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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 368**

**PESTICIDES**

**The Plant Protection Products (Scotland)  
Amendment Regulations 2004**

*Made* - - - - *1st September 2004*  
*Laid before the Scottish*  
*Parliament* - - - - *2nd September 2004*  
*Coming into force* - - *28th September 2004*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Plant Protection Products (Scotland) Amendment Regulations 2004 and shall come into force on 28th September 2004.

**Amendment to the Plant Protection Products (Scotland) Regulations 2003**

2.—(1) The Plant Protection Products (Scotland) Regulations 2003<sup>(2)</sup> are amended in accordance with this regulation.

(2) In regulation 28 (disapplication)—

- (a) in paragraph (1) for “Schedule 3” substitute “Schedule 4”; and
- (b) omit paragraph (4).

(3) For Schedule 1 (instruments amending Council Directive [91/414/EEC](#))<sup>(3)</sup> substitute the Schedule set out in the Schedule to these Regulations.

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(1) [1972 c. 68](#). Section 2(2) was amended by the Scotland Act [1998 \(c. 46\)](#), Schedule 8, paragraph 15. 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.

(2) [S.S.I. 2003/579](#).

(3) O.J. No. L 230, 19.8.91, p.1 as read with the corrigendum published in O.J. No. L 170, 25.6.92, p.40.

St Andrew's House, Edinburgh  
1st September 2004

*ROSS FINNIE*  
A member of the Scottish Executive

## SCHEDULE

Regulation 2(3)

## “SCHEDULE 1

Regulation 2

## INSTRUMENTS AMENDING COUNCIL DIRECTIVE 91/414/EEC

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 93/71/EEC(4)	None
Commission Directive 94/37/EC(5)	None
Commission Directive 94/79/EC(6)	None
Commission Directive 95/35/EC(7)	None
Commission Directive 95/36/EC(8)	None
Commission Directive 96/12/EC(9)	None
Commission Directive 96/46/EC(10)	None
Commission Directive 96/68/EC(11)	None
Council Directive 97/57/EC(12)	None
Commission Directive 2000/80/EC(13)	Imazalil, azoxystrobin, kresoxim-methyl, spiroxamine, azimsulfuron, fluroxypyr, metsulfuron-methyl, prohexadione-calcium, triasulfuron, esfenvalerate, bentazone and lambda-cyhalothrin
Commission Directive 2001/21/EC(14)	Amitrole, diquat, pyridate and thiabendazole
Commission Directive 2001/28/EC(15)	Fenhexamid
Commission Directive 2001/36/EC(16)	None
Commission Directive 2001/47/EC(17)	Paecilomyces fumosoroseus
Commission Directive 2001/49/EC(18)	Flupyr-sulfuron-methyl
Commission Directive 2001/87/EC(19)	Acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl
Commission Directive 2001/99/EC(20)	Glyphosate and thifensulfuron-methyl

(4) O.J. No. L 221, 31.8.93, p. 27 (as read with corrigenda published in O.J. No. L 4, 6.1.96, p.16).

(5) O.J. No. L 194, 29.7.94, p. 65.

(6) O.J. No. L 354, 31.12.94, p.16 (as read with corrigenda published in O.J. No. L 280, 23.11.95, p. 58).

(7) O.J. No. L 172, 22.7.95, p. 6.

(8) O.J. No. L 172, 22.7.95, p. 8.

(9) O.J. No. L 65, 15.3.96, p. 20.

(10) O.J. No. L 214, 23.8.96, p. 18.

(11) O.J. No. L 277, 30.10.96, p. 25.

(12) O.J. No. L 265, 27.9.97, p. 87.

(13) O.J. No. L 309, 9.12.00, p. 14.

(14) O.J. No. L 69, 10.3.01, p. 17.

(15) O.J. No. L 113, 24.4.01, p. 5.

(16) O.J. No. L 164, 20.6.01, p. 1.

(17) O.J. No. L 175, 28.6.01, p. 21.

(18) O.J. No. L 176, 29.6.01, p. 61.

(19) O.J. No. L 276, 19.10.01, p. 17.

(20) O.J. No. L 304, 21.11.01, p. 14.

*Status: This is the original version (as it was originally made).*

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive <a href="#">2001/103/EC</a> (21)	2,4-dichlorophenoxy acetic acid
Commission Directive <a href="#">2002/18/EC</a> (22)	Isoproturon
Commission Directive <a href="#">2002/37/EC</a> (23)	Ethofumesate
Commission Directive <a href="#">2002/48/EC</a> (24)	Iprovalicarb, prosulfuron and sulfosulfuron
Commission Directive <a href="#">2002/64/EC</a> (25)	Cinidon-ethyl, cyhalofop-butyl, famoxadone, florasulam, metalaxyl-M and picolinafen
Commission Directive <a href="#">2002/81/EC</a> (26)	Flumioxazine
Commission Directive <a href="#">2003/5/EC</a> (27)	Deltamethrin
Commission Directive <a href="#">2003/23/EC</a> (28)	Imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl, cyazofamid
Commission Directive <a href="#">2003/68/EC</a> (29)	Trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone, isoxaflutole
Commission Directive <a href="#">2003/82/EC</a> (30)	None
Commission Directive <a href="#">2003/31/EC</a> (31)	2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide, pendimethalin
Commission Directive <a href="#">2003/79/EC</a> (32)	Coniothyrium minitans
Commission Directive <a href="#">2003/84/EC</a> (33)	Flurtamone, flufenacet, iodosulfuron, dimethenamid-p, picoxystrobin, fosthiazate, silthiofam
Commission Directive <a href="#">2003/39/EC</a> (34)	Propineb, propyzamide
Commission Directive <a href="#">2003/70/EC</a> (35)	Mecoprop, mecoprop-P, propiconazole
Commission Directive <a href="#">2003/81/EC</a> (36)	Molinate, thiram, ziram
Commission Directive <a href="#">2003/119/EC</a> (37)	Mesosulfuron, propoxycarbazone and zoxamide
Council Regulation (EC) No. <a href="#">806/2003</a> (38)	None
Commission Directive <a href="#">2004/30/EC</a> (39)	Benzoic acid, flazasulfuron and pyraclostrobin

(21) O.J. No. L 313, 30.11.01, p. 37.

(22) O.J. No. L 55, 26.2.02, p. 29.

(23) O.J. No. L 117, 4.5.02, p. 10.

(24) O.J. No. L 148, 6.6.02, p. 19.

(25) O.J. No. L 189, 18.7.02, p. 27.

(26) O.J. No. L 276, 12.10.02, p. 28.

(27) O.J. No. L 8, 14.1.03, p. 7.

(28) O.J. No. L 81, 28.3.03, p. 39.

(29) O.J. No. L 177, 16.7.03, p. 12 (as amended by Commission Directive [2004/65/EC](#), O.J. No. L 125, 28.4.04, p.43).

(30) O.J. No. L 228, 12.9.03, p. 11.

(31) O.J. No. L 101, 23.4.03, p. 3.

(32) O.J. No. L 205, 14.8.03, p. 16 (as amended by Commission Directive [2004/63/EC](#), O.J. No. L 125, 28.4.04, p.41).

(33) O.J. No. L 247, 30.9.03, p. 20 (as amended by Commission Directive [2004/64/EC](#), O.J. No. L 125, 28.4.04, p.42).

(34) O.J. No. L 124, 20.5.03, p. 30.

(35) O.J. No. L 184, 23.7.03, p. 9.

(36) O.J. No. L 224, 6.9.03, p. 29.

(37) O.J. No. L 325, 12.12.03, p. 41.

(38) O.J. No. L 122, 16.5.03, p.1 (as read with corrigenda published in O.J. No. L 138, 5.6.03, p.49).

(39) O.J. No. L 77, 13.3.04, p. 50.

<i>Instruments</i>	<i>Active substances added to Annex I</i>
<i>As from 1st October 2004 amended by:</i>	
Commission Directive <a href="#">2004/60/EC</a> (40)	Quinoxifen
Commission Directive <a href="#">2004/62/EC</a> (41)	Mepanipyrim
Commission Directive <a href="#">2004/71/EC</a> (42)	Pseudomonas chlororaphis
<i>As from 1st November 2004 amended by:</i>	
Commission Directive <a href="#">2003/112/EC</a> (43)	Paraquat
<i>As from 1st February 2005 amended by:</i>	
Commission Directive <a href="#">2004/20/EC</a> (44)	Chlorpropham
<i>As from 1st March 2005 amended by:</i>	
Commission Directive <a href="#">2004/58/EC</a> (45)	Alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ioxynil and phenmedipham”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Plant Protection Products (Scotland) Regulations 2003 ([S.S.I. 2003/579](#)) (“the 2003 Regulations”) which implement in Scotland Council Directive [91/414/EEC](#) concerning the placing of plant protection products on the market (O.J. No. L 230, 19.8.91, p.1 as read with corrigendum published in O.J. No. L 170, 25.6.92, p.40) (“the Directive”).

The Regulations implement Commission Directives [2003/112/EC](#) (O.J. No. L 321, 6.12.03, p.32), [2003/119/EC](#) (O.J. No. L 325, 12.12.03, p.41), [2004/20/EC](#), (O.J. No. L 70, 9.3.04, p.32), [2004/30/EC](#) (O.J. No. L 77, 13.3.04, p.50), [2004/58/EC](#) (O.J. No. L 120, 24.4.04, p.26), [2004/60/EC](#) (O.J. No. L 120, 24.4.04, p.39), [2004/62/EC](#) (O.J. No. L 125, 28.4.04, p.38) and [2004/71/EC](#) (O.J. No. L 127, 29.4.04, p.104).

These 8 Directives add 17 substances to the list of active substances in Annex I of the Directive. The 8 Directives and the additional 17 active substances are therefore added to Schedule 1 to the 2003 Regulations by substituting the Schedule to these Regulations for Schedule 1 to the 2003 Regulations (regulation 2(3) and the Schedule). In consequence the list of active substances which can be used in products capable of being approved under regulations 5 and 6 of the 2003 Regulations for placing on the market is extended accordingly.

In addition, the Regulations make minor amendments to regulation 28 of the 2003 Regulations, substituting the reference to Schedule 3 with the correct reference to Schedule 4 and omitting paragraph 4 (regulation 2(2)).

(40) O.J. No. L 120, 24.4.04, p. 39.

(41) O.J. No. L 125, 28.4.04, p. 38.

(42) O.J. No. L 127, 29.4.04, p. 104.

(43) O.J. No. L 321, 6.12.03, p. 32.

(44) O.J. No. L 70, 9.3.04, p. 32.

(45) O.J. No. L 120, 24.4.04, p.26.

**Status:** *This is the original version (as it was originally made).*

A full regulatory impact assessment has not been prepared in respect of these Regulations because they have no impact on the costs of business.