

Scottish Statutory Instrument 2002 No. 489

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (Scotland) Amendment (No. 2) Regulations 2002

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SCOTTISH STATUTORY INSTRUMENTS

2002 No. 489

AGRICULTURE

PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s
(Scotland) Amendment (No. 2) Regulations 2002

<i>Made</i>	<i>4th November 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>6th November 2002</i>
<i>Coming into force</i>	<i>30th November 2002</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 and commencement

1. These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (Scotland) Amendment (No. 2) Regulations 2002 and shall come

into force on 30th November 2002.

Amendment to the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2000

2. - (1) The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2000[2] are amended in accordance with this regulation.

(2) For paragraph (b) of regulation 6, with effect from 1st December 2002, there is substituted the following paragraph:-

" (b) the procedure to be followed for sampling for the determination of pesticide residues shall-

(i) be that set out in the Annex to Commission Directive 2002/63/EC establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC[3] for the residues covered by Part 2 of Schedule 2; and

(ii) so far as is practicable, be that set out in the Codex Alimentarius Commission "Recommended Method of Sampling for the Determination of Pesticide Residues for compliance with MRLs; CAC/GL 33-1999"[4] for the residues not covered by Part 2 of Schedule 2;".

(3) In Schedule 1[5], with effect from 1st December 2002, at the appropriate places in alphabetical order in column 1, there are inserted, together with the corresponding entries in column 2, the following entries:-

<i>Column 1</i>	<i>Column 2</i>
<i>Pesticide</i>	<i>Residues</i>
Bentazone	Bentazone (sum of bentazone and conjugates 6 OH-and 8-OH-bentazone expressed as bentazone)
Formothion	Formothion
Lindane	Lindane (Hexachloro-cylohexane [gamma])
Metsulfuron methyl	Metsulfuron methyl
Oxydemeton-methyl	Oxydemeton-methyl (sum of oxydemeton methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl)
Pyridate	Pyridate (sum of pyridate, its hydrolysis product CL 9673 (6 chloro-4-hydroxy-3-phenylpyridazin) and hydrolysable conjugates of CL 9673 expressed as pyridate)

(4) In Schedule 1, with effect from 1st December 2002, for the entries for Dimethoate and Quintozene in column 1, together with the corresponding entries in column 2, there are substituted the following entries:-

<i>Column 1</i>	<i>Column 2</i>
<i>Pesticide</i>	<i>Residues</i>

Dimethoate	Dimethoate (sum of dimethoate and omethoate expressed as dimethoate)
Quintozene	Quintozene (sum of quintozene and pentachloroaniline expressed as quintozene)

(5) In Part 1 of Schedule 2[6], the entries for the pesticides in column 1 of the following table, together with all residue levels relevant thereto, shall be omitted on the dates specified in the corresponding entries in column 2:-

<i>Column 1</i>	<i>Column 2</i>
<i>Pesticide</i>	<i>Residues</i>
Dimethoate	1st January 2003
Hexachlorocyclohexane (HCH [gamma])	1st December 2002
Parathion	1st May 2003
Quintozene	1st December 2002

(6) For Part 2 of Schedule 2[7], with effect from 1st December 2002, there is substituted the Part set out in Schedule 1 to these Regulations.

(7) For Schedule 5[8], with effect from 1st December 2002, there is substituted the Schedule set out in Schedule 2 to these Regulations.

Consequential amendments

3. With effect from 1st December 2002, the following enactments are revoked:-

- (a) regulation 2(5) of, and the Schedule to, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2001[9];
- (b) regulation 2(5) to (8) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No. 2) Regulations 2001[10];
- (c) regulation 2(3) and (4) of, and Schedule 2 to, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No. 3) Regulations 2001[11]; and
- (d) regulation 2(4) and (5) of, and Schedules 1 and 2 to, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2002[12].

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House, Edinburgh
4th November 2002

SCHEDULE 1

Regulation 2(6)

Regulation 4(1)

SCHEDULE 2
Part 1

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SCHEDULE 2

Regulation 2(7)

" SCHEDULE 5

Regulation 2(1)

DEFINITION OF RESIDUE DIRECTIVES

"The Residue Directives" means Council Directive 1986/362/EEC[13] as amended by

<i>Directive</i>	<i>Reference</i>
Council Directive 1988/298/EEC	O.J. No. L 126, 20.5.88, p.53
Council Directive 1990/654EEC	O.J. No. L 353, 17.12.90, p.48
Council Directive 1993/57/EEC	O.J. No. L 211, 23.8.93, p.1
Council Directive 1994/29/EC	O.J. No. L 189, 23.7.94, p.67
Council Directive 1995/39/EC	O.J. No. L 197, 22.8.95, p.29
Council Directive 1996/33/EC	O.J. No. L 144, 18.6.96, p.35
Council Directive 1997/41/EC	O.J. No. L 184, 12.7.97, p.33
Commission Directive 1997/71/EC	O.J. No. L 347, 18.12.97, p.42
Commission Directive 1998/82/EC	O.J. No. L 290, 29.10.98, p.25
Commission Directive 1999/65/EC	O.J. No. L 172, 8.7.99, p.40
Commission Directive 1999/71/EC	O.J. No. L 194, 27.7.99, p.36
Commission Directive 2000/24/EC	O.J. No. L 107, 4.5.00, p.28
Commission Directive 2000/42/EC	O.J. No. L 158, 30.6.00, p. 51
Commission Directive 2000/48/EC	O.J. No. L 197, 3.8.00, p. 26
Commission Directive 2000/58/EC	O.J. No. L 244, 29.9.00, p.78
Commission Directive 2000/81/EC	O.J. No. L 326, 22.12.00, p.56
Commission Directive 2000/82/EC	O.J. No. L 3, 6.1.01, p.18
Commission Directive 2001/39/EC	O.J. No. L 148, 1.6.01, p.70
Commission Directive 2001/48/EC	O.J. No. L 180, 3.7.01, p.26
Commission Directive 2001/57/EC	O.J. No. L 208, 1.8.01, p.36
Commission Directive 2002/23/EC	O.J. No. L 64, 7.3.02, p.13

Commission Directive 2002/42/EC[14]	O.J. No. L 134, 22.5.02, p.29
Commission Directive 2002/66/EC	O.J. No. L 192, 20.7.02, p.47
Commission Directive 2002/71/EC	O.J. No. L 225, 22.8.02, p.21
Commission Directive 2002/76/EC	O.J. No. L 240, 7.9.02, p.45

together with Council Directive 1986/363/EEC[15] as amended by

<i>Directive</i>	<i>Reference</i>
Council Directive 1993/57/EEC	O.J. No. L 211, 23.8.93, p.1
Council Directive 1994/29/EEC	O.J. No. L 189, 23.7.94, p.67
Council Directive 1995/39/EC	O.J. No. L 197, 22.8.95, p.29
Council Directive 1996/33/EC	O.J. No. L 144, 18.6.96, p.35
Council Directive 1997/41/EC	O.J. No. L 184, 12.7.97, p.33
Commission Directive 1997/71/EC	O.J. No. L 347, 18.12.97, p.42
Commission Directive 1998/82/EC	O.J. No. L 290, 29.10.98, p.25
Commission Directive 1999/71/EC	O.J. No. L 194, 27.7.99, p.36
Commission Directive 2000/24/EC	O.J. No. L 107, 4.5.00, p.28
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Commission Directive 2002/66/EC	O.J. No. L 192, 20.7.02, p.47
Commission Directive 2002/71/EC	O.J. No. L 225, 22.8.02, p.21

and Council Directive 1990/642/EEC[16] as amended by

<i>Directive</i>	<i>Reference</i>
Council Directive 1993/58/EEC	O.J. No. L 211, 23.8.93, p.6
Council Directive 1994/30/EC	O.J. No. L 189, 23.7.94, p.70
Council Directive 1995/38/EC	O.J. No. L 197, 22.8.95, p.14
Council Directive 1995/61/EC	O.J. No. L 292, 7.12.95, p.27
Council Directive 1996/32/EC	O.J. No. L 144, 18.6.96, p.12
Council Directive 1997/41/EC	O.J. No. L 184, 12.7.97, p.33
Commission Directive 1997/71/EC	O.J. No. L 347, 18.12.97, p.42
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Commission Directive 1999/65/EC	O. J. No. L 172, 8.7.99, p.40
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Commission Directive 2000/24/EC	O.J. No. L 107, 4.5.00, p.28
Commission Directive 2000/42/EC	O.J. No. L 158, 30.6.00, p. 51
Commission Directive 2000/48/EC	O.J. No. L 197, 3.8.00, p. 26
Commission Directive 2000/57/EC	O.J. No. L 244, 29.9.00, p.76
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Commission Directive 2001/57/EC	O.J. No. L 208, 1.8.01, p.36
Commission Directive 2002/5/EC	O.J. No. L 34, 5.2.02, p.7
Commission Directive 2002/23/EC	O.J. No. L 64, 7.3.02, p.13
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Commission Directive 2002/76/EC	O.J. No. L 240, 7.9.02, p.45"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, further amend the provisions of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2000 ("the principal Regulations").

The Regulations substitute a new regulation 6(b) in the principal Regulations. The new regulation 6(b)(i) provides for the sampling procedure contained in the Annex to Commission Directive 2002/63/EC to apply for the determination of pesticide residues, maximum levels for which are set by the Community. The maximum levels set by the Community are set out in Part 2 of Schedule 2 to the principal Regulations. The new regulation 6(b)(ii) provides for the sampling of pesticide residues still set nationally to be carried out, so far as is practicable, in accordance with the methods and procedures recommended by the Codex Alimentarius Commission 'Recommended Method of Sampling for the Determination of Pesticide Residues for compliance with MRLs; CAC/GL 33 - 1999' (regulation 2(2)).

The Regulations insert into the principal Regulations references to the pesticides bentazone, formothion, lindane, metsulfuran methyl, oxydemeton-methyl and pyridate and their residues, to reflect Commission Directives 2002/42/EC, 2002/66/EC, 2002/71/EC and

2002/76/EC (regulation 2(3)).

The Regulations amend references in the principal Regulations to the residues of the pesticides dimethoate and quintozone to reflect Commission Directives 2002/66/EC and 2002/71/EC (regulation 2(4)).

The Regulations remove certain pesticide residues, which had previously been set nationally by virtue of powers contained in the Food and Environment Protection Act 1985, from the list contained in Part 1 of Schedule 2 to the principal Regulations because they have been replaced by Community levels (regulation 2(5)).

The Regulations consolidate Part 2 of Schedule 2 to the principal Regulations to take account of changes and additions to the maximum residue levels that have been set at an EC level since the last substitution of that Part by S.S.I. 2001/84 (regulation 2(6) and Schedule 1).

That Part specifies maximum levels of pesticide residues which crops, food and feeding stuffs may contain, in implementation of Commission Directives 2002/42/EC, 2002/66/EC, 2002/71/EC and 2002/76/EC.

The Regulations also update the definition of "Residue Directives" in the principal Regulations (by substituting Schedule 5 to the principal Regulations) to incorporate-

- (a) Commission Directive 2002/42/EC (O.J. No. L 134, 22.5.02, p.29), as amended;
- (b) Commission Directive 2002/66/EC (O.J. No. L 192, 20.7.02, p.47);
- (c) Commission Directive 2002/71/EC (O.J. No. L 225, 22.8.02, p.21); and
- (d) Commission Directive 2002/76/EC (O.J. No. L 240, 7.9.02, p.45) (regulation 2(7) and Schedule 2).

Regulation 3 makes consequential amendments.

No Regulatory Impact Assessment has been produced in relation to these Regulations.

Notes:

[1] 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15. 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.S.I. 2000/22 amended by S.S.I. 2001/84, 221 and 435 and 2002/271.[back](#)

[3] O.J. No. L 187, 16.7.02, p.30.[back](#)

[4] Copies are available from the Codex Alimentarius Commission's website from their list of standards at www.codexalimentarius.net. Alternatively the document is available from the Department for Environment, Food and Rural Affairs library situated at Nobel House, Smith Square, Lond Footnote Text: 66 B 0 4[back](#)

[5] Schedule 1 was amended by S.S.I. 2001/84 and 221 and 2002/271.[back](#)

[6] Part 1 of Schedule 2 was amended by S.S.I. 2001/84 and 221.[back](#)

[7] Part 2 of Schedule 2 was substituted in S.S.I. 2001/84 and was amended by S.S.I. 2001/221 and 435 and 2002/271.[back](#)

[8] Schedule 5 was inserted by S.S.I. 2002/271.[back](#)

[9] S.S.I. 2001/84.[back](#)

[10] S.S.I. 2001/221.[back](#)

[11] S.S.I. 2001/435.[back](#)

[12] S.S.I. 2002/271.[back](#)

[13] O.J. No. L 221, 7.8.86, p.37.[back](#)

[14] As amended by Corrigendum to Commission Directive 2002/42/EC, O.J. No. L 140, 30.5.02, p.39.[back](#)

[15] O.J. No. L 221, 7.8.86, p.43.[back](#)

[16] O.J. No. L 350, 14.12.90, p.71.[back](#)

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