

Scottish Statutory Instrument 2003 No. 445

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (Scotland) Amendment (No. 2) Regulations 2003

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SCOTTISH STATUTORY INSTRUMENTS

2003 No. 445

AGRICULTURE

PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (Scotland) Amendment (No. 2) Regulations 2003

Made

18th September 2003

*Laid before the Scottish
Parliament*

19th September 2003

Coming into force

24th October 2003

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 Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 and shall come into force on 24th October 2003.

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

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

(2) In Schedule 1, at the appropriate places in alphabetical order in column 1, there are inserted, together with the corresponding entries in column 2, the following entries (with the entries for Amitrole replacing those for Aminotriazole):-

<i>Column 1</i>	<i>Column 2</i>
<i>Pesticide</i>	<i>Residues</i>
Acibenzolar-S-methyl	Acibenzolar-S-methyl
Amitrole	Amitrole
Cinidon-ethyl	Cinidon-ethyl (sum of cinidon-ethyl and its E-isomer)
Cyclanilide	Cyclanilide
Cyhalofop butyl	Cyhalofop butyl (sum of cyhalofop butyl and its free acids)
Diquat	Diquat
Ethofumesate	Ethofumesate (sum of ethofumesate and the metabolite 2,3-dihydro-3,3-dimethyl-2-oxo-benzofuran-5-yl methane sulphonate expressed as ethofumesate)
Famoxadone	Famoxadone
Fenhexamid	Fenhexamid
Florasulam	Florasulam
Flumioxazine	Flumioxazine
Iprovalicarb	Iprovalicarb
Isoproturon	Isoproturon
Metalaxyl-M	(1) For cereals - metalaxyl-M

	(2) For other products- metalaxyl-M including other mixtures of constituent isomers (sum of isomers)
Picolinafen	Picolinafen
Prosulfuron	Prosulfuron
Pyraflufen-ethyl	Pyraflufen-ethyl
Sulfosulfuron	Sulfosulfuron

(3) In Schedule 1, with effect from 1st July 2004, 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>
Chlorfenapyr	Chlorfenapyr
Fentin acetate	Fentin acetate
Fentin hydroxide	Fentin hydroxide

(4) In Part 1 of Schedule 2, the entry relating to Omethoate, together with all residue levels relevant thereto, is omitted.

(5) In Part 2 of Schedule 2 maximum residue levels are amended as follows:-

- (a) for mg/kg of Chlormequat on pears, for "0.5" substitute "0.3";
- (b) for mg/kg of Dimethoate on tea (dried leaves and stalks, fermented or otherwise, Camellia sinensis), omit "0.2";
- (c) for mg/kg of Kresoxim-methyl on strawberries (other than wild), for "0.2" substitute "1"; and
- (d) for mg/kg of Maneb, Mancozeb, Metiram, Propineb and Zineb-
 - (i) on radishes, for "0.2" substitute "2"; and
 - (ii) on spring onions, for "0.05*" substitute "1".

(6) In Part 2 of Schedule 2-

- (a) for existing maximum permitted levels for residues of the pesticides Aminotriazole (Amitrole), Azoxystrobin, Clofentezine, Hexaconazole, Lambda-cyhalothrin, Myclobutanil and Prochloraz, there are substituted the maximum permitted levels specified in Schedule 1 to these Regulations (with the heading 'Aminotriazole (Amitrole)' being replaced by the heading 'Amitrole');

(b) the heading 'Aminotriazole (Amitrole)', together with all residue levels relevant thereto, is moved to the appropriate place in alphabetical order; and

(c) there are inserted, in the appropriate places to preserve the alphabetical ordering from left to right, the maximum permitted levels for residues of the pesticides Acibenzolar-S-methyl, Chlorfenapyr, Cinidon-ethyl, Cyclanilide, Cyhalofop butyl, Diquat, Ethofumesate, Famoxadone, Fenhexamid, Fentin acetate, Fentin hydroxide, Florasulam, Flumioxazine, Iprovalicarb, Isoproturon, Metalaxyl-M, Picolinafen, Prosulfuron, Pyraflufen-ethyl and Sulfosulfuron specified in Schedule 1 to these Regulations in relation to the products so specified.

(7) For Schedule 5, there is substituted the Schedule set out in Schedule 2 to these Regulations.

Revocations

3. Regulation 2(6) of, and Schedule 2 to, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003[3] are hereby revoked.

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House, Edinburgh
18th September 2003

Regulation 2(6) SCHEDULE 1

[TABLE](#)

Regulation 2(7) SCHEDULE 2

Regulation 2(1) " SCHEDULE 5

DEFINITION OF RESIDUE DIRECTIVES

"The Residue Directives" means Council Directive 1986/362/EEC[4] 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 1990/654/EEC	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	O.J. No. L 134,

2002/42/EC[5]	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
Commission Directive 2002/79/EC	O.J. No. L 291, 28.10.02, p.1
Commission Directive 2002/97/EC	O.J. No. L 343, 18.12.02, p.23
Commission Directive 2003/60/EC	O.J. No. L 155, 24.6.03, p.15
Commission Directive 2003/62/EC	O.J. No. L 154, 21.6.03, p.70

together with Council Directive 1986/363/EEC[6] 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 1997/41EC	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
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
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Commission Directive 2001/57/EC	O.J. No. L 208, 1.8.01, p.36
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Commission Directive 2002/42/EC	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 2002/79/EC	O.J. No. L 291, 28.10.02, p.1
Commission Directive 2002/97/EC	O.J. No. L 343, 18.12.02, p.23
Commission Directive 2003/60/EC	O.J. No. L 155, 24.6.03, p.15

and Council Directive 1990/642/EEC[7] 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. 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
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 2000/57/EC	O.J. No. L 244, 29.9.00, p.76
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 2001/35/EC	O.J. No. L 136, 18.5.01, p.42
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 2002/5/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
Commission Directive 2002/42/EC	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
Commission Directive 2002/79/EC	O.J. No. L 291, 28.10.02, p.1
Commission Directive 2002/97/EC	O.J. No. L 343, 18.12.02, p.23
Commission Directive 2002/100/EC	O.J. No. L 2, 7.1.03, p.33
Commission Directive 2003/60/EC	O.J. No. L 155, 24.6.03, p.15
Commission Directive 2003/62/EC	O.J. No. L 154, 21.6.03, p.70
Commission Directive 2003/69/EC	O.J. No. L 175, 15.7.03, p.37"

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 insert into the principal Regulations references to the pesticides Acibenzolar-S-methyl, Chlorfenapyr, Cinidon-ethyl, Cyclanilide, Cyhalofop butyl, Diquat, Ethofumesate, Famoxadone, Fenhexamid, Fentin acetate, Fentin hydroxide, Florasulam, Flumioxazine, Iprovalicarb, Isoproturon, Metalaxyl-M, Picolinafen, Prosulfuron, Pyraflufen-ethyl and Sulfosulfuron and their residues, to reflect Commission Directives 2003/60/EC, 2003/62/EC and 2003/69/EC (regulation 2(2) and 2(3)). The Regulations specify maximum residue levels of these pesticides which crops, food and feeding stuffs may contain (regulation 2(6)(c)).

The Regulations substitute the maximum residue levels for Aminotriazole (Amitrole), Azoxystrobin, Clofentezine, Hexaconazole, Lambda-cyhalothrin, Myclobutanil and Prochloraz in the principal Regulations with new maximum residue levels to reflect Commission Directives 2003/62/EC and 2003/69/EC. The column of entries headed 'Aminotriazole (Amitrole)' is replaced by 'Amitrole' (regulation 2(6)(a) and Schedule 1).

To complete implementation of Commission Directive 2002/71/EC (O.J. No. L 225, 22.8.02, p.21), the Regulations remove pesticide residue levels for Omethoate, 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(4)).

Other minor alterations to implement changes of pesticide residue for other pesticides, namely Chlormequat, Dimethoate, Kresoxim-methyl and Maneb, Mancozeb, Metiram, Propineb and Zineb, are made to specified products (regulation 2(5)).

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 2003/60/EC (O.J. No. L 155, 24.6.03, p.15);
- (b) Commission Directive 2003/62/EC (O.J. No. L 154, 21.6.03, p.70);
and
- (c) Commission Directive 2003/69/EC (O.J. No. L 175, 15.7.03, p.37)
(regulation 2(7) and Schedule 2).

Regulation 3 makes revocations.

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, (c.68), insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).[back](#)

[2] S.S.I. 2000/22 amended by S.S.I. 2001/84, 221 and 435, 2002/271 and 489, and 2003/118.[back](#)

[3] S.S.I. 2003/118.[back](#)

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

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

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

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

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