

## **EXECUTIVE NOTE**

### **THE PLANT PROTECTION PRODUCTS (SCOTLAND) AMENDMENT REGULATIONS 2006 SSI/2006/241**

#### **POWERS**

1. The Plant Protection Products (Scotland) Amendment Regulations 2006 (the Regulations) are made in exercise of the powers conferred upon the Scottish Ministers by section 2(2) of the European Communities Act 1972

#### **PARLIAMENTARY PROCEDURE**

2. The Regulations are subject to negative resolution procedure.

#### **POLICY OBJECTIVE**

3. The purpose of these Regulations is to amend the Plant Protection Products (Scotland) Regulations 2005 (SSI 2005/331) (the principal Regulations). The Regulations implement 10 Community Directives (Commission Directives 2005/53/EC, 2005/54/EC, 2005/57/EC, 2005/58/EC, 2005/72/EC, 2006/5/EC, 2006/6/EC, 2006/10/EC, 2006/16/EC and 2006/19/EC), by adding a further 21 pesticide active substances to Schedule 1 of the principal Regulations.

4. The principal Regulations implement Council Directive 91/414/EEC (as amended) (the Directive), concerning the placing of plant protection products on the market. The Directive establishes a system whereby plant protection products (mainly agricultural pesticides) may not be placed on the market or used unless they have been authorised and added to Annex 1 of the Directive.

#### **BACKGROUND**

5. Active substances used in pesticides are evaluated at EU level and those that are found to be acceptable in terms of effects on people and the environment are authorised by means of inclusion in Annex 1 of the Directive. The Directive is continually updated and amended to include and thereby authorise new active substances. It is therefore necessary to amend the principal Regulations accordingly to include those newly authorised active substances. The approval of individual products remains the responsibility of individual Member States.

6. Only approved pesticides can be advertised, sold, supplied, stored or used. Applicants for pesticide approvals must show that their products are effective, humane and pose no unacceptable risk to people, non-target species or the wider environment before approval will be granted. Pesticide manufacturers are required to provide a wide range of scientific data, which are subject to rigorous scrutiny.

7. Until the completion of the EU review programme which aims to harmonize the registration of plant protection products throughout the European Community, estimated to be 2008, the Control of Pesticides Regulations 1986 (as amended) (COPR) will run in tandem

with the principal Regulations in relation to those pesticides which currently have UK approval but have still to be evaluated at EU level.

### **ADMINISTRATIVE ARRANGEMENTS**

8. The day to day administration of the plant protection products approval system pre and post devolution is undertaken by the Pesticides Safety Directorate, an Executive Agency of Defra. The arrangement rests on regulation 26 of the principal Regulations which provides that the Scottish Ministers may arrange for any of their functions under or for the purposes of the principal Regulations or the Directive to be exercised on their behalf by a Minister of the Crown.

### **FINANCIAL EFFECTS**

9. No Regulatory Impact Assessment has been carried out in relation to the Regulations. The instrument has no financial effects on the Scottish Executive, local government or Scottish business.

Scottish Executive Environment and Rural Affairs Department  
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