

**EUROPEAN COMMUNITIES (PROHIBITION OF CERTAIN ACTIVE SUBSTANCES IN  
PLANT PROTECTION PRODUCTS) (AMENDMENT) (No. 2) REGULATIONS 1987**

I, MICHAEL O'KENNEDY, Minister for Agriculture and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), for the purpose of giving effect to Council Directive No. 79/117/EEC of 21 December 1978(1)(as amended by Commission Directive 83/131/EEC of 14 March, 1983(2) and Commission Directive 85/298/EEC of 22 May, 1985(3) Council Directive 86/355/EEC of 21 July, 1986(4), Council Directive 87/181/EEC of 9 March, 1987(5) and Commission Directive 87/477/EEC of 9 September, 1987(6)), hereby make the following regulations:

- (1) O.J. No. L33/36 8.2.1979.
- (2) O.J. No. L91/35 9.4.1983.
- (3) O.J. No. L154/48 13.6.1985.
- (4) O.J. No. L212/33 2.8.1986.
- (5) O.J. No. L 71/33 14.3.1987.
- (6) O.J. No. L273/40 26.9.1987.

- REG 1

1. (1) These Regulations may be cited as the European Communities (Prohibition of Certain Active Substance in Plant Protection Products) (Amendment) (No. 2) Regulations, 1987, and shall come into operation on the 4th day of January, 1988.

(2) The European Communities (Prohibition of Certain Active Substances in Plant Protection Products) Regulations, 1981 and 1985, and these Regulations may be cited together as the European Communities (Prohibition of Certain Active Substances in Plant Protection Products) Regulations, 1981 to 1987, and shall be construed together as one.

- REG 2

2. In these Regulations "the Principal Regulations" means the European Communities (Prohibition of Certain Active Substances in Plant Protection Products) Regulations, 1981 (S.I. No. 320 of 1981).

- REG 3

3. The Principal Regulations are hereby amended by—

( a ) the substitution for paragraph (5) of Regulation 3 of the following paragraph:

"(5) In a prosecution of a person for a contravention of paragraph (1) of this Regulation, evidence of the presence of a plant protection product to which the Directive applies containing any one or more of the active substances specified in Part 1 of the Schedule to these Regulations in or on equipment found on the land (including any premises) of the person and capable of use for applying the product to a plant shall be evidence, until the contrary is proved, of the use by the person of the plant protection product in contravention of that paragraph.";

( b ) the insertion after paragraph (5) of Regulation 3 of the following paragraph:

"(6) In a prosecution of a person for a contravention of paragraph

(1) of this Regulation, evidence of the presence of a plant protection product to which the Directive applies and which contains any one or more of the active substances specified in Part I of the Schedule of these Regulations in soil or compost used for growing plant products found on the land (including any premises) of the person shall be evidence, until the contrary is proved, of the use by the person of the plant protection product in contravention of that paragraph.";

( c ) the substitution for paragraph (2)(b)(ii) of Regulation 4 of the following paragraph:

"(ii) take such samples of any plant, plant product, plant protection product, soil, compost or take samples from or of any other thing which he finds in the course of his inspections,";

( d ) the substitution for paragraph (4) (inserted by the European Communities (Prohibition of Certain Active Substances in Plant Protection Products) (Amendment) (No. 2) Regulations, 1985 (S.I. No. 237 of 1985)) of Regulation 5 of the following paragraph:

"(4) Any person who is aggrieved by a notice given under paragraph (2) of this Regulation, which either requires the product to which it relates to be disposed of or indicates an intention to dispose of such product, may, not later than the expiration of the period of seven days beginning on the date of the notice, appeal against the notice to the District Court in the District Court District in which the notice was served.";

( e ) the insertion in Part 1 of the Schedule hereto after the list of Persistent organo-chlorine compounds of the following entry:

"C. other Compounds—

1. Ethylene oxide
2. Nitrofen
3. 1, 2— Dibromoethane
4. 1, 2— Dichloroethane.";

( f ) the substitution for the entry in Part II of the Schedule (inserted by the European Communities (Prohibition of Certain Active Substances in Plant Protection Products) (Amendment) (No. 2) Regulations, 1985 (S.I. No. 237 of 1985)) of the following entry:

"

Active substances referred to in Regulation 3 (2) (b) Cases in which placing on the market or use is permitted in accordance with Regulation 3 (2) Mercury compounds:—

1. Mercuric Oxide As a paint to treat *Nectria galligena* (canker) on pomaceous fruit trees after harvesting and until budding
2. Mercurous chloride

(calomel)(a) Against *Plasmodiophora* on Brassicae

(b) Treatment of onion seeds and plants against *Sclerotium*

3. Alkoxyalkyl and aryl

mercury compounds Seed treatment of cereals

".

GIVEN under my Official Seal, this 22nd day of December, 1987.

MICHAEL O'KENNEDY,  
Minister for Agriculture  
and Food.

## EXPLANATORY NOTE

These Regulations amend previous Regulations on the prohibition of certain active substances in plant protection products by prohibiting four additional active substances in plant protection products, reducing the list of cases where the marketing and use of certain prohibited products is permitted, ending the derogation which permitted the use of Aldrin in certain circumstances and revising the provisions on sampling by authorised officers, presentation of evidence and Court procedure.