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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 241**

**PESTICIDES**

**The Plant Protection Products (Scotland)  
Amendment Regulations 2006**

<i>Made</i>	- - - -	<i>4th May 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th May 2006</i>
<i>Coming into force</i>	- -	<i>1st June 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> 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 Plant Protection Products (Scotland) Amendment Regulations 2006 and shall come into force on 1st June 2006.

**Amendment of the Plant Protection Products (Scotland) Regulations 2005**

2. The Plant Protection Products (Scotland) Regulations 2005<sup>(2)</sup> are amended in accordance with regulations 3 and 4.

**Amendment of regulation 2 (interpretation)**

3. In regulation 2 (interpretation) in paragraph (1) for the definition of “the Directive” substitute—
- ““the Directive” means Council Directive [91/414/EEC](#) concerning the placing of plant protection products on the market<sup>(3)</sup>, as amended—
- (a) by the instruments listed in Part I of Schedule 1 to these Regulations;
  - (b) from 1st September 2006, by the instruments listed in Part II of Schedule 1 to these Regulations;

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(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.

(2) [S.S.I. 2005/331](#).

(3) O.J. No. L 230, 19.8.91, p.1 (as read with the corrigendum published in O.J. No. L 170, 25.6.92, p.40).

- (c) from 1st October 2006, by the instruments listed in Part III of Schedule 1 to these Regulations;
- (d) from 1st November 2006, by the instrument listed in Part IV of Schedule 1 to these Regulations;
- (e) from 1st January 2007, by the instrument listed in Part V of Schedule 1 to these Regulations;
- (f) from 1st February 2007, by the instrument listed in Part VI of Schedule 1 to these Regulations; and
- (g) from 1st April 2007 by the instruments listed in Part VII of Schedule 1 to these Regulations;”.

#### **Amendment of Schedule 1 (instruments amending Council Directive [91/414/EEC](#))**

4. For Schedule 1 (instruments amending Council Directive [91/414/EEC](#)) substitute the following Schedule—

“SCHEDULE 1

Regulation 2

#### INSTRUMENTS AMENDING COUNCIL DIRECTIVE [91/414/EEC](#)

### PART 1

#### Instruments in force

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">93/71/EEC</a> (4)	None
Commission Directive <a href="#">94/37/EC</a> (5)	None
Commission Directive <a href="#">94/79/EC</a> (6)	None
Commission Directive <a href="#">95/35/EC</a> (7)	None
Commission Directive <a href="#">95/36/EC</a> (8)	None
Commission Directive <a href="#">96/12/EC</a> (9)	None
Commission Directive <a href="#">96/46/EC</a> (10)	None
Commission Directive <a href="#">96/68/EC</a> (11)	None
Council Directive <a href="#">97/57/EC</a> (12)	None
Commission Directive <a href="#">2000/80/EC</a> (13)	imazalil, azoxystrobin, kresoxim-methyl, spiroxamine, azimsulfuron, fluroxypyr, metsulfuron-methyl, prohexadione-calcium,

(4) O.J. No. L 221, 31.8.93, p.27 (as read with corrigenda published in O.J. No. L 4, 6.1.96, p.16).

(5) O.J. No. L 194, 29.7.94, p.65.

(6) O.J. No. L 354, 31.12.94, p.16 (as read with corrigenda published in O.J. No. L 280, 23.11.95, p.58).

(7) O.J. No. L 172, 22.7.95, p.6.

(8) O.J. No. L 172, 22.7.95, p.8.

(9) O.J. No. L 65, 15.3.96, p.20.

(10) O.J. No. L 214, 23.8.96, p.18.

(11) O.J. No. L 277, 30.10.96, p.25.

(12) O.J. No. L 265, 27.9.97, p.87.

(13) O.J. No. L 309, 9.12.00, p.14.

<i>Instruments</i>	<i>Active substances added to Annex I</i>
	triasulfuron, esfenvalerate, bentazone and lambda-cyhalothrin
Commission Directive <a href="#">2001/21/EC</a> (14)	amitrole, diquat, pyridate and thiabendazole
Commission Directive <a href="#">2001/28/EC</a> (15)	fenhexamid
Commission Directive <a href="#">2001/36/EC</a> (16)	None
Commission Directive <a href="#">2001/47/EC</a> (17)	<i>Paecilomyces fumosoroseus</i>
Commission Directive <a href="#">2001/49/EC</a> (18)	flupyrsulfuron-methyl
Commission Directive <a href="#">2001/87/EC</a> (19)	acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl
Commission Directive <a href="#">2001/99/EC</a> (20)	glyphosate and thifensulfuron-methyl
Commission Directive <a href="#">2001/103/EC</a> (21)	2,4-dichlorophenoxy acetic acid
Commission Directive <a href="#">2002/18/EC</a> (22)	isoproturon
Commission Directive <a href="#">2002/37/EC</a> (23)	ethofumesate
Commission Directive <a href="#">2002/48/EC</a> (24)	iprovalicarb, prosulfuron and sulfosulfuron
Commission Directive <a href="#">2002/64/EC</a> (25)	cinidon-ethyl, cyhalofop-butyl, famoxadone, florasulam, metalaxyl-M and picolinafen
Commission Directive <a href="#">2002/81/EC</a> (26)	flumioxazine
Commission Directive <a href="#">2003/5/EC</a> (27)	deltamethrin
Commission Directive <a href="#">2003/23/EC</a> (28)	imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl, cyazofamid
Commission Directive <a href="#">2003/31/EC</a> (29)	2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide, pendimethalin
Council Regulation (EC) No. 806/2003(30)	None
Commission Directive <a href="#">2003/39/EC</a> (31)	propineb, propyzamides
Commission Directive <a href="#">2003/68/EC</a> (32)	trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone, isoxaflutole

(14) O.J. No. L 69, 10.3.01, p.17.

(15) O.J. No. L 113, 24.4.01, p.5.

(16) O.J. No. L 164, 20.6.01, p.1.

(17) O.J. No. L 175, 28.6.01, p.21.

(18) O.J. No. L 176, 29.6.01, p.61.

(19) O.J. No. L 276, 19.10.01, p.17.

(20) O.J. No. L 304, 21.11.01, p.14.

(21) O.J. No. L 313, 30.11.01, p.37.

(22) O.J. No. L 55, 26.2.02, p.29.

(23) O.J. No. L 117, 4.5.02, p.10.

(24) O.J. No. L 148, 6.6.02, p.19.

(25) O.J. No. L 189, 18.7.02, p.27.

(26) O.J. No. L 276, 12.10.02, p.28.

(27) O.J. No. L 8, 14.1.03, p.7.

(28) O.J. No. L 81, 28.3.03, p.39.

(29) O.J. No. L 101, 23.4.03, p.3.

(30) O.J. No. L 122, 16.5.03, p.1 (as read with corrigenda published in O.J. No. L 138, 5.6.03, p.49).

(31) O.J. No. L 124, 20.5.03, p.30.

(32) O.J. No. L 177, 16.7.03, p.12 (as amended by Commission Directive [2004/65/EC](#), O.J. No. L 125, 28.4.04, p.43).

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2003/70/EC</a> (33)	mecoprop, mecoprop-P, propiconazole
Commission Directive <a href="#">2003/79/EC</a> (34)	<i>Coniothyrium minitans</i>
Commission Directive <a href="#">2003/81/EC</a> (35)	molinate, thiram, ziram
Commission Directive <a href="#">2003/82/EC</a> (36)	None
Commission Directive <a href="#">2003/84/EC</a> (37)	flurtamone, flufenacet, iodosulfuron, dimethenamid-p, picoxystrobin, fosthiazate, silthiofam
Commission Directive <a href="#">2003/112/EC</a> (38)	paraquat
Commission Directive <a href="#">2003/119/EC</a> (39)	mesosulfuron, propoxycarbazone and zoxamide
Commission Directive <a href="#">2004/20/EC</a> (40)	chlorpropham
Commission Directive <a href="#">2004/30/EC</a> (41)	benzoic acid, flazasulfuron and pyraclostrobin
Commission Directive <a href="#">2004/58/EC</a> (42)	alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ioxynil and phenmedipham
Commission Directive <a href="#">2004/60/EC</a> (43)	quinoxifen
Commission Directive <a href="#">2004/62/EC</a> (44)	mepanipyrim
Council Directive <a href="#">2004/66/EC</a> (45)	None
Commission Directive <a href="#">2004/71/EC</a> (46)	<i>Pseudomonas chlororaphis</i>
Commission Directive <a href="#">2004/99/EC</a> (47)	acetamiprid and thiacloprid
Commission Directive <a href="#">2005/2/EC</a> (48)	<i>Ampelomyces quisqualis</i> and <i>Gliocladium catenulatum</i>
Commission Directive <a href="#">2005/3/EC</a> (49)	imazosulfuron, laminarin, methoxyfenozide and s-metolachlor
Council Directive <a href="#">2005/25/EC</a> (50)	None
Commission Directive <a href="#">2005/34/EC</a> (51)	etoxazole and tepraloxydim

(33) O.J. No. L 184, 23.7.03, p.9.

(34) O.J. No. L 205, 14.8.03, p.16 (as amended by Commission Directive [2004/63/EC](#), O.J. No. L 125, 28.4.04, p.41).

(35) O.J. No. L 224, 6.9.03, p.29.

(36) O.J. No. L 228, 12.9.03, p.11.

(37) O.J. No. L 247, 30.9.03, p.20 (as amended by Commission Directive [2004/64/EC](#), O.J. No. L 125, 28.4.04, p.42).

(38) O.J. No. L 321, 6.12.03, p.32.

(39) O.J. No. L 325, 12.12.03, p.41.

(40) O.J. No. L 70, 9.3.04, p.32.

(41) O.J. No. L 77, 13.3.04, p.50.

(42) O.J. No. L 120, 24.4.04, p.26.

(43) O.J. No. L 120, 24.4.04, p.39 (as amended by Commission Directive [2004/97/EC](#), O.J. No. L 301, 28.09.04, p.53).

(44) O.J. No. L 125, 28.4.04, p.38.

(45) O.J. No. L 168, 1.5.04, p.35.

(46) O.J. No. L 127, 29.4.04, p.104.

(47) O.J. No. L 309, 6.10.04, p.6.

(48) O.J. No. L 20, 22.1.05, p.15.

(49) O.J. No. L 20, 22.1.05, p.19.

(50) O.J. No. L 90, 8.4.05, p.1.

(51) O.J. No. L 125, 18.5.05, p.5.

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2005/58/EC</a> (52)	bifenazate and milbemectin

## PART II

### Instruments coming into force on 1st September 2006

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2005/53/EC</a> (53)	chlorothalonil, chlorotoluron, cypermethrin, daminozide and thiophanate-methyl
Commission Directive <a href="#">2005/54/EC</a> (54)	tribenuron

## PART III

### Instruments coming into force on 1st October 2006

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2006/10/EC</a> (55)	forchlorfenuron and indoxacarb
Commission Directive <a href="#">2006/19/EC</a> (56)	1-methylecyclopropene

## PART IV

### Instruments coming into force on 1st November 2006

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2005/57/EC</a> (57)	MCPA and MCPB

## PART V

### Instruments coming into force on 1st January 2007

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2005/72/EC</a> (58)	chlorpyrifos, chlorpyrifos-methyl, mancozeb, maneb, and metiram

(52) O.J. No. L 246, 22.9.05, p.17.

(53) O.J. No. L 241, 17.9.05, p.51.

(54) O.J. No. L 244, 20.9.05, p.21.

(55) O.J. No. L 25, 28.1.06, p.24.

(56) O.J. No. L 44, 15.2.06, p.15.

(57) O.J. No. L 246, 22.9.05, p.14.

(58) O.J. No. L 279, 22.10.05, p.63.

## PART VI

### Instruments coming into force on 1st February 2007

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2006/16/EC(59)</a>	oxamyl

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## PART VII

### Instruments coming into force on 1st April 2007

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2006/5/EC(60)</a>	warfarin
Commission Directive <a href="#">2006/6/EC(61)</a>	tolyfluanid <sup>2</sup>

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St Andrew's House,  
Edinburgh  
4th May 2006

*ROSS FINNIE*  
A member of the Scottish Executive

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(59) O.J. No. L 36, 8.2.06, p.37.  
(60) O.J. No. L 12, 18.1.06, p.17.  
(61) O.J. No. L 12, 18.1.06, p.21.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Plant Protection Products (Scotland) Regulations 2005 ([S.S.I. 2005/331](#)) (“the principal Regulations”) which implement in Scotland Council Directive [91/414/EEC](#) concerning the placing of plant protection products on the market (O.J. No. L 230, 19.8.91, p.1 as read with corrigendum published in O.J. No. L 170, 25.6.92, p.40) (“the Directive”).

These Regulations implement Commission Directives [2005/53/EC](#) (O.J. L 241, 17.9.05, p.51), [2005/54/EC](#) (O.J. No. L 244, 20.9.05, p.21), [2005/57/EC](#) (O.J. No. L 246, 22.9.05, p.14), [2005/58/EC](#) (O.J. No. L 246, 22.9.05, p.17), [2005/72/EC](#) (O.J. No. L 279, 22.10.05, p.63), [2006/5/EC](#) (O.J. No. L 12, 18.1.06, p.17), [2006/6/EC](#) (O.J. No. L 12, 18.1.06, p.21), [2006/10/EC](#) (O.J. No. L 25, 28.1.06, p.24), [2006/16/EC](#) (O.J. No. L 36, 8.2.06, p.37) and [2006/19/EC](#) (O.J. No. L 44, 15.2.06, p.15).

These 10 Directives add 21 substances to the list of active substances in Annex I of the Directive. The 10 Directives and the additional 21 active substances are therefore added to Schedule 1 to the principal Regulations by substituting the Schedule to these Regulations for Schedule 1 to the principal Regulations (regulations 3 and 4). In consequence the list of active substances which can be used in products capable of being approved under regulations 5 and 6 of the principal Regulations for placing on the market and use is extended accordingly.

A full regulatory impact assessment has not been prepared in respect of these Regulations because they have no impact on the costs of business.