
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 118

**AGRICULTURE
PESTICIDES**

**The Pesticides (Maximum Residue Levels in Crops, Food
and Feeding Stuffs) (Scotland) Amendment Regulations 2003**

Made - - - - 27th February 2003
*Laid before the Scottish
Parliament* - - - - 28th February 2003
Coming into force - - 31st March 2003

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{M1} and of all other powers enabling them in that behalf, hereby make the following Regulations:

Marginal Citations

M1 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.

Citation and commencement

1. These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment Regulations 2003 and shall come into force on 31st March 2003.

Amendment to the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Regulations 2000

2.—(1) The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Regulations 2000 ^{M2} are amended in accordance with this regulation.

(2) In Schedule 1 ^{M3}, with effect from 1st July 2003, at the appropriate places in alphabetical order in column 1, there are inserted, together with the corresponding entries in column 2, the following entries:—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Column 1 Pesticide	Column 2 Residues
Thifensulfuron methyl	Thifensulfuron methyl
Triasulfuron	Triasulfuron
2,4-D	(1) For cereals, fruit and certain products of plant origin, including fruit and vegetables – 2,4-D (sum of 2,4-D and its esters) expressed as 2,4-D (2) For products of animal origin – 2,4-D

(3) In Schedule 1, with effect from 1st August 2003, at the appropriate places in alphabetical order in column 1, there are inserted, together with the corresponding entries in column 2, the following entries:–

Column 1 Pesticide	Column 2 Residues
Abamectin	Abamectin (sum of avermectin B1a, avermectin B1b and delta 8,9 isomer of avermectin B1a)
Azocyclotin and Cyhexatin	Azocyclotin and Cyhexatin (sum of azocyclotin and cyhexatin expressed as cyhexatin)
Bifenthrin	Bifenthrin
Bitertanol	Bitertanol
Bromopropylate	Bromopropylate
Clofentezine	Clofentezine (sum of all compounds containing the 2 – chlorobenzoyl moiety expressed as clofentezine)
Cyromazine	Cyromazine
Fenpropimorph	(1) For cereals, fruit and certain products of plant origin, including fruit and vegetables – fenpropimorph (2) For products of animal origin – fenpropimorph carboxylic acid (BF 421-2) expressed as fenpropimorph
Flucythrinate	Flucythrinate (expressed as flucythrinate, sum of isomers)
Hexaconazole	Hexaconazole
Myclobutanil	(1) For cereals, fruit and certain products of plant origin, including fruit and vegetable – myclobutanil (2) For products of animal origin – Alpha-(3 hydroxybutyl) – alpha-(4-chlore-phenyl) – 1H – 1, 2, 4 – triazole – 1 – propanenitrile (RH 9090) expressed as myclobutanil
Penconazole	Penconazole

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Prochloraz	Prochloraz (sum of prochloraz and its metabolites containing the 2, 4, 6 – Trichlorophenol moiety expressed as prochloraz)
Profenofos	Profenofos
Resmethrin	Resmethrin, including other mixtures of constituent isomers (sum of isomers)
Tridemorph	Tridemorph
Triadimefon and Triadimenol	Triadimefon and Triadimenol (sum of triadimefon and triadimenol)

(4) In Part 1 of Schedule 2, with effect from 1st August 2003, the entry relating to Bitertanol together with all residue levels relevant thereto is omitted.

(5) For Part 2 of Schedule 2 ^{M4}, there is substituted the Part set out in Schedule 1 to these Regulations.

(6) For Schedule 5 ^{M5}, there is substituted the Schedule set out in Schedule 2 to these Regulations.

Marginal Citations

M2 [S.S.I. 2000/22](#) amended by [S.S.I. 2001/84](#), 221 and 435 and [2002/271](#) and 489.

M3 [Schedule 1](#) was amended by [S.S.I. 2001/84](#) and 221 and [2002/271](#) and 489.

M4 [Part 2](#) of [Schedule 2](#) was substituted by [S.S.I. 2002/489](#).

M5 [Schedule 5](#) was inserted by [S.S.I. 2002/271](#) and substituted by [S.S.I. 2002/489](#).

Consequential amendments

3. Regulation 2(6) and (7) of, and Schedules 1 and 2 to, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment (No. 2) Regulations 2002 ^{M6} are hereby revoked.

Marginal Citations

M6 [S.S.I. 2002/489](#).

St Andrew's House, Edinburgh
27th February 2003

ROSS FINNIE
A member of the Scottish Executive

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~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~
fruit

~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

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2. Vegetables, fresh or uncooked, frozen or dry

(i) ROOT AND TUBER VEGETABLES

~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

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artichokes

~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

root

~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

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~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

potatoes

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(ii) BULB VEGETABLES

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~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

onions

~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

(iii) FRUITING VEGETABLES

(a) Solanacea

~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

~~Regulation 10(1)(3) of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Amendment Regulations 2003~~

peppers

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~~ANNEX 1~~
~~ANNEX 1~~

(b) Cucurbits-edible peel

~~ANNEX 1~~
~~ANNEX 1~~
~~ANNEX 1~~
~~ANNEX 1~~

(c) Cucurbits-inedible peel

~~ANNEX 1~~
~~SQUASHES~~
~~WATERMELONS~~
~~ANNEX 1~~
~~ANNEX 1~~
corn

(iv) BRASSICA VEGETABLES

(a) Flowering Brassicas

~~ANNEX 1~~
~~ANNEX 1~~
~~ANNEX 1~~

(b) Head Brassicas

~~ANNEX 1~~
sprouts
~~ANNEX 1~~
cabbage
~~ANNEX 1~~

(c) Leafy Brassicas

~~ANNEX 1~~
cabbage
~~ANNEX 1~~
~~ANNEX 1~~
~~ANNEX 1~~

(v) LEAF VEGETABLES AND FRESH HERBS

(a) Lettuce & similar

~~ANNEX 1~~
~~ANNEX 1~~
lettuce
~~ANNEX 1~~

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²Other cereals do not include rice.

³Levels are measured on fat, except in the case of foods with a fat content of 10% or less by weight. In these cases the residue is related to the total weight of the boned foodstuff and the MRL is one tenth of the value given in the table, but must be no less than 0.01 mg/kg.

⁴These levels are for fresh raw cow's milk and fresh whole cream cow's milk expressed on the whole milk.

⁵For preserved, concentrated or sweetened cow's milk; for raw milk and whole cream milk of another animal origin; and for butter, cheese or curd, whether made from cow's milk or other milk of a combination, the following levels apply:
– if the fat content is less than 2% by weight, the MRL is taken as half that set for raw milk and whole cream milk;
– if the fat content is 2% or more by weight, the MRL is expressed in mg/kg of fat and is set at 25 times that set for raw milk and whole cream milk

⁶Birds' eggs in shell (other than eggs for hatching) and whole egg products and egg yolk products (whether fresh, dried or otherwise prepared)

⁷For eggs and egg products with a fat content higher than 10%, the maximum level is expressed in mg/kg fat. In this case, the maximum level is 10 times higher than the maximum level for fresh eggs.

⁸All meat except poultrymeat.

⁹Poultrymeat only.

¹⁰Chicken liver.

¹¹Cattle kidney.

¹²Cattle liver.

¹³All meat except liver and kidney.

¹⁴The residue definition for this MRL is: 2-methoxyimino-2-[2-(0-tolyloxymethyl)phenyl]acetic acid.

¹⁵Meat, liver, fat.

¹⁶Kidney.

¹⁷Other meat products.

¹⁸The residue definition for this MRL is: 2-[2-(4-hydroxy-2-methylphenoxy)methyl]phenyl]-2-methoxy-iminoacetic acid.

¹⁹With the exception of meat and other ovine, bovine and caprine products.

²⁰These MRLs are based on Codex MRLs (extraneous residue limits) and do not result from the use of plant protection products.

²¹Meat of cattle, sheep and goats.

²²Other than meat or liver of cattle, sheep and goats, and poultrymeat.

²³Liver of cattle, sheep and goats. The residue definition for this MRL is: 1,1-bis-(parachlorophenol)-2,2-dichloroethanol(PP'-FW152), expressed as dicofol.

²⁴Pig kidney.

²⁵Cattle, goat and sheep kidney.

²⁶Ruminant liver.

²⁷All meat except ruminant liver.

²⁸Fat liver and kidney.

²⁹Other than fat, liver and kidney.

³⁰The residues definition for these MRLs is: sum of propyzamide and all metabolites containing the 3,5-dichlorobenzoic acid fraction expressed as propyzamide.

³¹All kidney except poultry kidney.

³²Procymidone: 1 mg/kg applies to whole seeds; 0.05 mg/kg applies to seed without shell.

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³³Meat and meat products other than those at footnotes 10, 11 and 12.

³⁴The residues definition for this MRL is: spiroxamine carboxylic acid expressed as spiroxamine

³⁵Scarole includes broad-leaf endive.

³⁶Liver and kidney.

³⁷Broccoli includes calabrese.

³⁸MRL is based on Codex MRL.

³⁹For animal products the MRLs relate to cyhalothrin (sum of isomers).

⁴⁰This figure is the sum of the alpha and beta isomers.

⁴¹Cattle fat.

⁴²Bovine fat.

⁴³Bovine liver.

⁴⁴Bovine kidney.

⁴⁵Meat of cattle.

⁴⁶Liver of cattle, goat, pig, sheep.

⁴⁷Kidney of cattle, goat, pig, sheep.

⁴⁸Poultry meat, fat, edible offal.

⁴⁹Meat of cattle goat, pig, sheep.

⁵⁰All products except sheep.

⁵¹Liver of sheep cattle and goat. The residue definition is sum of all compounds containing the 2-chlorobenzoyl moiety expressed as clofentezine.

⁵²This MRL also applies to spelt.

⁵³Except spelt.

SCHEDULE 2

Regulation 2(6)

“SCHEDULE 5

Regulation 2(1)

DEFINITION OF RESIDUE DIRECTIVES

“The Residue Directives” means Council Directive [1986/362/EEC](#)^{M7} as amended by

<i>Directive</i>	<i>Reference</i>
Council Directive 1988/298/EEC	O.J. No. L 126, 20.5.88, p.53
Council Directive 1990/654EEC	O.J. No. L 353, 17.12.90, p.48
Council Directive 1993/57/EEC	O.J. No. L 211, 23.8.93, p.1
Council Directive 1994/29/EC	O.J. No. L 189, 23.7.94, p.67

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Council Directive 1995/39/EC	O.J. No. L 197, 22.8.95, p.29
Council Directive 1996/33/EC	O.J. No. L 144, 18.6.96, p.35
Council Directive 1997/41/EC	O.J. No. L 184, 12.7.97, p.33
Commission Directive 1997/71/EC	O.J. No. L 347, 18.12.97, p.42
Commission Directive 1998/82/EC	O.J. No. L 290, 29.10.98, p.25
Commission Directive 1999/65/EC	O.J. No. L 172, 8.7.99, p.40
Commission Directive 1999/71/EC	O.J. No. L 194, 27.7.99, p.36
Commission Directive 2000/24/EC	O.J. No. L 107, 4.5.00, p.28
Commission Directive 2000/42/EC	O.J. No. L 158, 30.6.00, p. 1
Commission Directive 2000/48/EC	O.J. No. L 197, 3.8.00, p. 26
Commission Directive 2000/58/EC	O.J. No. L 244, 29.9.00, p.78
Commission Directive 2000/81/EC	O.J. No. L 326, 22.12.00, p.56
Commission Directive 2000/82/EC	O.J. No. L 3, 6.1.01, p.18
Commission Directive 2001/39/EC	O.J. No. L 148, 1.6.01, p.70
Commission Directive 2001/48/EC	O.J. No. L 180, 3.7.01, p.26
Commission Directive 2001/57/EC	O.J. No. L 208, 1.8.01, p.36
Commission Directive 2002/23/EC	O.J. No. L 64, 7.3.02, p.13
Commission Directive 2002/42/EC M8	O.J. No. L 134, 22.5.02, p.29
Commission Directive 2002/66/EC	O.J. No. L 192, 20.7.02, p.47
Commission Directive 2002/71/EC	O.J. No. L 225, 22.8.02, p.21
Commission Directive 2002/76/EC	O.J. No. L 240, 7.9.02, p.45
Commission Directive 2002/79/EC	O.J. No. L 291, 28.10.02, p.1
Commission Directive 2002/97/EC	O.J. No. L 343, 18.12.02, p. 23

together with Council Directive [1986/363/EEC](#)^{M9} as amended by

Directive	Reference
Council Directive 1993/57/EEC	O.J. No. L 211, 23.8.93, p.1
Council Directive 1994/29/EEC	O.J. No. L 189, 23.7.94, p.67
Council Directive 1995/39/EC	O.J. No. L 197, 22.8.95, p.29
Council Directive 1996/33/EC	O.J. No. L 144, 18.6.96, p.35
Council Directive 1997/41/EC	O.J. No. L 184, 12.7.97, p.33
Commission Directive 1997/71/EC	O.J. No. L 347, 18.12.97, p.42
Commission Directive 1998/82/EC	O.J. No. L 290, 29.10.98, p.25
Commission Directive 1999/71/EC	O.J. No. L 194, 27.7.99, p.36

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Commission Directive 2000/24/EC	O.J. No. L 107, 4.5.00, p.28
Commission Directive 2000/81/EC	O.J. No. L 326, 22.12.00, p.56
Commission Directive 2000/82/EC	O.J. No. L 3, 6.1.01, p.18
Commission Directive 2001/39/EC	O.J. No. L 148, 1.6.01, p.70
Commission Directive 2001/57/EC	O.J. No. L 208, 1.8.01, p.36
Commission Directive 2002/23/EC	O.J. No. L 64, 7.3.02, p.13
Commission Directive 2002/42/EC	O.J. No. L 134, 22.5.02, p.29
Commission Directive 2002/66/EC	O.J. No. L 192, 20.7.02, p.47
Commission Directive 2002/71/EC	O.J. No. L 225, 22.8.02, p.21
Commission Directive 2002/79/EC	O.J. No. L 291, 28.10.02, p.1
Commission Directive 2002/97/EC	O.J. No. L 343, 18.12.02, p.23

and Council Directive [1990/642/EEC](#)^{M10} as amended by

Directive	Reference
Council Directive 1993/58/EEC	O.J. No. L 211, 23.8.93, p.6
Council Directive 1994/30/EC	O.J. No. L 189, 23.7.94, p.70
Council Directive 1995/38/EC	O.J. No. L 197, 22.8.95, p.14
Council Directive 1995/61/EC	O.J. No. L 292, 7.12.95, p.27
Council Directive 1996/32/EC	O.J. No. L 144, 18.6.96, p.12
Council Directive 1997/41/EC	O.J. No. L 184, 12.7.97, p.33
Commission Directive 1997/71/EC	O.J. No. L 347, 18.12.97, p.42
Commission Directive 1998/82/EC	O.J. No. L 290, 29.10.98, p.25
Commission Directive 1999/65/EC	O. J. No. L 172, 8.7.99, p.40
Commission Directive 1999/71/EC	O.J. No. L 194, 27.7.99, p.36
Commission Directive 2000/24/EC	O.J. No. L 107, 4.5.00, p.28
Commission Directive 2000/42/EC	O.J. No. L 158, 30.6.00, p. 51
Commission Directive 2000/48/EC	O.J. No. L 197, 3.8.00, p. 26
Commission Directive 2000/57/EC	O.J. No. L 244, 29.9.00, p.76
Commission Directive 2000/58/EC	O.J. No. L 244, 29.9.00, p.78
Commission Directive 2000/81/EC	O.J. No. L 326, 22.12.00, p.56
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Commission Directive 2001/48/EC	O.J. No. L 180, 3.7.01, p.26
Commission Directive 2001/57/EC	O.J. No. L 208, 1.8.01, p.36
Commission Directive 2002/5/EC	O.J. No. L 34, 5.2.02, p.7

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Commission Directive 2002/66/EC	O.J. No. L 192, 20.7.02, p.47
Commission Directive 2002/71/EC	O.J. No. L 225, 22.8.02, p.21
Commission Directive 2002/76/EC	O.J. No. L 240, 7.9.02, p.45
Commission Directive 2002/79/EC	O.J. No. L 291, 28.10.02, p.1
Commission Directive 2002/97/EC	O.J. No. L 343, 18.12.01, p.23
Commission Directive 2002/100/EC	O.J. No. L 2, 7.1.03, p.33”

Marginal Citations

- M7** O.J. No. L 221, 7.8.86, p.37.
M8 As amended by Corrigendum to Commission Directive 2002/42/EC, O.J. No. L 140, 30.5.02, p.39.
M9 O.J. No. L 221, 7.8.86, p.43.
M10 O.J. No. L 350, 14.12.90, p.71.

Marginal Citations

- M7** O.J. No. L 221, 7.8.86, p.37.
M8 As amended by Corrigendum to Commission Directive 2002/42/EC, O.J. No. L 140, 30.5.02, p.39.
M9 O.J. No. L 221, 7.8.86, p.43.
M10 O.J. No. L 350, 14.12.90, p.71.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, further amend the provisions of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2000 (“the principal Regulations”).

The Regulations insert into the principal Regulations references to the pesticides abamectin, azocyclotin, bifenthrin, bitertanol, bromopropylate, clofentezine, cyromazine, cyhexatin, fenpropimorph, flucythrinate, hexaconazole, myclobutanil, penconazole, prochloraz, profenofos, resmethrin, tridemorph, triadimefon and triadimenol, triasulfuron, thifensulfuron methyl and 2,4 D and their residues, to reflect Commission Directives [2002/79/EC](#) and [2002/97/EC](#) (regulation 2(2) and 2(3)).

The Regulations substitute the maximum residue levels for azoxystrobin in the principal Regulations with new maximum residue levels to reflect Commission Directive [2002/100/EC](#). The Regulations remove pesticide residue levels for bitertanol, which had previously been set nationally by virtue of powers contained in the Food and Environment Protection Act 1985, from the list contained in Part 1 of Schedule 2 to the principal Regulations because they have been replaced by Community levels (regulation 2(4)).

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The Regulations consolidate Part 2 of Schedule 2 to the principal Regulations to take account of changes and additions to the maximum residue levels that have been set at an EC level since the last substitution of that Part by S.S.I. 2001/84 (regulation 2(5) and Schedule 1).

The Regulations also update the definition of “Residue Directives” in the principal Regulations (by substituting Schedule 5 to the principal Regulations) to incorporate—

- (a) Commission Directive [2002/79/EEC](#) (O.J. No. L 291, 28.10.02 p.1);
- (b) Commission Directive [2002/97/EEC](#) (O.J. No. L 343, 18.12.02, p.23);
- (c) Commission Directive [2002/100/EC](#) (O.J. No. L 2, 7.1.03, p.33) (regulation 2(6) and Schedule 2).

Regulation 3 makes consequential amendments.

No Regulatory Impact Assessment has been produced in relation to these Regulations.

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch 2 rev by [S.S.I. 2003/445 reg 3](#)
- Regulations revoked by [S.S.I. 2005/599 Sch. 4](#)
- reg 2 rev in pt by [S.S.I. 2003/445 reg 3](#)