

2003 No. 79

PESTICIDES

**Plant Protection Products (Amendment) Regulations
(Northern Ireland) 2003**

Made - - - - - *17th February 2003*

Coming into operation *7th April 2003*

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) Regulations (Northern Ireland) 2003 and shall come into operation on 7th April 2003.

(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) The Plant Protection Products Regulations (Northern Ireland) 1995(d) shall be amended in accordance with this regulation.

(2) In regulation 2(1) the following definition shall be substituted for the definition of “the Directive” –

“the Directive” means Council Directive 91/414/EEC concerning the placing of plant protection products on the market(e), as amended by the instruments listed in Schedule AA1;”.

(3) After paragraph (5) of regulation 7 the following paragraph shall be inserted –

“(5A) The Department may additionally allow a provisional approval to continue in effect for a product following the inclusion of an active substance contained in that product in Annex I by a Directive specified in column 1 of Schedule A1 –

(a) in the case of a product that contains only one active substance, until either the date when a standard approval is granted for that product, or the date specified in column 3 of Schedule A1 in relation to that active substance, whichever is the earlier; or

(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. 289 (S.R. 2002 No. 289 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)

(b) in the case of a product that contains more than one active substance, until either the date when a standard approval is granted for that product, or the date specified in column 3 of Schedule A1 in relation to the later of the active substances in that product to be placed in Annex I, whichever is the earlier.”

(4) Regulation 27(3) shall be deleted.

(5) Before Schedule 1 there shall be added the Schedules set out in the Schedule to these Regulations.

(6) For paragraph 2(b) of Schedule 1 there shall be substituted –

“(b) Council Directive 1999/45/EC concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations(a).”

(7) For paragraph 1(c) of Schedule 2 (labelling requirements) there shall be substituted –

“(c) the name and the amount of each active substance; the name must be –

(i) the same as that listed in Annex I to the Council Directive 67/548/EEC(b), if any;

(ii) the common name given by the International Organisation for Standardisation(c), if any; or

(iii) its chemical designation according to the rules of the International Union of Pure and Applied Chemistry contained in the Nomenclature of Organic Chemistry, 1979 Recommendations(d) and 1993 Recommendations(e).”

(8) For paragraph 1(f) of Schedule 2 there shall be substituted –

“(f) the particulars required for the product in Articles 10 to 12 of Council Directive 1999/45/EC concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations and information on first aid;”

Revocation

4. The Plant Protection Products (Amendment) (No. 3) Regulations (Northern Ireland) 2002(f) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 17th February 2003.

(L.S.)

D. Small

A senior officer of the Department of Agriculture and Rural Development

(a) O.J. No. L200, 30.7.1999, p. 1

(b) O.J. No. L196, 16.8.67, p. 1 (OJ/SE 1967 p. 234)

(c) The International Organization for Standardization address is 1, rue de Varembe, Case postale 56, CH-1211, Geneva 20, Switzerland. The website address is: <http://www.iso.org>

(d) Nomenclature of Organic Chemistry, ‘IUPAC’ Sections A, B, C, D, E, F and H, Pergamon Press, Oxford, 1979, ISBN 0080223699. Also available as published by Advanced Chemistry Development, Inc, on the worldwide website address: www.acdlabs.com/iupac/nomenclature

(e) A Guide to IUPAC Nomenclature of Organic Compounds (Recommendations 1993), Blackwell Scientific Publications ISBN 0632034882

(f) S.R. 2002 No. 289

SCHEDULE

Regulation 2(5)

“SCHEDULE AA1

Regulation 2

INSTRUMENTS AMENDING COUNCIL DIRECTIVE 1991/414/EC

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 93/71/EEC (a) ;	None
Commission Directive 94/37/EC (b) ;	None
Commission Directive 94/79/EC (c) ;	None
Commission Directive 95/35/EC (d) ;	None
Commission Directive 95/36/EC (e) ;	None
Commission Directive 96/12/EC (f) ;	None
Commission Directive 96/46/EC (g) ;	None
Commission Directive 96/68/EC (h) ;	None
Council Directive 97/57/EC (i) ;	None
Commission Directive 2000/80/EC (j) ;	Azimsulfuron, azoxystrobin, bentazone esfenvalerate, fluroxypyr, imazalil, kresoxim-methyl, lambda-cyhalothrin, metsulfuron-methyl, prohexadione-calcium, spiroxamine and triasulfuron
Commission Directive 2001/21/EC (k) ;	Amitrole, diquat, pyridate and thiabendazole
Commission Directive 2001/28/EC (l) ;	Fenhexamid
Commission Directive 2001/36/EC (m) ;	None
Commission Directive 2001/47/EC (n) ;	Paecilomyces fumosoroseus
Commission Directive 2001/49/EC (o) ;	Flupyrsulfuron-methyl
Commission Directive 2001/87/EC (p) ;	Acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl

- (a) 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)
 (b) O.J. No. L194, 29.7.94, p. 65
 (c) 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)
 (d) O.J. No. L172, 22.7.95, p. 6
 (e) O.J. No. L172, 22.7.95, p. 8
 (f) O.J. No. L65, 15.3.96, p. 20
 (g) O.J. No. L214, 23.8.96, p. 18
 (h) O.J. No. L277, 30.10.96, p. 25
 (i) O.J. No. L265, 27.9.97, p. 87
 (j) O.J. No. L309, 9.12.2000, p. 14
 (k) O.J. No. L69, 10.3.2001, p. 17
 (l) O.J. No. L113, 24.4.2001, p. 5
 (m) O.J. No. L164, 20.6.2001, p. 1
 (n) O.J. No. L175, 28.6.2001, p. 21
 (o) O.J. No. L176, 29.6.2001, p. 61
 (p) O.J. No. L276, 19.10.2001, p. 17

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 2001/99/EC(a);	Glyphosate and thifensulfuron-methyl
Commission Directive 2001/103/EC(b);	2,4-dichlorophenoxy acetic acid
Commission Directive 2002/18/EC(e);	Isoproturon
Commission Directive 2002/48/EC(d);	Iprovalicarb, prosulfuron and sulfosulfuron
Commission Directive 2002/64/EC(e);	Cinidon-ethyl, cyhalofop-butyl, famoxadone, florasulam, metalaxyl-M and picolinafen
Commission Directive 2002/81/EC(f);	Flumioxazine
And as from 1 March 2003 amended by: Commission Directive 2002/37/EC(g)	Ethofumesate

SCHEDULE A1

Regulation 7(5A)

DATES FOR EXTENSIONS OF PROVISIONAL APPROVALS

<i>Column 1</i> <i>Implementing Directive or Decision</i>	<i>Column 2</i> <i>Active Substance</i>	<i>Column 3</i> <i>Date before which regulation 5 approvals must be granted</i>
Commission Directive 2001/87/EC	Acibenzolar-s-methyl and pymetrozine	31st March 2003
Commission Directive 2002/48/EC	Prosulfuron and sulfosulfuron	31st December 2003
Commission Directive 2002/64/EC	Cinidon-ethyl, famoxadone, florasulam, metalaxyl-M and picolinafen	31st March 2004"

- (a) O.J. No. L304, 21.11.2001, p. 14
(b) O.J. No. L313, 30.11.2001, p. 37
(c) O.J. No. L55, 26.2.2002, p. 29
(d) O.J. No. L148, 6.6.2002, p. 19
(e) O.J. No. L189, 18.7.2002, p. 27
(f) O.J. No. L276, 12.10.2002, p. 28
(g) O.J. No. L117, 4.5.2002, p. 10

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. 289 (“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(2) and (5) simplify the definition provision for the Directive by creating a new Schedule AA1 which lists the instruments that amend the definition of the Directive in Regulation 2 of these Regulations following the listing of active substances in Annex I to the Directive.

Regulation 2(3) amends regulation 7 (provisional approvals) by adding a new regulation 7(5A) to indicate the date by which time the provisional approvals containing active substances that have been included in Annex I to the Directive must be either amended to a standard approval or withdrawn. Regulation 2(5) creates a new Schedule A1 that lists the dates mentioned in the implementing EC instruments for extensions of provisional approvals.

These Regulations implement for the first time certain Directives which have added the following active substances to Annex I: Commission Directive 2002/48/EC (which adds the active substances iprovalicarb, prosulfuron and sulfosulfuron to the Annex on 1st July 2002), Commission Directive 2002/64/EC (which adds cinidon-ethyl, cyhalofop-butyl, famoxadone, florasulam, metalaxyl-M and picolinafen to the Annex on 1st October 2002), Commission Directive 2002/81/EC (which adds flumioxazine to the Annex on 1st January 2003) and amends the definition further on 1st March 2003 when these Regulations implement Commission Directive 2002/37/EC (to add ethofumesate to the Annex on that date).

Council Directive 1999/45/EC (O.J. No. L200, 30.7.1999, p. 1) concerning the approximation of the laws, regulations and administrative provisions of Member States relating to classification, packaging and labelling of dangerous preparations has been implemented by the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 301). As a result of revocation of the earlier Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 60) regulation 27(3) is deleted (regulation 2(4)).

Certain labelling provisions in paragraph 1 of Schedule 2 have been amended by regulation 2(7) and (8) to reflect the repeal of Directive 78/631/EEC (O.J. No. L206, 29.7.1978, p. 13) by Council Directive 1999/45/EC. This repeal is also now reflected with a reference to the 1999 Directive in paragraph 2(b) of Schedule 1 (regulation 2(6)).

The Regulations revoke the Plant Protection Products (Amendment) (No. 3) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 289).

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