

Statutory Instrument 2003 No. 661

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) (Amendment) Regulations 2003

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STATUTORY INSTRUMENTS

2003 No. 661

AGRICULTURE, ENGLAND AND WALES

PESTICIDES, ENGLAND AND WALES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) (Amendment) Regulations 2003

Made

11th March 2003

Laid before Parliament
Coming into force

12th March 2003
31st March 2003

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

Title, commencement and extent

1. These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (England and Wales) (Amendment) Regulations 2003; they extend to England and Wales only, and shall come into force on 31st March 2003.

Amendment to the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (England and Wales) Regulations 1999

2. - (1) The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (England and Wales) Regulations 1999^[3] shall be amended in accordance with this regulation.

(2) In regulation 2(1), for the definition of the Residues Directives there shall be substituted the following definition:

" "the Residues Directives" means Council Directive 86/362/EEC^[4], Council Directive 86/363/EEC^[5] and Council Directive 90/642/EEC^[6], in each case amended as at the date of the making of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)s (England and Wales) (Amendment) Regulations 2003."

(3) Regulation 4 (2A) shall be deleted.

(4) In Schedule 1 there shall be inserted at the appropriate places in columns 1 and 2 the following entries (with the entries for profenofos replacing those for profenofos):

<i>Column 1</i>	<i>Column 2</i>
<i>Pesticide</i>	<i>Residues</i>
Abamectin	Abamectin (sum of avermectin B1a, avermectin B1b and delta-8, 9 isomer of avermectin B1a)
Azocyclotin and Cyhexatin	Azocyclotin and Cyhexatin (sum of azocyclotin and cyhexatin expressed as cyhexatin)
Bifenthrin	Bifenthrin
Bitertanol	Bitertanol
Bromopropylate	Bromopropylate
Clofentezine	Clofentezine (sum of all compounds containing the 2-chlorobenzoyl moiety expressed as clofentezine)
Cyromazine	Cyromazine

Fenpropimorph	(1) For cereals and certain products of plant origin, including fruit and vegetables - fenpropimorph (2) For products of animal origin - fenpropimorph carboxylic acid (BF 421-2) expressed as fenpropimorph
Flucythrinate	Flucythrinate (expressed as flucythrinate, sum of isomers)
Hexaconazole	Hexaconazole
Myclobutanil	(1) For cereals and certain products of plant origin, including fruit and vegetables - myclobutanil (2) For products of animal origin - Alpha-(3-hydroxybutyl)-alpha-(4-chlore- phenyl)-1H-1,2,4-triazole -1-propanenitrile (RH 9090) expressed as myclobutanil
Penconazole	Penconazole
Prochloraz	Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz)
Profenofos	Profenofos
Resmethrin	Resmethrin, including other mixtures of constituent isomers (sum of isomers)
Thifensulfuron methyl	Thifensulfuron methyl
Triadimefon and Triadimenol	Triadimefon and Triadimenol (sum of triadimefon and triadimenol)
Triasulfuron	Triasulfuron
Tridemorph	Tridemorph
2,4-D	(1) For cereals and certain products of plant origin, including fruit and vegetables - 2,4-D (sum of 2,4-D and its esters) expressed as 2,4-D (2) For products of animal origin - 2,4-D

(5) In Part I of Schedule 2 the column relating to Bitertanol shall be deleted.

(6) For Part 2 of Schedule 2 there shall be substituted the Schedule to these Regulations.

Signed on behalf of the National Assembly for Wales

D. Ellis-Thomas
Presiding Officer, National Assembly for Wales

11th March 2003

Whitty

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

10th March 2003

[TABLE IN SCHEDULE](#)

UNITS:

Maximum residue levels (MRLs) are expressed in milligrammes of residue per kilogramme of food.

KEY:

* Level at or about the limit of determination.

FOOTNOTES:

1. Paddy or rough rice, husked rice and semi-milled or wholly milled rice.
2. Other cereals do not include rice.
3. Levels are measured on fat, except in the case of foods with a fat content of 10% or less by weight. In these cases the residue is related to the total weight of the boned foodstuff and the MRL is one tenth of the value given in the table, but must be no less than 0.01 mg/kg.
4. These levels are for fresh raw cow's milk and fresh whole cream cow's milk expressed on the whole milk.
5. For preserved, concentrated or sweetened cow's milk; for raw milk and whole cream milk of another animal origin; and for butter, cheese or curd. whether made from cow's milk or other milk of a combination, the following levels apply:
 - if the fat content is less than 2% by weight, the MRL is taken as half that set for raw milk and whole cream milk;
 - if the fat content is 2% or more by weight, the MRL is expressed in mg/kg of fat and is set at 25 times that set for raw milk and whole cream milk
6. Birds' eggs in shell (other than eggs for hatching) and whole egg products and egg yolk products (whether fresh, dried or otherwise prepared)
7. For eggs and egg products with a fat content higher than 10%, the maximum level is expressed in mg/kg fat. In this case, the maximum level is 10 times higher than the maximum level for fresh eggs.
8. All meat except poultrymeat.

9. Poultrymeat only.
10. Chicken liver.
11. Cattle kidney.
12. Cattle liver.
13. All meat except liver and kidney.
14. The residue definition for this MRL is: 2-methoxyimino-2-[2-(0-tolyloxymethyl)phenyl]acetic acid.
15. Meat, liver, fat.
16. Kidney.
17. Other meat products.
18. The residue definition for this MRL is: 2-[2-(4-hydroxy-2-methylphenoxy)methyl]phenyl]-2-methoxy-iminoacetic acid.
19. With the exception of meat and other ovine, bovine and caprine products.
20. These MRLs are based on Codex MRLs (extraneous residue limits) and do not result from the use of plant protection products.
21. Meat of cattle, sheep and goats.
22. Other than meat or liver of cattle, sheep and goats, and poultrymeat.
23. Liver of cattle, sheep and goats. The residue definition for this MRL is: 1,1-bis-(parachlorophenol)-2,2-dichloroethanol(PP'-FW152), expressed as dicofol.
24. Pig kidney.
25. Cattle, goat and sheep kidney.
26. Ruminant liver.
27. All meat except ruminant liver.
28. Fat liver and kidney.
29. Other than fat, liver and kidney.
30. The residues definition for these MRLs is: sum of propyzamide and all metabolites containing the 3,5-dichlorobenzoic acid fraction expressed as propyzamide.
31. All kidney except poultry kidney.
32. Procymidone: 1 mg/kg applies to whole seeds; 0.05 mg/kg applies to seed without shell.

- 33.** Meat and meat products other than those at footnotes 10, 11 and 12.
- 34.** The residues definition for this MRL is: spiroxamine carboxylic acid expressed as spiroxamine
- 35.** Scarole includes broad-leaf endive.
- 36.** Liver and kidney.
- 37.** Broccoli includes calabrese.
- 38.** MRL is based on Codex MRL.
- 39.** For animal products the MRLs relate to cyhalothrin (sum of isomers).
- 40.** This figure is the sum of the alpha and beta isomers.
- 41.** Cattle fat.
- 42.** Bovine fat.
- 43.** Bovine liver.
- 44.** Bovine kidney.
- 45.** Meat of cattle.
- 46.** Liver of cattle, goat, pig, sheep.
- 47.** Kidney of cattle, goat, pig, sheep.
- 48.** Poultry meat, fat, edible offal.
- 49.** Meat of cattle goat, pig, sheep.
- 50.** All products except sheep.
- 51.** Liver of sheep cattle and goat. The residue definition is sum of all compounds containing the 2-chlorobenzoyl moiety expressed as clofentezine.
- 52.** This MRL also applies to spelt.
- 53.** Except spelt.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales only, are made under section 2(2) of the European Communities Act 1972 and further amend the provisions of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 1999 (S.I.1999/3483) (the principal Regulations).

Part 2 of Schedule 2 to the principal Regulations is consolidated to take account of changes and additions to the EC maximum residue levels that have been set at an EC level since the last consolidation of this Part by S.I. 2002/2723.

These regulations add new residue levels in Part 2 of Schedule 2 that have been set by recent amendments to the three Commission Directives: Council Directive 86/362/EEC, Council Directive 86/363/EEC and Council Directive 90/642/EEC. The following new or substituted maximum residue levels are implemented in Part 2 of Schedule 2 in these Regulations (regulation 2 (6)) -

Commission Directive 2002/79/EC (OJ L291, 28.10.2002, p. 1) for abamectin, azocyclotin and cyhexatin, bifenthrin, bitertanol, bromopropylate, clofentezine, cyromazine, fenpropimorph, flucythrinate, hexaconazole, methacrifos, myclobutanil, penconazole, prochloraz, profenofos, resmethrin and bioresmethrin, tridemorph, triadimefon and triadimenol;

Commission Directive 2002/97/EC (OJ No. L343, 18.12.2002, p. 23) for triasulfuron, thifensulfuron methyl and 2,4-D;

Commission Directive 2002/100/EC (OJ No. L2, 7.1.2003, p. 33) replaces certain residue levels for azoxystrobin.

The definition of "the Residues Directives" is updated to take account of the latest Directives being implemented (regulation 2(2)).

These Regulations remove pesticide residue levels for bitertanol that 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 as these levels have been replaced by Community levels (regulation 2 (5)).

No Regulatory Impact Assessment has been produced for these Regulations.

Notes:

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

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

[3] S.I. 1999/3483, amended by S.I. 2001/1113, S.I. 2001/2420, S.I. 2001/3834, S.I. 2002/1767 and S.I. 2002/2723.[back](#)

[4] O.J. No. L221, 7.8.86, p. 37. The last amending instrument is Commission Directive 2002/97/EC (O.J. No. L343, 18.12.2002, p. 23).[back](#)

[5] O.J. No. L221, 7.8.86, p. 43. The last amending instrument is Commission Directive 2002/97/EC.[back](#)

[6] O.J. No. L350, 14.12.90, p. 71. The last amending instrument is Commission Directive 2002/100/EC (O.J. No. L2, 7.1.2003, p. 33).[back](#)

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