

**EXPLANATORY MEMORANDUM TO**  
**THE PESTICIDES (MAXIMUM RESIDUE LEVELS) (ENGLAND AND WALES)**  
**REGULATIONS 2008**  
**2008 No. 2570**

**1.** This explanatory memorandum has been prepared by the Pesticides Safety Directorate on behalf of the Department for Environment Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This Statutory Instrument sets inspection, prohibition, enforcement and penalty provisions to ensure compliance with maximum residue levels (MRLs) that came into force under EC Regulation 396/2005 from 1 September 2008.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 The MRLs coming into force under EC Regulation 396/2005 replace and supplement MRLs previously set under Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC. These Directives were previously transposed in England and Wales under The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England and Wales) Regulations 2005, and by subsequent amending Regulations. The 2005 Regulations included inspection, prohibition, enforcement and penalty provisions for England and Wales.

4.2 Regulation 396/2005 provides for a fully integrated EU MRLs regime, discontinuing the requirements for member States to transpose levels set into National legislation.

**5. Extent**

5.1 This Instrument applies to England and Wales only. Similar legislation is being made by the Scottish Executive, Environment and Rural Affairs Department, and similar legislation is being prepared by the Department of Agriculture and Rural Development, Northern Ireland.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 MRLs reflect levels of pesticides that are expected to be found in produce that has been treated in accordance with good agricultural practice. Thus, they provide a mechanism for statutory controls on pesticides in produce moving in trade and for monitoring correct use of pesticides. MRLs are not safety limits and are always set below levels that would cause harm.

7.2 MRLs applicable to trade to or within the UK are now exclusively determined at EC level. The EC programme establishes MRLs for all pesticides. This Instrument will provide the means to ensure compliance with these levels in England and Wales.

7.3 There is not a great deal of public interest in this policy. Consultations held in 2003 prior to the publication of EC Regulation 396/2005 attracted approximately 20 responses in total. The only substantive comments were received from farming, growing and crop protection industries and focussed on technical details, not the overall policy of setting and enforcing MRLs.

7.4 These latest Regulations are limited to providing enforcement provisions to ensure compliance with MRLs now set under a unified EC Regulation. They will be of most interest to commercial trade, distribution and retail interests and to those bodies carrying out inspection and enforcement activities.

7.5 Members of the public are most likely to be interested in the levels set under EC Regulation 396/2005. A database including all the levels set by the EC Regulation has been made available by the Pesticides Safety Directorate (PSD, part of the Health and Safety Executive) to coincide with the full coming into force of the EC Regulation on 1 September 2008. This information is provided in an easy to read format on the PSD website.

7.6 This Instrument is not politically or legally significant. The setting of MRLs and enforcement provisions to ensure compliance has been established under various Regulations for a considerable period. The latest Regulations continue those long established enforcement provisions and is being introduced in an uncontroversial and relatively minor fashion.

## **8. Impact**

8.1 A Regulatory Impact Assessment (RIA) was prepared in 2005 when the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England and Wales) Regulations were last consolidated and provides a basis for establishing the impact of these Regulations. We are content the information quoted in the RIA remains relevant and that there are no additional compliance costs arising from the targeted compliance and enforcement provisions.

## **9. Contact:**

Russell Wedgbury at the Pesticides Safety Directorate, (Tel: 01904 455780 or email: [Russell.wedgbury@psd.hse.gsi.gov.uk](mailto:Russell.wedgbury@psd.hse.gsi.gov.uk) ), can answer any queries regarding the instrument.