

EXECUTIVE NOTE

THE PLANT PROTECTION PRODUCTS (SCOTLAND) AMENDMENT (No. 3) REGULATIONS 2006 SSI/2006/576

POWERS

1. The Plant Protection Products (Scotland) Amendment (No. 3) 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.
2. The Regulations amend the Plant Protection Products (Scotland) Regulations 2005 (SSI 2005/331) (the principal Regulations).

PARLIAMENTARY PROCEDURE

3. The Regulations are subject to negative resolution procedure.

POLICY OBJECTIVE

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.
5. The Regulations implement 4 Directives:
 - Commission Directives 2006/74/EC, 2006/75/EC and 2006/85/EC add a further 7 pesticide active substances to Annex 1 of the Directive
 - Commission Directive 2006/76/EC modifies the technical specification of the active substance chlorothalonil.

These 4 Directives are transposed by being added to the list in Schedule 1 to the Regulations which sets out the instruments that amend the Directive.

BACKGROUND

6. 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.

7. 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.

8. 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

9. 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 operating on behalf of the Scottish Ministers under an Agency Arrangement. 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

10. 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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