SCOTTISH STATUTORY INSTRUMENTS

2003 No. 445

AGRICULTURE

PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland)
Amendment (No. 2) Regulations 2003

Made - - - - 18th September 2003
Laid before the Scottish
Parliament - - - 19th September 2003
Coming into force - - 24th October 2003

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 MI 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, (c.68), insofar as within devolved competence, was transferred to the Scotlish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

Citation and commencement

1. These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 and shall come into force on 24th October 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, at the appropriate places in alphabetical order in column 1, there are inserted, together with the corresponding entries in column 2, the following entries (with the entries for Amitrole replacing those for Aminotriazole):—

Column 1 Pesticide	Column 2 Residues
Acibenzolar-S-methyl	Acibenzolar-S-methyl
Amitrole	Amitrole
Cinidon-ethyl	Cinidon-ethyl (sum of cinidon-ethyl and its E-isomer)
Cyclanilide	Cyclanilide
Cyhalofop butyl	Cyhalofop butyl (sum of cyhalofop butyl and its free acids)
Diquat	Diquat
Ethofumesate	Ethofumesate (sum of ethofumesate and the metabolite 2,3-dihydro-3,3-dimethyl-2-oxobenzofuran-5-yl methane sulphonate expressed as ethofumesate)
Famoxadone	Famoxadone
Fenhexamid	Fenhexamid
Florasulam	Florasulam
Flumioxazine	Flumioxazine
Iprovalicarb	Iprovalicarb
Isoproturon	Isoproturon
Metalaxyl-M	(1) For cereals – metalaxyl-M
	(2) For other products— metalaxyl-M including other mixtures of constituent isomers (sum of isomers)
Picolinafen	Picolinafen
Prosulfuron	Prosulfuron
Pyraflufen-ethyl	Pyraflufen-ethyl
Sulfosulfuron	Sulfosulfuron

(3) In Schedule 1, with effect from 1st July 2004, 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	Column 2
Pesticide	Residues
Chlorfenapyr	Chlorfenapyr
Fentin acetate	Fentin acetate
Fentin hydroxide	Fentin hydroxide

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

- (4) In Part 1 of Schedule 2, the entry relating to Omethoate, together with all residue levels relevant thereto, is omitted.
 - (5) In Part 2 of Schedule 2 maximum residue levels are amended as follows:-
 - (a) for mg/kg of Chlormequat on pears, for "0.5" substitute "0.3";
 - (b) for mg/kg of Dimethoate on tea (dried leaves and stalks, fermented or otherwise, Camellia sinensis), omit "0.2";
 - (c) for mg/kg of Kresoxim-methyl on strawberries (other than wild), for "0.2" substitute "1"; and
 - (d) for mg/kg of Maneb, Mancozeb, Metiram, Propineb and Zineb-
 - (i) on radishes, for "0.2" substitute "2"; and
 - (ii) on spring onions, for "0.05*" substitute "1".
 - (6) In Part 2 of Schedule 2-
 - (a) for existing maximum permitted levels for residues of the pesticides Aminotriazole (Amitrole), Azoxystrobin, Clofentezine, Hexaconazole, Lambdacyhalothrin, Myclobutanil and Prochloraz, there are substituted the maximum permitted levels specified in Schedule 1 to these Regulations (with the heading 'Aminotriazole (Amitrole)' being replaced by the heading 'Amitrole');
 - ^{F1}(b)
 - (c) there are inserted, in the appropriate places to preserve the alphabetical ordering from left to right, the maximum permitted levels for residues of the pesticides Acibenzolar-S-methyl, Chlorfenapyr, Cinidon-ethyl, Cyclanilide, Cyhalofop butyl, Diquat, Ethofumesate, Famoxadone, Fenhexamid, Fentin acetate, Fentin hydroxide, Florasulam, Flumioxazine, Iprovalicarb, Isoproturon, Metalaxyl-M, Picolinafen, Prosulfuron, Pyraflufen-ethyl and Sulfosulfuron specified in Schedule 1 to these Regulations in relation to the products so specified.

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- F1 Reg. 2(6)(b) revoked (31.3.2004) by The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment Regulations 2004 (S.S.I. 2004/104), regs. 1, 3
- F2 Reg. 2(7) revoked (with effect from 1.8.2004) by The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2004 (S.S.I. 2004/220), regs. 1, 3(a)

Marginal Citations

M2 S.S.I. 2000/22 amended by S.S.I. 2001/84, 221 and 435, 2002/271 and 489, and 2003/118.

Revocations

3. Regulation 2(6) of, and Schedule 2 to, the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment Regulations 2003 ^{M3} are hereby revoked.

Marginal Citations

M3 S.S.I. 2003/118.

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

St Andrew's House, Edinburgh

ROSS FINNIE
A member of the Scottish Executive

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

SCHEDULE 1

Regulation 2(6)

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	Applying		Ap plpplg ing		
	from		fro fir om		
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	July		Julyuly		
	2004		2002/004		
1.					

Fruit, fresh, dried or uncooked, preserved by freezing not containing added sugar: nuts

(i) CITRUS FRUIT

Lines D*01* 0.05 % 5 *5 0.05 % D*05 % 5 *05 %

clementines

&

similar

hybrids)

O(1) = 0.05 +

(ii) TREE NUTS (shelled or unshelled)

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

nectarines

&

similar

hybrids)

(v) BERRIES AND SMALL FRUIT

(a) (a) Table & wine grapes

than

wild)

(c) (c) Cane Fruit (other than wild)

(red,

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

black

&

white)

0. W2 H G D Y O S Y O

berries

&

wild

fruit

(vi) MISCELLANEOUS FRUIT

 ${
m Lit}$ ${
m th}$ ${
m Lit}$ ${
m$

consumption)

extract)

Papana2*01* 0.05*05* 0.05*02*05*05*05*05*05*05*05*05*05*05* 0.05* 0.02* 0.05* 0.02*05*05*

2.

Vegetables, fresh or uncooked, frozen or dry

(i) ROOT AND TUBER VEGETABLES

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

(iii) FRUITING VEGETABLES

(a)

(a) Solanacea

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

(iv) BRASSICA VEGETABLES

(a) (a) Flowering Brassicas

(b) (b) Head Brassicas

(c) (c) Leafy Brassicas

(v) LEAF VEGETABLES AND FRESH HERBS

(a) (a) Lettuce & similar

(b) (b) Spinach & similar

(e) (e) Herbs

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

 $Che Ho D P O B^* 0.05 P O D$

(vi) LEGUME VEGETABLES (fresh)

Beans 27:01* 0.05 to 57:05 to

pods)

pods)

pods)

pods)

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 $Fended 2^{*}0 0^{*}0$

(viii) FUNGI

3. PULSES

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

4.

OILSEEDS

Linseas**02**05*1*.1*0.05*05*05* 0.1*0.05*1*.1*0.1*0.1*0.1*0.05*1*.1*0.02**05*05*1*.1*0.1*0.05*1*

Pop(p) \$1.00 \cdot 0.1 \cdot 0.1 \cdot 0.0 \cdot 0.0 \cdot 0.1 \cdot 0.0 \cdot 0.1 \cdot 0.0 \cdot 0.1 \cd seed

Ses@n@@*0D*0D*10.10.0D*0D*0D*10.10.0D*10.10.10.10.10.10.10.10.0D*10.0D*10.10.0D*10.10.0D*10.10.0D*10.10.0D*10.10.0D*10.10.0D*10.0D*10.0D*10.0D*10.10.0D*10.10.0D*10.10.0D*10.0 seed

seed

Raple 05%02%50.10.10.05%05%05%05%10.10.05%10.10.10.10.10.10.10.10.05%10.10.05%05%05%10.50.10.05%1* seed

Sova.05%02*50.10.10.05%05%05%50.10.05%10.10.10.10.10.10.05%10.10.05%05%05%10.10.10.05%1 bean

Mustast*O2*05*19.19.05*05*05*10.19.05*19.19.19.19.19.19.19.19.05*19.19.02*05*05*19.19.19.05*1* seed

CottOots%05%05%10.10.05%20.05%10.10.05%10.10.10.10.10.10.10.10.10.05%05%05%05%10.10.10.05%1 seed

Othersp*02*05*1*.1*0.05*05*05*10.1*0.05*1*.1*0.1*0.1*0.1*0.05*1*.1*0.05*1*.1*0.05*1*.1*0.05*1

5.

POTATOES

potatoes

potatoes

6.

TEA

leaves

and

stalks,

fermented

otherwise,

Camellia

sinensis)

7.

HOPS (dried)

incloading 20 0.10.10.05*10.05*10.10.05*10.10.10.10.10.10.10.10.05*10.110 10 2 0.10.10.10.05*1* hop

pellets

&

unconcentrated

powder

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

8.

CEREALS

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PRODUCTS OF ANIMAL ORIGIN

Meat 02* fat & preparation of meat 3		0.1*0.01* 0.05* ¹⁷	0.0\D*1\ddot0.0\D*05*	0.05*.5 ⁸³⁹ 0.01* 0.02* ⁹³⁹	0.2^{42} 2^{43} 0.5^{44} $0.1*^{17}$	0.05*
Mil@.02*	0.01*	0.0 5 *01*	0.0 \D *1\D.0\D*05*	0.05,0539 0.01*	0.02*	0.05*
&						
Dairy produce 5						
Egg\\$02*	0.05*	0.020:01*	0.0 9 *1*0.0 9 *05*	0.05,*02*30.01*	0.1*	0.05*

UNITS: Maximum residue levels (MRLs) are expressed in milligrammes of residue per kilogramme of food. KEY: * Level at or about the limit of determination. no MRL – refers to the particular active/commodity combination FOOTNOTES:

¹Paddy or rough rice, husked rice and semi-milled or wholly milled rice

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:

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

- 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

⁹Poultrymeat only.

¹⁰Chicken liver.

¹¹Cattle kidney.

¹²Cattle liver.

¹⁶Kidney

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.

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.

¹⁷Other meat products

¹⁸The residue definition for this MRL is: 2-[2-(4-hydroxy-2-methylphenoxymethyl)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.

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

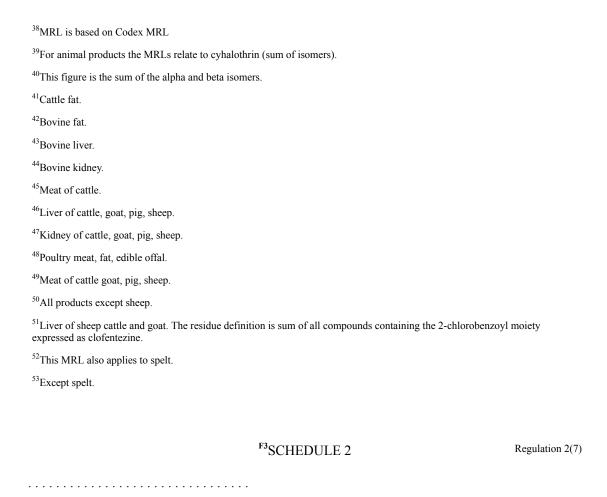
³⁴The residues definition for this MRL is: spiroxamine carboxylic acid expressed as spiroxamine

³⁵ Scarole includes broad-leaf endive.

³⁶Liver and kidney.

³⁷Broccoli includes calabrese.

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)



Sch. 2 revoked (with effect from 1.8.2004) by The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2004 (S.S.I. 2004/220), regs. 1, 3(a)

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 Stuffs) (Scotland) Regulations 2000 ("the principal Regulations").

The Regulations insert into the principal Regulations references to the pesticides Acibenzolar-S-methyl, Chlorfenapyr, Cinidon-ethyl, Cyclanilide, Cyhalofop butyl, Diquat, Ethofumesate, Famoxadone, Fenhexamid, Fentin acetate, Fentin hydroxide, Florasulam, Flumioxazine, Iprovalicarb, Isoproturon, Metalaxyl-M, Picolinafen, Prosulfuron, Pyraflufen-ethyl and Sulfosulfuron and their residues, to reflect Commission Directives 2003/60/EC, 2003/62/EC and 2003/69/EC (regulation 2(2) and 2(3)). The Regulations specify maximum residue levels of these pesticides which crops, food and feeding stuffs may contain (regulation 2(6)(c)).

Changes to legislation: There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked). (See end of Document for details)

The Regulations substitute the maximum residue levels for Aminotriazole (Amitrole), Azoxystrobin, Clofentezine, Hexaconazole, Lambda-cyhalothrin, Myclobutanil and Prochloraz in the principal Regulations with new maximum residue levels to reflect Commission Directives 2003/62/EC and 2003/69/EC. The column of entries headed 'Aminotriazole (Amitrole)' is replaced by 'Amitrole' (regulation 2(6)(a) and Schedule 1).

To complete implementation of Commission Directive 2002/71/EC (O.J. No. L 225, 22.8.02, p.21), the Regulations remove pesticide residue levels for Omethoate, 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)).

Other minor alterations to implement changes of pesticide residue for other pesticides, namely Chlormequat, Dimethoate, Kresoxim-methyl and Maneb, Mancozeb, Metiram, Propineb and Zineb, are made to specified products (regulation 2(5)).

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 2003/60/EC (O.J. No. L 155, 24.6.03, p.15);
- (b) Commission Directive 2003/62/EC (O.J. No. L 154, 21.6.03, p.70); and
- (c) Commission Directive 2003/69/EC (O.J. No. L 175, 15.7.03, p.37) (regulation 2(7) and Schedule 2).

Regulation 3 makes revocations.

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

Status:

Point in time view as at 11/06/2004.

Changes to legislation:

There are currently no known outstanding effects for the The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No. 2) Regulations 2003 (revoked).