1, 3.1.94, p.572.[back](#)

[7] OJ No. L221, 7.8.86, p.37.[back](#)

[8] OJ No. L126, 20.5.88, p.53.[back](#)

[9] OJ No. L353, 17.12.90, p.48.[back](#)

[10] OJ No. L211, 23.8.93, p.1.[back](#)

[11] OJ No. L189, 23.7.94, p.67.[back](#)

[12] OJ No. L197, 22.8.95, p.29.[back](#)

[13] OJ No. L144, 18.6.96, p.35.[back](#)

[14] OJ No. L184, 12.7.97, p.33.[back](#)

[15] OJ No. L347, 18.12.97, p.42.[back](#)

[16] OJ No. L290, 29.10.98, p.25.[back](#)

[17] OJ No. L172, 8.7.99, p.40.[back](#)

[18] OJ No. L194, 27.7.99, p.36.[back](#)

[19] OJ No. L221, 7.8.86, p.43.[back](#)

[20] OJ No. L350, 14.12.90, p.71.[back](#)

[21] OJ No. L211, 23.8.93, p.6.[back](#)

[22] OJ No. L189, 23.7.94, p.70.[back](#)

[23] OJ No. L197, 22.8.95, p.14.[back](#)

[24] OJ No. L292, 7.12.95, p.27.[back](#)

[25] OJ No. L144, 18.6.96, p.12.[back](#)

[26] Food and Agriculture Organisation of the United Nations and World Health Organisation Joint Food Standards Programme Codex Alimentarius Commission, Recommended Method of Sampling for the Determination of Pesticide Residues, Volume 2 Section 3 *Codex Alimentarius*, 1993.[back](#)

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