

Statutory Rule 1999 No. 114

Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (EEC Limits) (Amendment) Regulations (Northern Ireland) 1999

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STATUTORY RULES OF NORTHERN IRELAND

1999 No. 114

AGRICULTURE

PESTICIDES

Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (EEC Limits) (Amendment) Regulations (Northern Ireland) 1999

Made

12th March 1999

Coming into operation

19th April 1999

The Department of Agriculture, being a Department 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, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pesticides (Maximum Residue Levels in

Crops, Food and Feeding Stuff) (EEC Limits) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 19th April 1999.

Interpretation

2. - (1) In these Regulations "the principal Regulations" means the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (EEC Limits) Regulations (Northern Ireland) 1995[3].

(2) The Interpretation Act (Northern Ireland) 1954[4] shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the principal Regulations

3. In regulation 2 of the principal Regulations -

(a) in paragraph (1) after the definition of "putting into circulation" there shall be inserted the following definition -

" "the Residues Directives" means Council Directive 86/362/EEC[5], (as amended by Council Directives 88/298/EEC[6], 90/654/EEC[7], 93/57/EEC[8], 94/29/EC[9], 95/39/EC[10], 96/33/EC[11], 97/41/EC[12] and 97/71/EC[13]), together with Council Directive 86/363/EEC[14] (as amended by Council Directives 93/57/EEC, 94/29/EC, 95/39/EC, 96/33/EC, 97/41/EC and 97/71/EC) and Council Directive 90/642/EEC[15] (as amended by Council Directives 93/58/EEC[16], 94/30/EC[17], 95/38/EC[18], 95/61/EC[19], 96/32/EC[20], 97/41/EC and 97/71/EC);"; and

(b) after paragraph (1) there shall be inserted the following paragraph -

" (1A) The words and expressions "dried", "processed", "composite food", "drying" and "processing" when used in either regulation 4 or in sub-paragraphs (c) and (d) of regulation 7 shall have the same meaning as when used in the Residues Directives."

4. For regulation 4 of the principal Regulations there shall be substituted the following -

" Maximum residue levels

4. - (1) Where any product has -

(a) had a pesticide applied to it; or

(b) been grown on land to which a pesticide has been applied,

a person shall not put that product into circulation if it contains a level of pesticide residue greater than the number of milligrammes of that residue per kilogramme of the product (if any) specified in Schedule 2 under the name of that pesticide opposite the name of that product.

(2) Subject to the provisions of regulation 7 the provisions of this Regulation shall, without prejudice to the generality of paragraph (1), apply -

(i) to any products which after drying or processing are obtained

from any of the products specified in Schedule 2; and

(ii) to any composite foods which include any of the products specified in that Schedule

notwithstanding that no maximum permitted level has been expressly specified therein for the amount of pesticide residue which may be contained in that dried or processed product or composite food."

5. In regulation 7 of the principal Regulations, for sub-paragraph (c) there shall be substituted -

" (c) in the case of any product specified in Schedule 2 which has been dried or processed, 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 had 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;

(d) 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 Schedule 2, 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 sub-paragraph (c).".

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

Liam McKibben
Assistant Secretary

12th March 1999.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, are made under section 2(2) of the European Communities Act 1972 and amend the Pesticides (Maximum Residue Levels in Crops, Food and Feeding

Stuffs) (EEC Limits) Regulations 1995 ("the principal Regulations") (S.R. 1995 No. 33, amended by S.R. 1995 No. 461, S.R. 1996 No. 527 and S.R. 1997 No. 244).

To the extent the principal Regulations are made under the European Communities Act 1972, they specify maximum levels of pesticides residues which may be left in crops, food and feeding stuffs in implementation of Council Directive 86/362/EEC (O.J. No. L221, 7.8.86, p. 37), Council Directive 86/363/EEC (O.J. No. L221, 7.8.86, p. 43) and Council Directive 90/642/EEC (O.J. No. L350, 14.12.90, p. 71) each as last amended by Commission Directive 97/71/EC (O.J. No. L347, 18.12.97, p. 42) (Council Directives 86/362, 86/363 and 90/642 as so amended being referred to in the rest of this Explanatory Note as the "Residues Directives").

These Regulations, in implementation of Council Directive 97/41/EC (O.J. No. L184, 12.7.97, p. 33), further amend the principal Regulations so as to make them applicable in respect of processed products and composite foods in so far as these are the subject of the Residues Directives.

The Regulations also amend the principal Regulations so as to make provision with regard to the manner for determining whether the levels of pesticide residues left in any such dried or processed products or composite foods, so far as these are the subject of the Residues Directives, exceed the maxima permitted under the principal Regulations.

Notes:

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

[2] 1972 c. 68; section 2 is subject to Schedule of that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)[back](#)

[3] S.R. 1995 No. 33 amended by S.R. 1995 No. 461, S.R. 1996 No. 527 and S.R. 1997 No. 244[back](#)

[4] 1954 c. 33 (N.I.)[back](#)

[5] O.J. No. L221, 7.8.86, p. 37[back](#)

[6] O.J. No. L126, 20.5.88, p. 53[back](#)

[7] O.J. No. L353, 17.12.90, p. 48[back](#)

[8] O.J. No. L211, 23.8.93, p. 1[back](#)

[9] O.J. No. L189, 23.7.94, p. 67[back](#)

[10] O.J. No. L197, 22.8.95, p. 29[back](#)

[11] O.J. No. L144, 18.6.96, p. 35[back](#)

[12] O.J. No. L184, 12.7.97, p. 33[back](#)

[13] O.J. No. L347, 18.12.97, p. 42[back](#)

[14] O.J. No. L221, 7.8.86, p. 43[back](#)

[15] O.J. No. L350, 14.12.90, p. 71[back](#)

[16] O.J. No. L211, 23.8.93, p. 6[back](#)

[17] O.J. No. L189, 23.7.94, p. 70back
[18] O.J. No. L197, 22.8.95, p. 14back
19] O.J. No. L292, 7.12.95, p. 27back
[20] O.J. No. L144, 18.6.96, p. 12back

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