

2002 No. 289

PESTICIDES

**Plant Protection Products (Amendment) (No. 3) Regulations
(Northern Ireland) 2002**

Made - - - - - 17th September 2002

Coming into operation 22nd October 2002

The Department of Agriculture and Rural Development, being a Department designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Protection Products (Amendment) (No. 3) Regulations (Northern Ireland) 2002 and shall come into operation on 22nd October 2002.

(2) The Interpretation Act (Northern Ireland) 1954^(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Plant Protection Products Regulations (Northern Ireland) 1995

2.—(1) Regulation 2(1) of the Plant Protection Products Regulations (Northern Ireland) 1995^(d) shall be amended by substituting for the definition of “the Directive” the following definition –

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

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

(a) S.I. 2000/2812
(b) 1972 c. 68
(c) 1954 c. 33 (N.I.)
(d) S.R. 1995 No. 371, amended by S.R. 1997 Nos. 471 and 507 and S.R. 2002 No. 125 (S.R. 2002 No. 125 is revoked by the present Regulations)
(e) O.J. No. L230, 19.8.91, p. 1 (to be read with Corrigenda published in O.J. No. L170, 25.6.92, p. 40)
(f) O.J. No. L221, 31.8.93, p. 27 (to be read with Corrigenda published in O.J. No. L4, 6.1.96, p. 16)
(g) O.J. No. L194, 29.7.94, p. 65
(h) O.J. No. L354, 31.12.94, p. 16 (to be read with Corrigenda published in O.J. No. L280, 23.11.95, p. 58)
(i) O.J. No. L172, 22.7.95, p. 6
(j) O.J. No. L172, 22.7.95, p. 8

- (f) Commission Directive 96/12/EC(a);
- (g) Commission Directive 96/46/EC(b);
- (h) Commission Directive 96/68/EC(c);
- (i) Council Directive 97/57/EC(d);
- (j) Commission Directive 2000/80/EC(e);
- (k) Commission Directive 2001/21/EC(f);
- (l) Commission Directive 2001/28/EC(g);
- (m) Commission Directive 2001/36/EC(h);
- (n) Commission Directive 2001/47/EC(i);
- (o) Commission Directive 2001/49/EC(j);
- (p) Commission Directive 2001/87/EC(k);
- (q) Commission Directive 2001/99/EC(l);
- (r) Commission Directive 2001/103/EC(m);”.

(2) On 1st January 2003 the definition of “the Directive” in those Regulations, as substituted by paragraph (1), shall be further amended by the addition of the following –

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

Transitional arrangements for provisional approvals

3. The Plant Protection Products Regulations (Northern Ireland) 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) (standard approvals), or 30th November 2002, whichever is the earlier; and
- (c) if the plant protection product contains any of the active substances mentioned in paragraph (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 Department under regulation 13(5) (applications, reviews, revocations and modifications).

Revocation

4. The Plant Protection Products (Amendment) (No. 2) Regulations (Northern Ireland) 2002(o) are hereby revoked.

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- (a) O.J. No. L65, 15.3.96, p. 20
 - (b) O.J. No. L214, 23.8.96, p. 18
 - (c) O.J. No. L277, 30.10.96, p. 25
 - (d) O.J. No. L265, 27.9.97, p. 87
 - (e) O.J. No. L309, 9.12.2000, p.14
 - (f) O.J. No. L69, 10.3.2001, p.17
 - (g) O.J. No. L113, 24.4.2001, p. 5
 - (h) O.J. No. L164, 20.6.2001, p. 1
 - (i) O.J. No. L175, 28.6.2001, p. 21
 - (j) O.J. No. L176, 29.6.2001, p. 61
 - (k) O.J. No. L276, 19.10.2001, p. 17
 - (l) O.J. No. L304, 21.11.2001, p. 14
 - (m) O.J. No. L313, 30.11.2001, p. 37
 - (n) O.J. No. L55, 26.2.2002, p. 29
 - (o) S.R. 2002 No. 125

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 17th September 2002.

(L.S.)

Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Plant Protection Products Regulations (Northern Ireland) 1995 (S.R. 1995 No. 371), as amended by S.R. 1997 No. 471, S.R. 1997 No. 507 and S.R. 2002 No. 125 (“the principal Regulations”) which implement in Northern Ireland Council Directive 91/414/EEC (O.J. No. L230, 19.8.91, p. 1 to be read with the Corrigenda published in O.J. No. L170, 25.6.92, p. 40) concerning the placing of plant protection products on the market (“the Directive”), as amended.

Regulation 2 amends the definition of the Directive in the principal Regulations so as to implement Commission Directives 2001/99/EC (O.J. No. L304, 21.11.2001, p. 14) (which adds the active substances glyphosate and thifensulfuron-methyl to Annex I of the Directive on the 1st July 2002), 2001/103/EC (O.J. No. L313, 30.11.2001, p. 37) (which adds 2,4-dichlorophenoxy acetic acid to the Annex on 1st October 2002) and 2002/18/EC (O.J. No. L55, 26.2.02, p. 29) (which adds, isoproturon to the Annex on 1st January 2003).

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 principal Regulations so that provisional approvals are not revoked following the inclusion of these active substances in Annex I to the Directive.

The Regulations revoke the Plant Protection Products (Amendment) (No. 2) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 125).

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