

2002 No. 117

PESTICIDES

**The Plant Protection Products Amendment (Scotland)
Regulations 2002**

Made 5th March 2002

Laid before the Scottish Parliament 8th March 2002

Coming into force 30th March 2002

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, commencement and extent

1.—(1) These Regulations may be cited as the Plant Protection Products Amendment (Scotland) Regulations 2002 and shall come into force on 30th March 2002.

(2) These Regulations extend to Scotland only.

Amendment of the Plant Protection Products Regulations 1995

2. Insert after the last entry in Schedule 4 to the Plant Protection Products Regulations 1995(b), the entry—

“Commission Directive 2001/87/EC O.J. No. L 276, 19.10.01, p.17”.

Transitional arrangements for provisional approvals

3.—(1) The provisions at paragraph (2) below shall apply, notwithstanding the amendment made by these Regulations, to the Plant Protection Products Regulations 1995.

(2) In relation to the active substances acibenzolar-s-methyl and pymetrozine in Annex I—

- (a) any approval issued pursuant to regulation 7(1) (provisional approvals) or extended pursuant to regulation 7(5) in respect of any plant protection product containing either of those active substances shall not cease to have effect by reason only of the inclusion of those active substances in Annex I;
- (b) any such approval or extension which provides for its expiry at a date prior to 31st March 2003 shall not expire at the date provided for, but shall continue in force until the date ascertained in accordance with sub-paragraph (d) below on the same terms and conditions under which it was approved or extended (save as to date of expiry so provided);

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8 paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1995/887, amended by S.I. 1997/7 and 2499 and S.S.I. 2001/161 and 454. Schedule 4 was inserted by S.S.I. 2001/454.

- (c) any such approval or extension which provides for its expiry at a date on or after 31st March 2003 shall cease to have effect on the date ascertained in accordance with sub-paragraph (d) below;
- (d) any approval or extension to which sub-paragraph (b) or (c) above applies shall cease to have effect on the date on which a decision made on an application for approval under regulation 5(1) (standard approvals) has effect or 31st March 2003, whichever is earlier.

(3) In paragraph (2) above, “Annex I” means Annex I to Council Directive 1991/414/EC concerning the placing of plant protection products on the market, as amended^(a).

Revocation

4. Regulation 3 of the Plant Protection Products (Amendment) Regulations 1997^(b) is revoked.

Pentland House,
Edinburgh
5th March 2002

ROSS FINNIE
A member of the Scottish Executive

(a) O.J. No. L 230, 19.8.91, p.1 (as read with Corrigenda published in O.J. No. L 170, 25.6.92, p.40) as last amended by Commission Directive 2001/87/EC (O.J. No. L 276, 19.10.01, p.17). A full list of the instruments that amend Council Directive 91/414/EEC is contained in Schedule 4 to the Plant Protection Products Regulations 1995.

(b) S.I. 1997/7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, further amend the Plant Protection Products Regulations 1995 (“the 1995 Regulations”) which implement Council Directive 91/414/EEC concerning the placing of plant protection products on the market (“the Directive”).

The Regulations amend the definition of “the Directive” in the 1995 Regulations so as to implement Commission Directive 2001/87/EC which adds the active substances acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl to Annex I of the Directive (regulation 2).

Regulation 3 makes transitional arrangements for provisional approvals. Its purpose is to disapply regulation 13(5)(a)(i) of the 1995 Regulations. The effect of regulation 3 is that it is not necessary to revoke any provisional approvals of plant protection products that contain either of the active substances acibenzolar-s-methyl and pymetrozine now added to Annex I of the Directive. Any such approvals will remain in effect until replaced by a decision made on an application for a standard approval, subject to a longstop date of 31st March 2003.

Finally, these Regulations revoke a provision in the Plant Protection Products (Amendment) Regulations 1997, which amended the definition of “the Directive” in the 1995 Regulations and which amendment has been superseded (regulation 4).

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