

Scottish Statutory Instrument 2004 No. 399

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No. 3) Regulations 2004

© Crown Copyright 2004

Scottish Statutory Instruments printed from this website are printed under the superintendence and authority of the Controller of HMSO being the Queen's Printer of Acts of Parliament.

The legislation contained on this web site is subject to Crown Copyright protection. It may be reproduced free of charge provided that it is reproduced accurately and that the source and copyright status of the material is made evident to users.

It should be noted that the right to reproduce the text of Scottish Statutory Instruments does not extend to the Queen's Printer for Scotland imprints which should be removed from any copies of the Scottish Statutory Instrument which are issued or made available to the public. This includes reproduction of the Scottish Statutory Instrument on the Internet and on intranet sites. The Royal Arms may be reproduced only where they are an integral part of the original document.

The text of this Internet version of the Scottish Statutory Instrument has been prepared to reflect the text as it was Made. A print version is also available and is published by The Stationery Office Limited as the **The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No. 3) Regulations 2004**, ISBN 0110692721. The print version may be purchased by clicking [here](#). Braille copies of this Scottish Statutory Instrument can also be purchased at the same price as the print edition by contacting TSO Customer Services on 0870 600 5522 or e-mail: customer.services@tso.co.uk.

Further information about the publication of legislation on this website can be found by referring to the [Frequently Asked Questions](#).

To ensure fast access over slow connections, large documents have been segmented into "chunks". Where you see a "continue" button at the bottom of the page of text, this indicates that there is another chunk of text available.

SCOTTISH STATUTORY INSTRUMENTS

2004 No. 399

AGRICULTURE

PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No. 3) Regulations 2004

Made

15th September 2004

*Laid before the Scottish
Parliament*

16th September 2004

Coming into force

24th October 2004

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. 3) Regulations 2004 and shall come into force on 24th October 2004.

Amendment of 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^[3] omit-

- (a) the entry relating to Omethoate;
- (b) with effect from 26th January 2005, the entries relating to Hexachlorobenzene (HCB) and Hexachlorocyclohexane (HCH);
- (c) with effect from 26th January 2005, at the appropriate places in alphabetical order in column 1, insert, together with the corresponding entries in column 2, the following entries:-

<i>Column 1</i>	<i>Column 2</i>
Pesticide	Residues
1,2-Dichloroethane	1,2-Dichloroethane
Ethylene oxide	Ethylene oxide (sum of ethylene oxide and 2 chloro ethanol expressed as ethylene oxide)
HCH (Hexachlorocyclohexane)	HCH, sum of isomers except the gamma isomer
Hexachlorobenzene	Hexachlorobenzene
Nitrofen	Nitrofen

; and

(d) with effect from 26th January 2005, for the entries in column 1 for Aldrin and Dieldrin, Camphechlor (Toxaphene), Chlordane and Mercury compounds, together with the corresponding entries in column 2, substitute the following entries in column 1, together with the corresponding entries in column 2:-

--	--

<i>Column 1</i>	<i>Column 2</i>
Pesticide	Residues
Aldrin and dieldrin	<p>(1) For products of plant origin (other than cereals) specified in groups 1 to 7 in Part 2 of Schedule 2: Aldrin and dieldrin combined expressed as dieldrin</p> <p>(2) For cereals specified in group 8 in Part 2 of Schedule 2 and foodstuffs of animal origin specified in group 9 in Part 2 of Schedule 2: Aldrin and dieldrin singly or combined, expressed as dieldrin (HEOD)</p>
Camphechlor (Toxaphene)	<p>(1) For products of plant origin (other than cereals) specified in groups 1 to 7 in Part 2 of Schedule 2: Camphechlor (Toxaphene)</p> <p>(2) For cereals specified in group 8 in Part 2 of Schedule 2: Camphechlor (chlorinated camphen with 67-69% chlorine)</p> <p>(3) For foodstuffs of animal origin specified in group 9 in Part 2 of Schedule 2: Camphechlor (sum of the three indicator compounds Parlar No. 26 (2-endo, 3-exo, 5-endo, 6 exo, 8, 8, 10, 10-octachlorobornane), Parlar No. 50 (2-endo, 3 exo, 5-endo, 6-exo, 8, 8, 9, 10, 10 nonachlorobornane) and Parlar No. 62 (2, 2, 5, 5, 8, 9, 9, 10, 10-nonachlorobornane)</p>
Chlordane	<p>(1) For products of plant origin (other than cereals) specified in groups 1 to 7 in Part 2 of Schedule 2: Chlordane (sum of cis- and trans-chlordane)</p> <p>(2) For cereals specified in group 8 in Part 2 of Schedule 2: Chlordane (sum of cis and trans isomers)</p> <p>(3) For foodstuffs of animal origin specified in group 9 in Part 2 of Schedule 2: Chlordane (sum of cis- and trans- isomers and oxychlordane expressed as chlordane)</p>
Mercury compounds	Sum of mercury compounds expressed as mercury

(3) In Part 1 of Schedule 2^[4], with effect from 26th January 2005, omit the headings "Aldrin and dieldrin", "Chlordane" and "Mercury compounds" together with all residue levels relevant thereto.

(4) In Part 2 of Schedule 2^[5]-

(a) for the maximum residue level of mg/kg of Aramite on papaya, for "0.05*" substitute "0.01*";

(b) for the maximum residue level of mg/kg of Diphenylamine on papaya, for "0.01*" substitute "0.05*";

(c) omit the heading "Omethoate", together with all residue levels relevant thereto;

(d) with effect from 25th October 2004, substitute, in the appropriate places to preserve the alphabetical ordering from left to right, the maximum permitted levels for residues of the pesticide Bromopropylate specified in Schedule 1 to these Regulations in relation to the products so specified;

(e) with effect from 26th January 2005, omit the headings "Hexachlorobenzene (HCB)" and "Hexachlorocyclohexane (HCH)", together with all residue levels relevant thereto;

(f) with effect from 26th January 2005, insert in the appropriate places to preserve the alphabetical ordering from left to right, the maximum permitted levels for residues of the pesticides 1,2 Dichloroethane, Ethylene oxide, HCH (Hexachlorocyclohexane), Hexachlorobenzene, Mercury compounds and Nitrofen specified in Schedule 1 to these Regulations in relation to the products so specified; and

(g) with effect from 26th January 2005, for the existing maximum permitted levels for residues of the pesticides Aldrin and dieldrin, Binapacryl, Camphechlor (Toxaphene), Captafol, Chlordane, 1,2-Dibromoethane and Dinoseb, substitute the maximum permitted levels specified in Schedule 1 to these Regulations in relation to the products so specified.

(5) For Schedule 5^[6] substitute the Schedule set out in Schedule 2 to these Regulations.

Revocations

3. Regulation 2(5) of, and Schedule 2 to, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No. 2) Regulations 2004^[7] are hereby revoked.

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House, Edinburgh
15th September 2004

[Click here to view Schedule 1](#)

SCHEDULE 2

Regulation 2(5)

" SCHEDULE 5

Regulation 2(1)

DEFINITION OF RESIDUE DIRECTIVES

"The Residue Directives" means Council Directive 1986/362/EEC[8] 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 2002/42/EC[9]	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[10]	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[11]	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 2003/113/EC[12]	O.J. No. L 324, 11.12.03, p.24
Commission Directive 2003/118/EC	O.J. No. L 327, 16.12.03, p.25
Commission Directive 2004/2/EC[13]	O.J. No. L 14, 21.1.04, p.10
Commission Directive 2004/61/EC	O.J. No. L 127, 29.4.04, p.81

together with Council Directive 1986/363/EEC[14] 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
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 2001/57/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	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[15]	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[16]	O.J. No. L 155, 24.6.03, p.15
Commission Directive 2003/113/EC[17]	O.J. No. L 324, 11.12.03, p.24
Commission Directive 2003/118/EC	O.J. No. L 327, 16.12.03, p.25
Commission Directive 2004/2/EC[18]	O.J. No. L 14, 21.1.04, p.10
Commission Directive 2004/61/EC	O.J. No. L 127, 29.4.04, p.81

and Council Directive 1990/642/EEC[19] 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
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[20]	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[21]	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
Commission Directive 2003/113/EC[22]	O.J. No. L 324, 11.12.03, p.24
Commission Directive 2003/118/EC	O.J. No. L 327, 16.12.03, p.25
Commission Directive 2004/2/EC[23]	O.J. No. L 14, 21.1.04, p.10
Commission Directive 2004/59/EC	O.J. No. L 120, 24.4.04, p.30
Commission Directive 2004/61/EC	O.J. No. L 127, 29.4.04, p.81"

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 implement Commission Directive 2004/59/EC (O.J. No. L 120, 24.4.04, p.30) and Commission Directive 2004/61/EC (O.J. No. L 127, 29.4.04, p.81).

The Regulations remove references to the pesticide Omethoate and its residues from the principal Regulations to implement Commission Directive

2002/71/EC (O.J. No. L 225, 22.8.02, p.21) (regulation 2(2)(a) and (4)(c)).

With effect from 25th October 2004, the Regulations set new maximum residue levels for the pesticide Bromopropylate (regulation 2(4)(d) and Schedule 1).

With effect from 26th January 2005, the Regulations introduce maximum residue levels for the pesticides 1,2 Dichloroethane, Ethylene oxide and Nitrofen (regulations 2(2)(c) and 2(4)(f) and Schedule 1).

With effect from 26th January 2005, the Regulations set new maximum residue levels for the pesticides Aldrin and dieldrin, Binapacryl, Camphechlor (Toxaphene), Captafol, Chlordane, 1 2 Dibromoethane, Dinoseb, HCH (Hexachlorocyclohexane), Hexachlorobenzene and Mercury compounds (regulation 2(2)(b), (c), (3), (4)(e), (f) and (g) and Schedule 1). HCH (Hexachlorocyclohexane) was previously known as Hexachlorocyclohexane (HCH) and Hexachlorobenzene was previously known as Hexachlorobenzene (HCB). The maximum residue levels for the pesticides Chlordane and Mercury compounds, and most of the maximum residue levels for Aldrin and dieldrin, were previously set nationally.

With effect from 26th January 2005, the Regulations insert new definitions of the residues of the pesticides Aldrin and dieldrin, Camphechlor (Toxaphene), Chlordane and Mercury compounds (regulation 2(2)(d)).

The Regulations amend the maximum residue levels of Aramite and Diphenylamine on papaya to implement Commission Directive 2000/24/EC (O.J. No. L 107, 4.5.00, p.28) and Commission Directive 2000/57/EC (O.J. No. L 244, 29.9.00, p.76) respectively (regulation 2(4)(a) and (b)).

These Regulations also update the definition of "Residue Directives" in the principal Regulations (by substituting Schedule 5 to the principal Regulations) to incorporate Commission Directives 2004/59/EC and 2004/61/EC (regulation 2(5) and Schedule 2).

Regulation 3 makes consequential 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, 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, 2002/271 and 489, 2003/118 and 445 and 2004/104 and 220.[back](#)

[3] Schedule 1 was amended by S.S.I. 2001/84 and 221, 2002/271 and 489, 2003/118 and 445 and 2004/104 and 220.[back](#)

[4] Part 1 of Schedule 2 was amended by S.S.I. 2001/84, 2002/489, 2003/188 and 445 and 2004/104.[back](#)

[5] Part 2 of Schedule 2 was substituted by S.S.I. 2003/118 and amended by

S.S.I. 2003/445 and 2004/104 and 220.[back](#)

[6] Schedule 5 was inserted by S.S.I. 2002/271 and last substituted by S.S.I. 2004/220.[back](#)

[7] S.S.I. 2004/220.[back](#)

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

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

[10] As amended by Corrigendum to Commission Directive 2002/79/EC, O.J. No. L 342, 30.12.03, p.58.[back](#)

[11] As amended by Corrigendum to Commission Directive 2003/60/EC, O.J. No. L 14, 21.1.04, p.55.[back](#)

[12] As amended by Corrigendum to Commission Directive 2003/113/EC, O.J. No. L 104, 8.4.04, p.135 (which superseded Corrigendum to Commission Directive 2003/113/EC, O.J. No. L 98, 2.4.04, p.61).[back](#)

[13] As amended by Corrigendum to Commission Directive 2004/2/EC, O.J. No. L 28, 31.1.04, p.30.[back](#)

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

[15] As amended by Corrigendum to Commission Directive 2002/79/EC, O.J. No. L 342, 30.12.03, p.58.[back](#)

[16] As amended by Corrigendum to Commission Directive 2003/60/EC, O.J. No. L 14, 21.1.04, p.55.[back](#)

[17] As amended by Corrigendum to Commission Directive 2003/113/EC, O.J. No. L 104, 8.4.04, p.135. (which superseded Corrigendum to Commission Directive 2003/113/EC, O.J. No. L 98, 2.4.04, p.61).[back](#)

[18] As amended by Corrigendum to Commission Directive 2004/2/EC, O.J. No. L 28, 31.1.04, p.30.[back](#)

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

[20] As amended by Corrigendum to Commission Directive 2002/79/EC, O.J. No. L 342, 30.12.03, p.58.[back](#)

[21] As amended by Corrigendum to Commission Directive 2003/60/EC, O.J. No. L 14, 21.1.04, p.55.[back](#)

[22] As amended by Corrigendum to Commission Directive 2003/113/EC, O.J. No. L 104, 8.4.04, p.135 (which superseded Corrigendum to Commission Directive 2003/113/EC, O.J. No. L 98, 2.4.04, p.61)[back](#)

[23] As amended by Corrigendum to Commission Directive 2004/2/EC, O.J. No. L 28, 31.1.04, p.30.[back](#)

ISBN 0 11 069272 1

[Other Scottish Statutory Instruments](#) | [UK Statutory Instruments](#) | [Home](#) | [Her Majesty's Stationery Office](#)

We welcome your [comments](#) on this site

© Crown copyright 2004

Prepared 8 October 2004