

2002 No. 1460

PESTICIDES, ENGLAND AND WALES

**The Plant Protection Products (Amendment) (No. 2)
Regulations 2002**

Made - - - - - *30th May 2002*
Laid before Parliament *31st May 2002*
Coming into force - - *1st July 2002*

The Secretary of State for Environment, Food and Rural Affairs and the National Assembly for Wales, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agriculture policy of the European Community, acting jointly (the National Assembly for Wales acting in relation to Wales only), in exercise of the powers conferred upon them by that section, make the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Plant Protection Products (Amendment) (No. 2) Regulations 2002, extend to England and Wales, and come into force on the 1st July 2002.

Amendment to the Plant Protection Products Regulations 1995

2.—(1) In so far as they extend to England and Wales, the Plant Protection Products Regulations 1995(c) shall be amended by substituting for the definition of “the Directive” in regulation 2(1), the following definition—

““the Directive” means Council Directive 91/414/EEC concerning the placing of plant protection products on the market(d), as amended by—

- (a) Commission Directive 93/71/EEC(e);
- (b) Commission Directive 94/37/EC(f);
- (c) Commission Directive 94/79/EC(g);
- (d) Commission Directive 95/35/EC(h);
- (e) Commission Directive 95/36/EC(i);
- (f) Commission Directive 96/12/EC(j);
- (g) Commission Directive 96/46/EC(k);

(a) S.I. 1972/1811 and, in the case of the National Assembly for Wales, S.I. 1999/2788.

(b) 1972 c. 68.

(c) S.I. 1995/887 as amended by S.I. 1997/7, 1997/2499, 1999/3430 and, as regards England and Wales 2002/526, (the last being revoked by these Regulations).

(d) OJ No. L230, 19.8.91, p. 1 (as read with corrigenda published in OJ No. L170, 25.6.92, p. 40).

(e) OJ No. L221, 31.8.93, p. 27 (as read with corrigenda published in OJ No. L4, 6.1.96, p. 16).

(f) OJ No. L194, 29.7.94, p. 65.

(g) OJ No. L354, 31.12.94, p. 16 (as read with corrigenda published in OJ No. L280, 23.11.95, p. 58).

(h) OJ No. L172, 22.7.95, p. 6.

(i) OJ No. L172, 22.7.95, p. 8.

(j) OJ No. L65, 15.3.96, p. 20.

(k) OJ No. L214, 23.8.96, p. 18.

- (h) Commission Directive 96/68/EC(a);
- (i) Council Directive 97/57/EC(b);
- (j) Commission Directive 2000/80/EC(c);
- (k) Commission Directive 2001/21/EC(d);
- (l) Commission Directive 2001/28/EC(e);
- (m) Commission Directive 2001/36/EC(f);
- (n) Commission Directive 2001/47/EC(g);
- (o) Commission Directive 2001/49/EC(h);
- (p) Commission Directive 2001/87/EC(i);
- (q) Commission Directive 2001/99/EC(j).”

(2) On 1st October 2002 the definition of “the Directive” in those Regulations, as substituted by paragraph (1) above, shall be further amended by the insertion at the end of the following—

“(r) Commission Directive 2001/103/EC(k).”

(3) On 1st January 2003 the definition of “the Directive” as substituted by paragraph (1) above and amended by paragraph (2) above, shall be further amended by the insertion at the end of the following—

“(s) Commission Directive 2002/18/EC(l).”

Transitional arrangements for provisional approvals

3. In so far as they extend to England and Wales, the Plant Protection Products Regulations 1995 shall be modified so that where there is an approval granted under regulation 7(1) (provisional approvals), or extended pursuant to regulation 7(5)—

- (a) the inclusion of the active substances acibenzolar-s-methyl and pymetrozine in Annex I to the Directive does not revoke any such approval in respect of any plant protection product containing either active substance, and that approval shall continue in effect until an approval is granted under regulation 5(1) (standard approvals), or 31st March 2003, whichever is the earlier;
- (b) the inclusion of the active substance flupyrsulfuron-methyl in Annex I to the Directive does not revoke any such approval in respect of any plant protection product containing that active substance, and that approval shall continue in effect until an approval is granted under regulation 5(1), or 30th November 2002, whichever is the earlier; and
- (c) if the plant protection product contains any of the active substances mentioned in (a) or (b), together with another active substance not yet placed in Annex I to the Directive, such approval shall continue in effect unless revoked by the Secretary of State under regulation 13(5) (applications, reviews, revocations and modifications).

(a) OJ No. L277, 30.10.96, p. 25.
 (b) OJ No. L265, 27.9.97, p. 87.
 (c) OJ No. L309, 9.12.2000, p. 14.
 (d) OJ No. L69, 10.3.2001, p. 17.
 (e) OJ No. L113, 24.4.2001, p. 5.
 (f) OJ No. L164, 20.6.2001, p. 1.
 (g) OJ No. L175, 28.6.2001, p. 21.
 (h) OJ No. L176, 29.6.2001, p. 61.
 (i) OJ No. L276, 19.10.2001, p. 17.
 (j) OJ No. L304, 21.11.2001, p. 14.
 (k) OJ No. L313, 30.11.2001, p. 37.
 (l) OJ No. L55, 26.2.2001, p. 29.

Revocation

4. The Plant Protection Products (Amendment) Regulations 2002(a) are revoked.

Signed on behalf of the National Assembly for Wales

D. Elis-Thomas
Presiding Officer,
National Assembly for Wales

30th May 2002

Whitty
Parliamentary Under Secretary of State,
Department for Environment, Food and Rural Affairs

30th May 2002

(a) S.I. 2002/526.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales, further amend the Plant Protection Products Regulations 1995 (S.I. 1995/887) which implement in Great Britain Council Directive 91/414/EEC concerning the placing of plant protection products on the market (OJ No. L230, 19.8.91 p.1).

Regulation 2 amends the definition of “the Directive” in S.I. 1995/887 so as to implement Commission Directive 2001/99/EC (which adds the active substances glyphosate and thifensulfuron-methyl to Annex I of the Directive on 1st July 2002).

It amends the definition again on 1st October 2002 so as to add Commission Directive 2001/103/EC (2,4-dichlorophenoxy acetic acid) to the definition of “the Directive” in the Regulations.

It further amends the definition on 1st January 2003 so as to add Commission Directive 2002/18/EC (isoproturon) to the definition of “the Directive” in the Regulations.

Transitional arrangements are included in regulation 3 to implement relevant saving provisions included in implementing Directives (2001/87/EC for acibenzolar-s-methyl or pymetrozine, and 2001/49/EC for flupyrsulfuron-methyl) for the purpose of disapplying regulation 13(5)(a)(i) of the 1995 Regulations. These arrangements provide that provisional approvals granted under the 1995 Regulations are not revoked following the inclusion of these active substances in Annex I to the Directive.

These Regulations revoke the Plant Protection Products (Amendment) Regulations 2002, S.I. 2002/526.

No Regulatory Impact Assessment has been produced for these Regulations.

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