

Statutory Instrument 2002 No. 2874

The Plant Protection Products (Amendment) (No. 3) Regulations 2002

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STATUTORY INSTRUMENTS

2002 No. 2874

PESTICIDES, ENGLAND AND WALES

The Plant Protection Products (Amendment) (No. 3) Regulations 2002

<i>Made</i>	<i>21st November 2002</i>
<i>Laid before Parliament</i>	<i>21st November 2002</i>
<i>Coming into force</i>	<i>31st December 2002</i>

The Secretary of State for Environment, Food and Rural Affairs and the National Assembly for Wales, being designated^[1] for the purposes of section 2(2) of the European Communities Act 1972^[2] in relation to the common agriculture policy of the European Community, acting jointly (the National Assembly for Wales acting in relation to Wales only), in exercise of the powers conferred upon them by that section, make the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Plant Protection Products (Amendment) (No. 3) Regulations 2002, extend to England and Wales, and come into force on 31st December 2002.

Amendment to the Plant Protection Products Regulations 1995

2. - (1) In so far as they extend to England and Wales, the Plant Protection Products Regulations 1995[3] shall be amended in accordance with this regulation.

(2) In regulation 2(1) the following definition shall be substituted for the definition of "the Directive" -

" "the Directive" means Council Directive 91/414/EEC[4] concerning the placing of plant protection products on the market as amended by the instruments listed in Schedule AA1;"

(3) After paragraph (5) of regulation 7 the following paragraph shall be inserted -

" (5A) The Secretary of State may additionally allow a provisional approval to continue in effect for a product following the inclusion of an active substance contained in that product in Annex I by a Directive specified in column 1 of Schedule A1 -

(a) in the case of a product that contains only one active substance, until either the date when a standard approval is granted for that product, or the date listed in column 3 of Schedule A1 for that active substance, whichever is the earlier; or

(b) in the case of a product that contains more than one active substance, until either the date when a standard approval is granted for that product, or the date listed in column 3 of Schedule A1 for the later of the active substances in that product to be placed in Annex 1, whichever is the earlier."

(4) Regulation 27(4) shall be deleted.

(5) Before Schedule 1 there shall be added the provisions of the Schedule to these Regulations.

(6) For paragraph 2(b) of Schedule 1 there shall be substituted -

" (b) Council Directive 1999/45/EC concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations[5]."

(7) For sub-paragraph 1(c) of Schedule 2 (labelling) there shall be substituted -

" (c) the name and the amount of each active substance; the name must be -

(i) the same as that listed in Annex I to the Council Directive 67/548/EEC[6], if any;

(ii) the common name given by the International Organization for Standardization[7], if any; or

(iii) its chemical designation according to the rules of the

International Union of Pure and Applied Chemistry contained in the Nomenclature of Organic Chemistry, 1979 Recommendations[8] and 1993 Recommendations[9]."

(8) For sub-paragraph 1(f) of Schedule 2 there shall be substituted -

" (f) the particulars required for the product in Articles 10-12 of Council Directive 1999/45/EC concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations and information on first aid;"

Revocation

3. The Plant Protection Products (Amendment)(No. 2) Regulations 2002[10] are revoked.

Signed on behalf of the National Assembly for Wales

D. Elis-Thomas

Presiding Officer, National Assembly for Wales

20th November 2002

Whitty

Parliamentary Under Secretary of State, Department for Environment, Food and Rural Affairs

21st November 2002

SCHEDULE

Regulation 2(5)

" SCHEDULE AA1

Regulation 2

INSTRUMENTS AMENDING COUNCIL DIRECTIVE 1991/414/EEC

<i>INSTRUMENTS</i>	<i>ACTIVE SUBSTANCES ADDED TO ANNEX I</i>
Commission Directive	None

93/71/EEC[11];	
Commission Directive 94/37/EC[12];	None
Commission Directive 94/79/EC[13];	None
Commission Directive 95/35/EC[14];	None
Commission Directive 95/36/EC[15];	None
Commission Directive 96/12/EC[16];	None
Commission Directive 96/46/EC[17];	None
Commission Directive 96/68/EC[18];	None
Council Directive 97/57/EC[19];	None
Commission Directive 2000/80/EC[20];	lambda-cyhalothrin, imazalil, azoxystrobin, kresoxim-methyl, spiroxamine, azimsulfuron, fluroxypyr, metsulfuron-methyl, triasulfuron, esfenvalerate, prohexadione-calcium and bentazone
Commission Directive 2001/21/EC[21];	amitrole, diquat, pyridate and thiabendazole
Commission Directive 2001/28/EC[22];	fenhexamid
Commission Directive 2001/36/EC[23];	None
Commission Directive 2001/47/EC[24];	Paecilomyces fumosoroseus
Commission Directive 2001/49/EC[25];	flupyrsulfuron-methyl
Commission Directive 2001/87/EC[26];	acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl
Commission	glyphosate and thifensulfuron-methyl

Directive 2001/99/EC[27];	
Commission Directive 2001/103/EC[28];	2,4-dichlorophenoxy acetic acid
Commission Directive 2002/18/EC[29];	isoproturon
Commission Directive 2002/48/EC[30];	iprovalicarb, prosulfuron and sulfosulfuron
Commission Directive 2002/64/EC[31];	cinidon-ethyl, cyhalofop-butyl, famoxadone, florasulam, metalaxyl-m and picolinafen
Commission Directive 2002/81/EC[32];	flumioxazine
<i>And as from 1st March 2003 amended by:</i>	
Commission Directive 2002/37/EC[33]	ethofumesate

SCHEDULE A1

Regulation 7(5A)

DATES FOR EXTENSIONS OF PROVISIONAL APPROVALS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Implementing Directive or Decision</i>	<i>Active Substance</i>	<i>Date before which regulation 5 approvals must be granted</i>
Commission Directive 2001/87/EC	acibenzolar-s-methyl and pymetrozine	31st March 2003
Commission Directive 2002/48/EC	Sulfosulfuron and prosulfuron	31st December 2003
Commission Directive 2002/64/EC	cinidon-ethyl, florasulam, picolinafen, famoxadone and metalaxyl-M	31st March 2004"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations extend to England and Wales and further amend the Plant Protection Products Regulations 1995 (S.I. 1995/887) which implement in Great Britain Council Directive 91/414/EEC concerning the placing of plant protection products on the market (OJ No. L230, 19.8.91, p. 1).

Regulation 2 (2) and (5) simplify the definition provision for the Directive by creating a new Schedule AA1 which lists the instruments that amend the definition of the Directive in Regulation 2 of these Regulations following the listing of active substances in Annex I to the Directive.

Regulation 2 (3) amends regulation 7 (provisional approvals) by adding a new regulation 7 (5A) to indicate the date by which time the provisional approvals containing active substances that have been included in Annex I to the Directive must be either amended to a standard approval or withdrawn. Regulation 2 (5) creates a new Schedule A1 that lists the dates mentioned in the implementing EC instruments for extensions of provisional approvals.

These Regulations implement for the first time certain Directives which have added the following active substances in Annex I: Commission Directive 2002/48/EC (which adds the active substances iprovalicarb, prosulfuron and sulfosulfuron to the Annex on 1st July 2002), Commission Directive 2002/64/EC (which adds cinidon-ethyl, cyhalofop-butyl, famoxadone, florasulam, metalaxyl-m and picolinafen to the Annex on 1st October 2002), Commission Directive 2002/81/EC (which adds flumioxazine to the Annex on 1st January 2003) and amends the definition further on 1st March 2003 when these Regulations implement Commission Directive 2002/37/EC (to add ethofumesate to the Annex on that date).

Council Directive 1999/45/EC (OJ No. L200, 30.7.99, p. 1) concerning the approximation of the laws, regulations and administrative provisions of Member States relating to classification, packaging and labelling of dangerous preparations has been implemented by the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689). As a result of revocation of the earlier Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247) regulation 27(4) is deleted (regulation 2(4)).

Certain labelling provisions in paragraph 1 of Schedule 2 have been amended by regulation 2(7) and (8) to reflect the repeal of Directive 78/631/EEC (OJ No. L 206 29.7.1978, p. 13) by Council Directive 1999/45/EC. This repeal is also now reflected with a reference to the 1999 Directive in paragraph 2(b) of Schedule 1 (regulation 2(6)).

Notes:

[1] S.I. 1972/1811 and, in the case of the National Assembly for Wales, S.I. 1999/2788.[back](#)

[2] 1972 c. 68.[back](#)

[3] S.I. 1995/887 as amended by S.I. 1997/7, 1997/2499, 1999/3430 and, as regards England and Wales 2002/1460, (the last being revoked by these Regulations).[back](#)

[4] OJ No. L230, 19.8.91, p. 1.[back](#)

[5] OJ No. L200, 30.7.1999, p. 1.[back](#)

[6] OJ No. P196, 16.8.1967, p. 1.[back](#)

[7] The International Organization for Standardization address is 1, rue de Varembe, Case postale 56, CH-1211, Geneva 20, Switzerland. The website address is: <http://www.iso.org>.[back](#)

[8] Nomenclature of Organic Chemistry, "IUPAC" Sections A,B, C, D, E, F and H, Pergamon Press, Oxford, 1979, ISBN 0080223699. Also available as published by Advanced Chemistry Development, Inc, on the worldwide website address: www.acdlabs.com/iupac/nomenclature.[back](#)

[9] A Guide to IUPAC Nomenclature of Organic Compounds (Recommendations 1993), Blackwell Scientific publications ISBN 0632034882.[back](#)

[10] S.I. 2002/1460.[back](#)

[11] OJ No. L221, 31.8.93, p. 27, (as read with corrigenda published in OJ No. L170, 25.6.92, p. 40).[back](#)

[12] OJ No. L194, 29.7.94, p. 65.[back](#)

[13] OJ No. L354, 31.12.94, p.16, (as read with corrigenda published in OJ No. L280, 23.11.95, p. 58).[back](#)

[14] OJ No. L172, 22.7.95, p. 6.[back](#)

[15] OJ No. L172, 22.7.95, p. 8.[back](#)

[16] OJ No. L65, 15.3.96, p. 20.[back](#)

[17] OJ No. L214, 23.8.96, p. 18.[back](#)

[18] OJ No. L277, 30.10.96, p. 25.[back](#)

[19] OJ No. L265, 27.9.97, p. 87.[back](#)

[20] OJ No. L309, 9.12.2000, p. 14.[back](#)

[21] OJ No. L69, 10.3.2001, p. 17.[back](#)

[22] OJ No. L113, 24.4.2001, p. 5.[back](#)

[23] OJ No. L164, 20.6.2001, p. 1.[back](#)

[24] OJ No. L175, 28.6.2001, p. 21.[back](#)

[25] OJ No. L176, 29.6.2001, p. 61.[back](#)

[26] OJ No. L276, 19.10.2001, p. 17.[back](#)

[27] OJ No. L304, 21.11.2001, p. 14.[back](#)

[28] OJ No. L313, 30.11.2001, p. 37.[back](#)

[29] OJ No. L55, 26.2.2002, p. 29.[back](#)

[30] OJ No. L148, 6.6.2002, p. 19.[back](#)

[31] OJ No. L189, 18.7.2002, p. 27.[back](#)

[32] OJ No. L276, 12.10.2002, p. 28.[back](#)

[33] OJ No. L117, 4.5.2002, p. 10.[back](#)

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