S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2002 No. 537

PESTICIDES

The Plant Protection Products Amendment (No. 3) (Scotland) Regulations 2002

Made	*2nd December 2002*
Laid before the Scottish Parliament	*2nd December 2002*
Coming into force	*31st December 2002*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Plant Protection Products Amendment (No. 3) (Scotland) Regulations 2002 and shall come into force on 31st December 2002.

(2) These Regulations extend to Scotland only.

Amendment of the Plant Protection Products Regulations 1995

2.—(1) The Plant Protection Products Regulations 1995(**b**) are amended in accordance with this regulation.

(2) In regulation 7 (provisional approvals), after paragraph (5), insert–

"(5A) The Scottish Ministers may additionally allow a provisional approval to continue in effect for a product following the inclusion in Annex I, by virtue of a Directive specified in column 1 of Schedule A1, of an active substance, specified in column 2, contained in that product–

(a) in the case of a product that contains only one active substance, until either the date when a standard approval is granted for that product or the date listed in the entry in column 3 of Schedule A1 corresponding to that active substance, whichever date is the earlier; or

(b) in the case of a product that contains more than one active substance, until either the date when a standard approval is granted for that product or the date listed in the entry in column 3 of Schedule A1 corresponding to the later of the active substances in that product included in Annex 1, whichever date is the earlier.

(5B) An approval issued pursuant to paragraph (1) or extended or continued in effect pursuant to paragraph (5) or (5A) shall not cease to have effect by reason only of the inclusion of the active substance to which it relates in Annex I.".

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1995/887, amended by S.I. 1997/7 and 2499 and S.S.I. 2001/161 and 454 and 2002/117 and 279.

(3) Regulation 27(4) is omitted.

(4) Before Schedule 1, add Schedule A1 set out in the Schedule to these Regulations.

(5) In Schedule 1 (non-confidential information) for paragraph 2(b), substitute–

"(b) Council Directive 1999/45/EC concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations(**a**).".

(6) In Schedule 2 (labelling)–

(a) for paragraph 1(c), substitute–

"(c) the name and the amount of each active substance; the name must be–

(i) the same as that listed in Annex I to the Council Directive 67/548/EEC(**b**), if any;

(ii) the common name given by the International Organization for Standardization(**c**), if any; or

(iii) its chemical designation according to the rules of the International Union of Pure and Applied Chemistry contained in the Nomenclature of Organic Chemistry, 1979 Recommendations(**d**) and 1993 Recommendations(**e**);";

(b) for paragraph 1(f) substitute–

"(f) the particulars required for the product in Articles 10 to 12 of Council Directive 1999/45/EC concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations and information on first aid;".

(7) In Schedule 4 (instruments amending Council Directive 1991/414/EC)(**f**), after the last entry, add the following entries:–

"	Commission Directive 2002/37/EC	O.J. No. L 117, 4.5.02, p.10 (as from 1st March 2003)
	Commission Directive 2002/48/EC	O.J. No. L 148, 6.6.02, p.19
	Commission Directive 2002/64/EC	O.J. No. L 189, 18.7.02, p.27
	Commission Directive 2002/81/EC	O.J. No. L 276, 12.10.02, p.28 ".

ROSS FINNIE
A member of the Scottish Executive

Pentland House,
Edinburgh
2nd December 2002

(a) O.J. No. L 200, 30.7.99, p.1.
(b) O.J. No. P 196, 16.8.67, p.1.
(c) The International Organization for Standardization address is 1, rue de Varembe, Case postale 56, CH-1211, Geneva 20, Switzerland. The worldwide website address is: http://www.iso.org.
(d) Nomenclature of Organic Chemistry, 'IUPAC' sections A, B, C, D, E, F and H, Pergamon Press, Oxford, 1979, ISBN 0080223699. Also available as published by Advanced Chemistry Development, Inc, on the worldwide website address: www.acdlabs.com/nomenclature.
(e) A Guide to IUPAC Nomenclature of Organic Compounds (Recommendations 1993), Blackwell Scientific publications ISBN 0632034882.
(f) Schedule 4 was inserted by S.S.I. 2001/454 and amended by S.S.I. 2002/117 and 279.

Regulation 2(4)

SCHEDULE

SCHEDULE A1 AS INSERTED BY THESE REGULATIONS

"Regulation 7(5A)

SCHEDULE A1

DATES FOR EXTENSIONS OF PROVISIONAL APPROVALS

Column 1 **Implementing Directive**	Column 2 **Active Substance**	Column 3 **Date before which regulation 5 approvals must be granted**
Commission Directive 2002/48/EC	sulfosulfuron and prosulfuron	31st December 2003
Commission Directive 2002/64/EC	cinidon-ethyl, florasulam, picolinafen, famoxadone and metalaxyl-M	31st March 2004

"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, further amend the Plant Protection Products Regulations 1995 ("the 1995 Regulations") which implement Council Directive 91/414/EEC concerning the placing of plant protection products on the market ("the Directive").

Regulation 2(2) amends regulation 7 (provisional approvals) by adding a new regulation 7(5A) and (5B) to allow the continuation in effect of provisional approvals containing active substances that have been included in Annex I to the Directive beyond their expiry date, subject to the grant of a standard approval under regulation 5 of the 1995 Regulations or to a long stop date. Regulation 2(4) creates a new Schedule A1 that lists those long stop dates, as mentioned in the implementing EC instruments for extensions of provisional approvals.

Council Directive 1999/45/EC (O.J. No. L 200, 30.7.99, p.1) concerning the approximation of the laws, regulations and administrative provisions of Member States relating to classification, packaging and labelling of dangerous preparations has been implemented by the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (S.I. 2002/1689), which apply to plant protection products approved under the 1995 Regulations. As a result of the revocation of the earlier Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247), regulation 27(4) of the 1995 Regulations is omitted (regulation 2(3)).

Certain labelling provisions in paragraph 1 of Schedule 2 have been amended to reflect the repeal of Directive 78/631/EEC (O.J. No. L 206, 29.7.78, p.13) by Council Directive 1999/45/EC (regulation 2(6)). This repeal is also now reflected with a reference to that 1999 Directive in paragraph 2(b) of Schedule 1 (regulation 2(5)).

Regulation 2(7) amends the definition of "the Directive" in the 1995 Regulations so as to implement Commission Directives 2002/37/EC, (as of 1st March 2003), 2002/48/EC, 2002/64/EC and 2002/81/EC which add the active substances ethofumesate, iprovalicarb, prosulfuron, sulsulfuron, cinidon-ethyl, florasulam, picolinafen, famoxadone, metalaxyl-M and flumioxazine to Annex I of the Directive.

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