SCOTTISH STATUTORY INSTRUMENTS

2006 No. 312

AGRICULTURE

PESTICIDES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No.2) Regulations 2006

Made	*7th June 2006*
Laid before the Scottish Parliament	*8th June 2006*
Coming into force in accordance with regulation 1	

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

Citation and commencement

1.— (1) These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No.2) Regulations 2006 and, subject to paragraph (2), shall come into force on 27th July 2006.

(2) Regulation 4 shall come into force on 15th September 2006.

Amendment of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Regulations 2005

2. Subject to regulation 1(2), the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Regulations 2005(**b**) are amended in accordance with regulations 3 and 4.

(**a**) 1972 c.68. Section 2(2) was amended by the Scotland 1998 (c.46), Schedule 8, paragraph 15(3). 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.

(**b**) S.S.I. 2005/599 as amended by S.S.I. 2006/151.

Amendments coming into force on 27th July 2006

3.—(1) In regulation 2(1) (interpretation), for the definition of "the Residues Directives" substitute–

> ""the Residues Directives" means Directive 76/895(**a**), Directive 86/362(**b**), Directive 86/363(**c**) and Directive 90/642(**d**), in each case as amended at the date of the making of the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Amendment (No.2) Regulations 2006(**e**).".

(2) In Schedule 2 (maximum residue levels), for the entries in the columns relating to the pesticides Carbofuran and Diquat substitute the entries in the columns relating to those pesticides set out in Schedule 1 to these Regulations.

(3) In Schedule 3, paragraph 4 (oil seeds), in column 2 beneath "Soya bean" insert "Hemp seed".

Amendments coming into force on 15th September 2006

4.–(1) In Schedule 1 (pesticide residues)–

(a) for the entry for Benomyl, Carbendazim and Thiophanate-methyl, substitute the entry for Benomyl and Carbendazim set out in Schedule 2 to these Regulations; and

(b) after the entry for Thifensulfuron methyl insert the entry for Thiophanate-methyl set out in Schedule 2 to these Regulations.

(2) In Schedule 2 (maximum residue levels)–

(a) for the column relating to Benomyl, Carbendazim and Thiophanate-methyl, substitute the column relating to Benomyl and Carbendazim set out in Schedule 1 to these Regulations;

(b) insert, in the appropriate place to preserve the alphabetical ordering of the pesticide column headings, the column of permitted levels of residue for the pesticide Thiophanate-methyl set out in Schedule 1 to these Regulations; and

(c) at the end, insert the footnote set out at the end of Schedule 1 to these Regulations.

(3) In Schedule 3, paragraph 2(iii)(a) (solanacea), in column 2 beneath "Aubergines" insert "Okra".

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House,
Edinburgh
7th June 2006

(**a**) O.J. No. L 340, 9.12.1976, p.26, as last amended by Commission Directive 2005/70/EC (O.J. No. L 276, 21.10.2005, p.35).
(**b**) O.J. No. L 221, 7.8.1986, p.37, as last amended by Commission Directive 2006/30/EC (O.J. No. L 75, 14.3.2006, p.7).
(**c**) O.J. No. L 221, 7.8.1986, p.43, as last amended by Commission Directive 2006/30/EC (O.J. No. L 75, 14.3.2006, p.7).
(**d**) O.J. No. L 350, 14.12.1990, p.71, as last amended by Commission Directive 2006/30/EC (O.J. No. L 75, 14.3.2006, p.7).
(**e**) S.S.I. 2006/312.

SCHEDULE 1

Regulations 3(2) and 4(2)

ENTRIES AND COLUMNS SUBSTITUTED OR INSERTED IN SCHEDULE 2 TO THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (SCOTLAND) REGULATIONS 2005

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
1. FRUIT, FRESH, DRIED OR UNCOOKED, PRESERVED BY FREEZING NOT CONTAINING ADDED SUGAR: NUTS			-		
i) CITRUS FRUIT					
	Grapefruit	0.1*	0.3	0.05*	0.1*
	Lemons	0.1*	0.3	0.05*	0.1*
	Limes	0.1*	0.3	0.05*	0.1*
	Mandarins (inc clementines & similar hybrids)	0.1*	0.3	0.05*	0.1*
	Oranges	0.1*	0.3	0.05*	0.1*
	Pomelos	0.1*	0.3	0.05*	0.1*
	Others	0.1*	0.3	0.05*	0.1*
ii) TREE NUTS (shelled or unshelled)					
	Almonds	0.1*	0.02*	0.05*	0.2
	Brazil nuts	0.1*	0.02*	0.05*	0.2
	Cashew nuts	0.1*	0.02*	0.05*	0.2
	Chestnuts	0.1*	0.02*	0.05*	0.2
	Coconuts	0.1*	0.02*	0.05*	0.2
	Hazelnuts	0.1*	0.02*	0.05*	0.2
	Macadamia nuts	0.1*	0.02*	0.05*	0.2
	Pecans	0.1*	0.02*	0.05*	0.2
	Pine nuts	0.1*	0.02*	0.05*	0.2

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Pistachios	0.1*	0.02*	0.05*	0.2
	Walnuts	0.1*	0.02*	0.05*	0.2
	Others	0.1*	0.02*	0.05*	0.2
iii) POME FRUIT					
	Apples	0.2	0.02*	0.05*	0.5
	Pears	0.2	0.02*	0.05*	0.5
	Quinces	0.2	0.02*	0.05*	0.5
	Others	0.2	0.02*	0.05*	0.5
iv) STONE FRUIT					
	Apricots	0.2	0.02*	0.05*	2
	Cherries	0.5	0.02*	0.05*	0.3
	Peaches (inc nectarines & similar hybrids)	0.2	0.02*	0.05*	2
	Plums	0.5	0.02*	0.05*	0.3
	Others	0.1*	0.02*	0.05*	0.1*
v) BERRIES AND SMALL FRUIT					
a)	Table & wine grapes				
	Table grapes	0.3	0.02*	0.05*	0.1*
	Wine grapes	0.5	0.02*	0.05*	3
b)	Strawberries (other than wild)	0.1*	0.02*	0.05*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	c) Cane fruit (other than wild)				
	Blackberries	0.1*	0.02*	0.05*	0.1*
	Dewberries	0.1*	0.02*	0.05*	0.1*
	Loganberries	0.1*	0.02*	0.05*	0.1*
	Raspberries	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
	d) other small fruit & berries (other than wild)				
	Bilberries	0.1*	0.02*	0.05*	0.1*
	Cranberries	0.1*	0.02*	0.05*	0.1*
	Currants (red, black & white)	0.1*	0.02*	0.05*	0.1*
	Gooseberries	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
	e) Wild berries & wild fruit	0.1*	0.02*	0.05*	0.1*
vi) MISCELLANEOUS FRUIT					
	Avocados	0.1*	0.02*	0.05*	0.1*
	Bananas	0.1*	0.02*	0.05*	0.1*
	Dates	0.1*	0.02*	0.05*	0.1*
	Figs	0.1*	0.02*	0.05*	0.1*
	Kiwi fruit	0.1*	0.02*	0.05*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Kumquats	0.1*	0.02*	0.05*	0.1*
	Litchis	0.1*	0.02*	0.05*	0.1*
	Mangoes	0.1*	0.02*	0.05*	0.1*
	Olives (Table Consumption)	0.1*	0.02*	0.05*	0.1*
	Olives (Oil Extract)	0.1*	0.02*	0.05*	0.1*
	Papaya	0.1*	0.02*	0.05*	0.1*
	Passion fruit	0.1*	0.02*	0.05*	0.1*
	Pineapples	0.1*	0.02*	0.05*	0.1*
	Pomegranates	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
2. VEGETABLES, FRESH OR UNCOOKED, FROZEN OR DRY					
i) ROOT AND TUBER VEGETABLES					
	Beetroot	0.1*	0.02*	0.05*	0.1*
	Carrots	0.1*	0.02*	0.05*	0.1*
	Cassava	0.1*	0.02*	0.05*	0.1*
	Celeriac	0.1*	0.02*	0.05*	0.1*
	Horseradish	0.1*	0.02*	0.05*	0.1*
	Jerusalem artichokes	0.1*	0.02*	0.05*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Parsnips	0.1*	0.02*	0.05*	0.1*
	Parsley root	0.1*	0.02*	0.05*	0.1*
	Radishes	0.1*	0.02*	0.05*	0.1*
	Salsify	0.1*	0.02*	0.05*	0.1*
	Sweet potatoes	0.1*	0.02*	0.05*	0.1*
	Swedes	0.1*	0.02*	0.05*	0.1*
	Turnips	0.1*	0.02*	0.05*	0.1*
	Yams	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
ii) BULB VEGETABLES					
	Garlic	0.1*	0.02*	0.05*	0.1*
	Onions	0.1*	0.02*	0.05*	0.1*
	Shallots	0.1*	0.02*	0.05*	0.1*
	Spring onions	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
iii) FRUITING VEGETABLES					
a)	Solanacea				
	Tomatoes	0.5	0.02*	0.05*	2
	Peppers	0.1*	0.02*	0.05*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Chilli peppers	0.1*	0.02*	0.05*	0.1*
	Aubergines	0.5	0.02*	0.05*	2
	Okra	2	0.02*	0.05*	1
	Others	0.1*	0.02*	0.05*	0.1*
b)	Cucurbits-edible peel				
	Cucumbers	0.1*	0.02*	0.05*	0.1*
	Gherkins	0.1*	0.02*	0.05*	0.1*
	Courgettes	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
c)	Cucurbits-inedible peel				
	Melons	0.1*	0.02*	0.05*	0.3
	Squashes	0.1*	0.02*	0.05*	0.3
	Watermelons	0.1*	0.02*	0.05*	0.3
	Others	0.1*	0.02*	0.05*	0.3
d)	Sweet corn	0.1*	0.02*	0.05*	0.1*
iv) BRASSICA VEGETABLES					
a)	Flowering Brassicas				
	Broccoli	0.1*	0.02*	0.05*	0.1*
	Cauliflower	0.1*	0.02*	0.05*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Others	0.1*	0.02*	0.05*	0.1*
	b) Head Brassicas				
	Brussels sprouts	0.5	0.02*	0.05*	1
	Head cabbage	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
	c) Leafy Brassicas				
	Chinese cabbage	0.1*	0.02*	0.05*	0.1*
	Kale	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
	d) Kohlrabi	0.1*	0.02*	0.05*	0.1*
v) LEAF VEGETABLES AND FRESH HERBS					
	a) Lettuce & similar				
	Cress	0.1*	0.02*	0.05*	0.1*
	Lamb's lettuce	0.1*	0.02*	0.05*	0.1*
	Lettuce	0.1*	0.02*	0.05*	0.1*
	Scarole	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
	b) Spinach & similar				
	Spinach	0.1*	0.02*	0.05*	0.1*
	Beet leaves (chard)	0.1*	0.02*	0.05*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Others	0.1*	0.02*	0.05*	0.1*
	c) Watercress	0.1*	0.02*	0.05*	0.1*
	d) Witloof	0.1*	0.02*	0.05*	0.1*
	e) Herbs				
	Chervil	0.1*	0.02*	0.05*	0.1*
	Chives	0.1*	0.02*	0.05*	0.1*
	Parsley	0.1*	0.02*	0.05*	0.1*
	Celery leaves	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
vi) LEGUME VEGETABLES (fresh)					
	Beans (with pods)	0.2	0.02*	0.05*	0.1*
	Beans (without pods)	0.1*	0.02*	0.05*	0.1*
	Peas (with pods)	0.2	0.02*	0.05*	0.1*
	Peas (without pods)	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
vii) STEM VEGETABLES					
	Asparagus	0.1*	0.02*	0.05*	0.1*
	Cardoons	0.1*	0.02*	0.05*	0.1*
	Celery	0.1*	0.02*	0.05*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Fennel	0.1*	0.02*	0.05*	0.1*
	Globe artichokes	0.1*	0.02*	0.05*	0.1*
	Leeks	0.1*	0.02*	0.05*	0.1*
	Rhubarb	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
viii) FUNGI					
	Cultivated mushrooms	0.1*	0.02*	0.05*	0.1*
	Wild mushrooms	0.1*	0.02*	0.05*	0.1*
3. PULSES					
	Beans	0.1*	0.02*	0.2	0.1*
	Lentils	0.1*	0.02*	0.2	0.1*
	Peas	0.1*	0.02*	0.2	0.1*
	Others	0.1*	0.02*	0.2	0.1*
4. OILSEEDS					
	Linseed	0.1*	0.1	5	0.1*
	Peanuts	0.1*	0.1	0.1*	0.1*
	Poppy seed	0.1*	0.1	0.1*	0.1*
	Sesame seed	0.1*	0.1	0.1*	0.1*
	Sunflower seed (with shell)	0.1*	0.1	1	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Rape seed	0.1*	0.1	2	0.1*
	Soya bean	0.2	0.1	0.2	0.3
	Mustard seed	0.1*	0.1	0.5	0.1*
	Cotton seed	0.1*	0.1	0.1*	0.1*
	Hemp seed	0.1*	0.1	0.5	0.1*
	Others	0.1*	0.1	0.1*	0.1*
5. POTATOES					
	Early potatoes	0.1*	0.02*	0.05*	0.1*
	Ware potatoes	0.1*	0.02*	0.05*	0.1*
6. TEA					
	Tea (black tea, processed from the leaves of Camellia sinensis)	0.1*	0.05*	0.1*	0.1*
7. HOPS (dried)					
	Hops (dried (including hop pellets & unconcentrated powder))	0.1*	0.05*	0.1*	0.1*
8. CEREALS					
	Wheat	0.1	0.02*	0.05*	0.05
	Rye	0.1	0.02*	0.05*	0.05
	Barley	2	0.02*	10	0.3
	Sorghum	0.01*	0.02*	0.05*	0.01*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Oats	2	0.02*	2	0.3
	Triticale	0.1	0.02*	0.05*	0.05
	Maize	0.01*	0.02*	1	0.01*
	Buckwheat	0.01*	0.02*	0.05*	0.01*
	Millet	0.01*	0.02*	1	0.01*
	Rice	0.01*	0.02*	0.05*	0.01*
	Others	0.01*	0.02*	0.05*	0.01*
9. PRODUCTS OF ANIMAL ORIGIN					
	Meat, fat & preparations of meat	0.05*(46)	0.1*	0.05*	0.05*(46)
	Milk	0.05*(46)	0.1*	0.05*	0.05*(46)
	Dairy produce	0.05*(46)	0.1*	0.05*	0.05*(46)
	Eggs	0.05*(46)	0.1*	0.05*	0.05*(46)
10. SPICES					
	Cumin seed				
	Juniper seed				
	Nutmeg				
	Pepper, black and white				
	Vanilla pods				
	Spices - others				

UNITS:
Maximum residue levels (MRLs) are expressed in milligrammes of residue per kilogramme of food.

KEY:
* Level at or about the limit of determination.

FOOTNOTES:
46. The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

SCHEDULE 2

Regulation 4(1)

ENTRIES SUBSTITUTED IN SCHEDULE 1 TO THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (SCOTLAND) REGULATIONS 2005

Column 1 *Pesticide*	Column 2 *Residue*
Benomyl and Carbendazim	(1) for products of plant origin other than cereals: sum of benomyl and carbendazim, expressed as carbendazim (2) for cereals: benomyl and carbendazim, expressed as carbendazim (3) for foodstuffs of animal origin: for carbendazim only: carbendazim and thiophanate-methyl, expressed as carbendazim
Thiophanate-methyl	(1) for products of plant origin: thiophanate-methyl (2) for foodstuffs of animal origin: carbendazim and thiophanate-methyl, expressed as carbendazim

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 2(2) of the European Communities Act 1972, amend the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (Scotland) Regulations 2005 (S.S.I. 2005/599) ("the Principal Regulations").

These Regulations implement Commission Directives 2006/4/EC (O.J. No. L 23, 27.1.2006, p.69), 2006/9/EC (O.J. No. L 22, 26.1.2006, p.24) and 2006/30/EC (O.J. No. L 75, 14.3.2006, p.7).

Regulations 1 to 3 come into force on 27th July 2006. Regulation 3 makes amendments to the Principal Regulations which–

(a) update the definition of "the Residues Directives" in regulation 2;

(b) substitute certain new maximum residue levels for residues of the pesticides Carbofuran and Diquat in Schedule 2; and

(c) add the product "hemp seed" to the "oil seeds" group of products in Schedule 3, which sets out what parts of products are to be tested for residues.

Regulation 4 comes into force on 15th September 2006. In respect of the Principal Regulations it amends–

(a) Schedule 1, which identifies the substances residues of which are taken into account in the measuring of residue levels for each pesticide, by substituting the entry for the pesticide group Benomyl, Carbendazim and Thiophanate-methyl with an entry for Benomyl and Carbendazim and inserting an entry for Thiophanate-methyl;

(b) Schedule 2, by substituting new maximum residue levels for residues of Benomyl and Carbendazim and inserting new maximum residue levels for residues of Thiophanate-methyl; and

(c) Schedule 3, by adding the product "okra" to the "fruiting vegetables" group of products.

A Regulatory Impact Assessment ("RIA") was prepared in respect of the Principal Regulations which provides a basis for establishing the impact of amendments to those Regulations. Copies of the RIA can be obtained from the Scottish Executive Environment and Rural Affairs Department, EPHAS2, Area 1-B, Pentland House, 47 Robb's Loan, Edinburgh, EH14 1TY. Copies have been placed in the Scottish Parliament Information Centre.

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