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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 449**

**PESTICIDES**

**The Plant Protection Products (Scotland)  
Amendment (No. 2) Regulations 2006**

*Made* - - - - 30th August 2006  
*Laid before the Scottish  
Parliament* - - - - 4th September 2006  
*Coming into force* - - 26th September 2006

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 (No. 2) Regulations 2006 and shall come into force on 26th September 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 October 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](#), as amended by [S.S.I. 2006/241](#).

(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 November 2006, by the instrument listed in Part III of Schedule 1 to these Regulations;
- (d) from 1st January 2007, by the instrument listed in Part IV of Schedule 1 to these Regulations;
- (e) from 1st February 2007, by the instruments listed in Part V of Schedule 1 to these Regulations;
- (f) from 1st April 2007 by the instruments listed in Part VI of Schedule 1 to these Regulations;
- (g) from 1st August 2007 by the instrument listed in Part VII of Schedule 1 to these Regulations; and
- (h) from 1st November 2007 by the instrument listed in Part VIII 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 93/71/EEC(4)	None
Commission Directive 94/37/EC(5)	None
Commission Directive 94/79/EC(6)	None
Commission Directive 95/35/EC(7)	None
Commission Directive 95/36/EC(8)	None
Commission Directive 96/12/EC(9)	None
Commission Directive 96/46/EC(10)	None
Commission Directive 96/68/EC(11)	None
Council Directive 97/57/EC(12)	None

(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.

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2000/80/EC</a> (13)	imazalil, azoxystrobin, kresoxim-methyl, spiroxamine, azimsulfuron, fluroxypyr, metsulfuron-methyl, prohexadione-calcium, 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 and cyazofamid
Commission Directive <a href="#">2003/31/EC</a> (29)	2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide and pendimethalin
Council Regulation (EC) No. 806/2003(30)	None
Commission Directive <a href="#">2003/39/EC</a> (31)	propineb and propyzamide

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

(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.

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2003/68/EC</a> (32)	trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone and isoxaflutole
Commission Directive <a href="#">2003/70/EC</a> (33)	mecoprop, mecoprop-P and 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 and 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 and 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

(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).

(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.

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2005/34/EC</a> (51)	etoxazole and tepraloxymid
Commission Directive <a href="#">2005/53/EC</a> (52)	chlorothalonil, chlorotoluron, cypermethrin, daminozide and thiophanate-methyl
Commission Directive <a href="#">2005/54/EC</a> (53)	Tribenuron
Commission Directive <a href="#">2005/58/EC</a> (54)	bifenazate and milbemectin
Commission Directive <a href="#">2006/45/EC</a> (55)	None

## PART II

### 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> (56)	forchlorfenuron and indoxacarb
Commission Directive <a href="#">2006/19/EC</a> (57)	1-methylcyclopropene

## PART III

### 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> (58)	MCPA and MCPB

## PART IV

### 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> (59)	chlorpyrifos, chlorpyrifos-methyl, mancozeb, maneb and metiram

(51) O.J. No. L 125, 18.5.05, p.5.  
(52) O.J. No. L 241, 17.9.05, p.51.  
(53) O.J. No. L 244, 20.9.05, p.21.  
(54) O.J. No. L 246, 22.9.05, p.17.  
(55) O.J. No. L 130, 18.5.06, p.27.  
(56) O.J. No. L 25, 28.1.06, p.24.  
(57) O.J. No. L 44, 15.2.06, p.15.  
(58) O.J. No. L 246, 22.9.05, p.14.  
(59) O.J. No. L 279, 22.10.05, p.63.

**PART V**

## 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(60)</a>	Oxamyl
Commission Directive <a href="#">2006/41/EC(61)</a>	clothianidin and pethoxamid

**PART VI**

## 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(62)</a>	Warfarin
Commission Directive <a href="#">2006/6/EC(63)</a>	Tolyfluanid

**PART VII**

## Instruments coming into force on 1st October 2006

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2006/39/EC(64)</a>	clodinafop, pirimicarb, rimsulfuron, tolclofos-methyl and triticonazole

**PART VIII**

## Instruments coming into force on 1st October 2006

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2006/64/EC(65)</a>	clopyralid, cyprodinil, fosetyl and trinexapac”.

**Revocation**

- The Plant Protection Products (Scotland) Amendment Regulations 2006([66](#)) are revoked.

(60) O.J. No. L 36, 8.2.06, p.37.

(61) O.J. No. L 187, 8.7.06, p.24.

(62) O.J. No. L 12, 18.1.06, p.17.

(63) O.J. No. L 12, 18.1.06, p.21.

(64) O.J. No. L 104, 13.4.06, p.30.

(65) O.J. No. L 206, 27.7.06, p.107.

(66) [S.S.I. 2006/241](#).

St Andrew's House,  
Edinburgh  
30th August 2006

*ROSS FINNIE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations further 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 amend the definition of “the Directive” in the principal Regulations so as to implement Commission Directives [2006/39/EC](#) (O.J. No. L 104, 13.4.06, p.30), [2006/41/EC](#) (O.J. No. L 187, 8.7.06, p.24), [2006/45/EC](#) (O.J. No. L 130, 18.5.06, p.27), and [2006/64/EC](#) (O.J. No. L 206, 27.7.06, p.107) which amend Annex 1 to the Directive (regulation 3).

These 4 Directives amend the specification of the active substance, propoxycarbazone, and add 11 substances to the list of active substances in Annex I of the Directive. The 4 Directives and the additional 11 active substances are therefore added to Schedule 1 to the principal Regulations by substituting a new Schedule 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.

Finally, the Regulations revoke the Plant Protection Products (Scotland) Amendment Regulations 2006 ([S.S.I. 2006/241](#)) which amended the principal Regulations and which amendment is superseded by these Regulations (regulation 5).

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