

Scottish Statutory Instrument 2001 No. 454

The Plant Protection Products Amendment (No. 3) (Scotland) Regulations 2001

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SCOTTISH STATUTORY INSTRUMENTS

2001 No. 454

PESTICIDES

The Plant Protection Products Amendment (No. 3) (Scotland) Regulations 2001

<i>Made</i>	<i>5th December 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>6th December 2001</i>
<i>Coming into force in accordance with regulation 1(2) and (3)</i>	

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^[1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1. - (1) These Regulations may be cited as the Plant Protection Products Amendment (No. 3) (Scotland) Regulations 2001.

(2) Other than is provided for in paragraph (3) below, these Regulations shall come into force on 31st December 2001.

(3) For the purposes of regulation 7 below, these Regulations shall come into force on the day after the day on which they are made.

(4) These Regulations extend to Scotland only.

Amendment of the Plant Protection Products Regulations 1995

2. The Plant Protection Products Regulations 1995^[2] shall be amended in accordance with regulations 3 to 5 of these Regulations.

3. In regulation 2(1) (interpretation), for the definition of "the Directive" there shall be substituted-

" "the Directive" means Council Directive 1991/414/EEC concerning the placing of plant protection products on the market^[3], as amended by the instruments listed in Schedule 4 to these Regulations;"

4. After Schedule 3 there shall be inserted Schedule 4 as set out in the Schedule to these Regulations.

5. In regulation 25A (agency arrangements)^[4]-

(a) in paragraph (1), for "these regulations" there shall be substituted "or for the purposes of these Regulations or the Directive";

(b) in paragraph (2), for "any fees" there shall be substituted "any fees and payments".

Transitional Arrangements for Provisional Approvals

6. - (1) The provisions at paragraph (2) below shall apply, notwithstanding the amendments made by these Regulations, to the Plant Protection Products Regulations 1995.

(2) In relation to the active substance flupyrsulfuron-methyl in Annex I-

(a) any approval issued pursuant to regulation 7(1) (provisional approvals) or extended pursuant to regulation 7(5) in respect of any plant protection product containing that active substance shall not cease to have effect by reason only of the inclusion of that active substance in Annex I;

(b) any such approval or extension which provides for its expiry at a date prior to 30th November 2002 shall not expire at the date provided for, but shall continue in force until the date ascertained in accordance with sub-paragraph (d) below on the same terms and conditions under which it was approved or extended (save as to date of expiry so provided);

(c) any such approval or extension which provides for its expiry at a date on or after 30th November 2002 shall cease to have effect on the date ascertained in accordance with sub-paragraph (d) below;

(d) any approval or extension to which sub-paragraph (b) or (c) above applies shall cease to have effect on the date on which a decision made on an application for approval under regulation 5(1) (standard approvals) has effect or 30th November 2002, whichever is earlier.

(3) In this regulation and in regulation 7 below "Annex I" means Annex I to Council Directive 1991/414/EC concerning the placing of plant protection products on the market, as amended^[5].

7. - (1) The provisions at paragraph (2) below shall apply to the Plant Protection Products Regulations 1995.

(2) In relation to the active substance fenhexamid in Annex I-

(a) any approval issued pursuant to regulation 7(1) or extended pursuant to regulation 7(5) in respect of any plant protection product containing that active substance which ceased to have effect prior to the date on which these Regulations come into force shall be treated as approved with effect from the coming into force date of these Regulations on the same terms and conditions under which it was approved or extended (save as to date of expiry so provided) until the date ascertained in accordance with sub-paragraph (b) below;

(b) any approval or extension to which sub-paragraph (a) above applies shall cease to have effect on the date on which a decision made on an application for approval under regulation 5(1) has effect or 1st August 2002, whichever is earlier.

Revocation

8. The Plant Protection Products Amendment (No. 2) (Scotland) Regulations 2001^[6] are hereby revoked.

ROSS FINNIE

A member of the Scottish Executive

Pentland House, Edinburgh
5th December 2001

SCHEDULE

Regulation 4

NEW SCHEDULE 4 TO THE PLANT PROTECTION PRODUCTS REGULATIONS
1995

" SCHEDULE 4

Regulation 2

INSTRUMENTS AMENDING COUNCIL DIRECTIVE 1991/414/EEC

<i>Instrument</i>	<i>Reference</i>
Commission Directive	O.J. No. L 221, 31.8.93, p.27 (as read with

1993/71/EEC	Corrigenda published in O.J. No. L 4, 6.1.96, p.16)
Commission Directive 1994/37/EC	O.J. No. L 194, 29.7.94, p.65
Commission Directive 1994/79/EC	O.J. No. L 354, 31.12.94, p.16 (as read with Corrigenda published in O.J. No. L 280, 23.11.95, p.58)
Commission Directive 1995/35/EC	O.J. No. L 172, 22.7.95, p.6
Commission Directive 1995/36/EC	O.J. No. L 172, 22.7.95, p.8
Commission Directive 1996/12/EC	O.J. No. L 65, 15.3.96, p.20
Commission Directive 1996/46/EC	O.J. No. L 214, 23.8.96, p.18
Commission Directive 1996/68/EC	O.J. No. L 277, 30.10.96, p.25
Council Directive 1997/57/EC	O.J. No. L 265, 27.9.97, p.87.
Commission Directive 2000/80/EC (as from 1st January 2002)	O.J. No. L 309, 9.12.00, p.14
Commission Directive 2001/21/EC (as from 1st January 2002)	O.J. No. L 69, 10.3.01, p.17
Commission Directive 2001/28/EC	O.J. No. L 113, 24.4.01, p.5
Commission Directive 2001/36/EC	O.J. No. L 164, 20.6.01, p.1
Commission Directive 2001/47/EC	O.J. No. L 175, 28.6.01, p.21
Commission Directive 2001/49/EC	O.J. No. L 176, 29.6.01, p.61".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, further amend the Plant Protection Products Regulations 1995 ("the 1995 Regulations"), which implement Council Directive 1991/414/EEC concerning the placing of plant protection products on the market ("the 1991 Directive").

The Regulations amend the definition of "the Directive" in the 1995 Regulations so as to

implement Commission Directive 2000/80/EC which revokes a number of Directives that amended the 1991 Directive and which amendments are consolidated in that Directive (regulations 3 and 4 and the Schedule). Commission Directive 2000/80/EC also adds lambda-cyhalothrin to Annex I of the 1991 Directive. The amendment of that definition also implements-

- (a) Commission Directive 2001/21/EC (as from 1st January 2002);
- (b) Commission Directive 2001/47/EC; and
- (c) Commission Directive 2001/49/EC,

which add amitrole, diquat, pyridate, thiabendazole, paecilomyces fumosoroseus and flupysulfuron-methyl to Annex I of the 1991 Directive. The amendment also implements Commission Directive 2001/36/EC which substantially amends Annex II and III to the 1991 Directive. Annex II and III set out the requirements for the dossier to be submitted by an applicant respectively for the inclusion of an active substance in Annex I and for the approval of a plant protection product.

Regulation 5 of the Regulations amends regulation 25A of the 1995 Regulations. It enables the Scottish Ministers to arrange with the agreement of the UK Ministers, for any of their functions under or for the purposes of the 1995 Regulations or the 1991 Directive to be exercised on their behalf by a Minister of the Crown. Such an arrangement may include provision for any fees or payments payable under any enactment to any part of the Scottish Administration in respect of that function to be collected by a Minister of the Crown or Government Department on behalf of that part of the Scottish Administration.

Regulations 6 and 7 of the Regulations deal with transitional arrangements for provisional approvals. Their purpose is to disapply regulation 13(5)(a)(i) of the 1995 Regulations. The effect of regulation 6 is that it is not necessary to revoke any provisional approvals of plant protection products that contain the active substance flupysulfuron-methyl now added to Annex I of the 1991 Directive. Any such approvals will remain in effect until replaced by a decision made on an application for a standard approval, subject to a longstop date. Regulation 7 deals with provisional approvals in respect of plant protection products containing the active substance fenhexamid. On the coming into force of these Regulations any such provisional approvals which have expired shall be deemed to have revived until replaced by a decision made on an application for a standard approval, subject to a longstop date.

Finally, the Regulations revoke the Plant Protection Products Amendment (No. 2) (Scotland) Regulations 2001, which amended the 1995 Regulations and which amendment is superseded by these Regulations (regulation 8).

Notes:

[1] 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.[back](#)

[2] S.I. 1995/887, amended by S.I. 1997/7 and 2499, and S.S.I. 2001/161 and 202 (the instrument last referred to being revoked by these Regulations).[back](#)

[3] O.J. No. L 230, 19.8.91, p.1 (as read with Corrigenda published in O.J. No. L 170,

25.6.92, p.40).[back](#)

[4] Regulation 25A was inserted by S.S.I. 2001/161, regulation 3.[back](#)

[5] O.J. No. L 230, 19.8.91, p.1 (as read with Corrigenda published in O.J. No. L 170, 25.6.92, p.40), as amended by the instruments listed in the Schedule to these Regulations.[back](#)

[6] S.S.I. 2001/202.[back](#)

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