
STATUTORY INSTRUMENTS

1998 No. 2922

AGRICULTURE

PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Amendment) Regulations 1998

<i>Made</i>	- - - -	<i>22nd November</i> <i>1998</i>
<i>Laid before Parliament</i>		<i>8th December 1998</i>
<i>Coming into force</i>	- -	<i>31st December 1998</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State being Ministers designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Amendment) Regulations 1998 and shall come into force on 31st December 1998.

(2) In these Regulations, the expression “the principal Regulations” means the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 1994⁽³⁾.

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 5 of these Regulations.

3. In Regulation 2 of the principal Regulations—

(a) the following shall be added after the definition of “putting into circulation” in paragraph 1—

(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1994/1985, amended by S.I. 1995/1483, 1996/1487 and 1997/567.

““the Residues Directives” means Council Directive 86/362/EEC(4) (as amended by Council Directives 88/298/EEC(5), 90/654/EEC(6), 93/57/EEC(7), 94/29/EC(8), 95/39/EC(9), 96/33/EC(10), 97/41/EC(11) and 97/71/EC(12)), together with Council Directive 86/363(13) (as amended by Council Directives 93/57/EEC, 94/29/EC, 95/39/EC, 96/33/EC, 97/41/EC and 97/71/EC) and Council Directive 90/642(14) (as amended by Council Directives 93/58/EEC(15), 94/30/EC(16), 95/38/EC(17), 95/61/EC(18), 96/32/EC(19), 97/41/EC and 97/71/EC);”

(b) the following paragraph shall be inserted after paragraph 1–

“(1A) The words and expressions “dried”, “processed”, “composite food”, “drying”, and “processing” when used in either regulation 5 or in paragraphs (d) and (e) of regulation 7 shall have the same meaning as when used in the Residues Directives and any related expressions shall be construed accordingly.”.

4. In regulation 5 of the principal Regulations the following paragraph shall be inserted after paragraph 1–

“(1A) Subject to the provisions of regulation 7 the provisions of this Regulation shall apply–

- (i) to any products which after drying or processing are obtained from any of the products named in Part 2 of Schedule 2; and
- (ii) to any composite foods which include any of the products named in that Part of that Schedule

notwithstanding that no maximum permitted level has been expressly specified therein for the amount of pesticide residue which may be contained in that dried or processed product or composite food.”.

5. In regulation 7 of the principal Regulations–

- (a) the word “and” shall be deleted in paragraph (b);
- (b) in paragraph (c) the words “of Part 1” shall be inserted between the words “paragraph 3, 4 or 5” and the words “of Schedule 2” and the words “that part of” shall be inserted between the words “has been dried” and “that Schedule”;
- (c) after paragraph (c) there shall be inserted the following paragraphs:

“(d) in the case of any product named in Part 2 of Schedule 2 which has been dried or processed that part of that Schedule shall have effect where no such maximum permitted level of pesticide residue is specified therein for the product in its dried or processed form as if the maximum permitted level of pesticide residue specified opposite the name of the product in that Part of that Schedule had been modified to take account of the concentration of the product caused by the drying process

(4) OJ No. L221, 7.8.86, p. 37.
(5) OJ No. L126, 20.5.88, p. 53.
(6) OJ No. L353, 17.12.90, p. 48.
(7) OJ No. L211, 23.8.93, p. 1.
(8) OJ No. L189, 23.7.94, p. 67.
(9) OJ No. L197, 22.8.95, p. 29.
(10) OJ No. L144, 18.6.96, p. 35.
(11) OJ No. L184, 12.7.97, p. 33.
(12) OJ No. L347, 18.12.97, p. 42.
(13) OJ No. L221, 7.8.86, p. 43.
(14) OJ No. L350, 14.12.90, p. 71.
(15) OJ No. L211, 23.8.93, p. 6.
(16) OJ No. L189, 23.7.94, p. 70.
(17) OJ No. L197, 22.8.95, p. 14.
(18) OJ No. L292, 7.12.95, p. 27.
(19) OJ No. L144, 18.6.96, p. 12.

or, as the case may be, the dilution or concentration of the product caused by the processing;

- (e) in a case where two or more products have been mixed to form a single composite food in relation to which no such maximum permitted levels are specified in Part 2 of Schedule 2, that Part of that Schedule shall have effect as if such maximum permitted levels had been specified in relation to that composite food for each of the pesticide residues which are specified therein opposite the names of each of the products which have been mixed to form the composite food taking into account—
- (i) the relative concentrations of each of the constituent products in the mixture; and
 - (ii) the provisions of paragraph (d).”

21st November 1998

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

22nd November 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which do not extend to Northern Ireland, are made under section 2(2) of the European Communities Act 1972 and amend the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 1994 (S.I.1994/1985), as amended (1995/1483, 1996/1487 and 1997/567), (“the principal Regulations”).

To the extent the principal Regulations are made under the European Communities Act 1972, they specify maximum levels of pesticides residues which may be left in crops, food and feeding stuffs in implementation of Council Directive 86/362/EEC (OJNo. L221, 7.8.86, p. 37), Council Directive 86/363/EEC (OJ No. L221, 7.8.86, p. 43) and Council Directive 90/642/EEC (OJ No. L350, 14.12.90, p. 71) each as last amended by Commission Directive 97/71/EC (OJ No. L347, 18.12.97, p. 42) (Council Directives 86/362, 86/363 and 90/642 as so amended being referred to in the rest of this Explanatory Note as the “Residues Directives”).

These Regulations, in implementation of Council Directive 97/41/EC (OJ No. L184, 12.7.97, p. 33), further amend the principal Regulations so as to make them applicable in respect of processed products and composite foods in so far as these are the subject of the Residues Directives.

The Regulations also amend the principal Regulations so as to make provision with regard to the manner for determining whether the levels of pesticide residues left in any such dried or processed products or composite foods, so far as these are the subject of the Residues Directives, exceed the maxima permitted under the principal Regulations.

A regulatory impact assessment has been prepared in respect of these Regulations. Copies of this assessment can be obtained from the Pesticides Safety Directorate of the Ministry of Agriculture, Fisheries and Food, Room 313, Mallard House, Kings Pool, 3 Peasholme Green, York YO1 7PX. A copy has been placed in the library of each House of Parliament.