

2006 No. 449

PESTICIDES

**The Plant Protection Products (Scotland) Amendment (No. 2)
Regulations 2006**

Made - - - - - *30th August 2006*

Laid before the Scottish Parliament *4th September 2006*

Coming into force - - - *26th September 2006*

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 and commencement

1. These Regulations may be cited as the Plant Protection Products (Scotland) Amendment (No. 2) Regulations 2006 and shall come into force on 26th September 2006.

Amendment of the Plant Protection Products (Scotland) Regulations 2005

2. The Plant Protection Products (Scotland) Regulations 2005(b) are amended in accordance with regulations 3 and 4.

Amendment of regulation 2 (interpretation)

3. In regulation 2 (interpretation) in paragraph (1) for the definition of “the Directive” substitute—

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

- (a) by the instruments listed in Part I of Schedule 1 to these Regulations;
- (b) from 1st October 2006, by the instruments listed in Part II of Schedule 1 to these Regulations;
- (c) from 1st November 2006, by the instrument listed in Part III of Schedule 1 to these Regulations;
- (d) from 1st January 2007, by the instrument listed in Part IV of Schedule 1 to these Regulations;
- (e) from 1st February 2007, by the instruments listed in Part V of Schedule 1 to these Regulations;

(a) 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.

(b) S.S.I. 2005/331, as amended by S.S.I. 2006/241.

(c) 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).

- (f) from 1st April 2007 by the instruments listed in Part VI of Schedule 1 to these Regulations;
- (g) from 1st August 2007 by the instrument listed in Part VII of Schedule 1 to these Regulations; and
- (h) from 1st November 2007 by the instrument listed in Part VIII of Schedule 1 to these Regulations;”.

Amendment of Schedule 1 (instruments amending Council Directive 91/414/EEC)

4. For Schedule 1 (instruments amending Council Directive 91/414/EEC) substitute the following Schedule—

“SCHEDULE 1

Regulation 2

INSTRUMENTS AMENDING COUNCIL
DIRECTIVE 91/414/EEC

PART 1

Instruments in force

<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)	imazalil, azoxystrobin, kresoxim-methyl, spiroxamine, azimsulfuron, fluroxypyr, metsulfuron-methyl, prohexadione-calcium, triasulfuron, esfenvalerate, bentazone and lambda-cyhalothrin
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

(a) 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).

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

(c) 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).

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

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

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

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

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

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

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

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

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

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

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 2001/47/EC (a)	<i>Paecilomyces fumosoroseus</i>
Commission Directive 2001/49/EC (b)	flupyrsulfuron-methyl
Commission Directive 2001/87/EC (c)	acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl
Commission Directive 2001/99/EC (d)	glyphosate and thifensulfuron-methyl
Commission Directive 2001/103/EC (e)	2,4-dichlorophenoxy acetic acid
Commission Directive 2002/18/EC (f)	Isoproturon
Commission Directive 2002/37/EC (g)	Ethofumesate
Commission Directive 2002/48/EC (h)	iprovalicarb, prosulfuron and sulfosulfuron
Commission Directive 2002/64/EC (i)	cinidon-ethyl, cyhalofop-butyl, famoxadone, florasulam, metalaxyl-M and picolinafen
Commission Directive 2002/81/EC (j)	Flumioxazine
Commission Directive 2003/5/EC (k)	Deltamethrin
Commission Directive 2003/23/EC (l)	imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl and cyazofamid
Commission Directive 2003/31/EC (m)	2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide and pendimethalin
Council Regulation (EC) No. 806/2003 (n)	None
Commission Directive 2003/39/EC (o)	propineb and propyzamide
Commission Directive 2003/68/EC (p)	trifloxystrobin, carfentrazone-ethyl, mesotrione, fenamidone and isoxaflutole
Commission Directive 2003/70/EC (q)	mecoprop, mecoprop-P and propiconazole
Commission Directive 2003/79/EC (r)	<i>Coniothyrium minitans</i>
Commission Directive 2003/81/EC (s)	molinate, thiram and ziram
Commission Directive 2003/82/EC (t)	None
Commission Directive 2003/84/EC (u)	flurtamone, flufenacet, iodosulfuron, dimethenamid-p, picoxystrobin, fosthiazate and silthiofam
Commission Directive 2003/112/EC (v)	Paraquat

- (a) O.J. No. L 175, 28.6.01, p.21.
(b) O.J. No. L 176, 29.6.01, p.61.
(c) O.J. No. L 276, 19.10.01, p.17.
(d) O.J. No. L 304, 21.11.01, p.14.
(e) O.J. No. L 313, 30.11.01, p.37.
(f) O.J. No. L 55, 26.2.02, p.29.
(g) O.J. No. L 117, 4.5.02, p.10.
(h) O.J. No. L 148, 6.6.02, p.19.
(i) O.J. No. L 189, 18.7.02, p.27.
(j) O.J. No. L 276, 12.10.02, p.28.
(k) O.J. No. L 8, 14.1.03, p.7.
(l) O.J. No. L 81, 28.3.03, p.39.
(m) O.J. No. L 101, 23.4.03, p.3.
(n) 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).
(o) O.J. No. L 124, 20.5.03, p.30.
(p) 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).
(q) O.J. No. L 184, 23.7.03, p.9.
(r) 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).
(s) O.J. No. L 224, 6.9.03, p.29.
(t) O.J. No. L 228, 12.9.03, p.11.
(u) 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).
(v) O.J. No. L 321, 6.12.03, p.32.

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 2003/119/EC(a)	mesosulfuron, propoxycarbazone and zoxamide
Commission Directive 2004/20/EC(b)	Chlorpropham
Commission Directive 2004/30/EC(c)	benzoic acid, flazasulfuron and pyraclostrobin
Commission Directive 2004/58/EC(d)	alpha-cypermethrin, benalaxyl, bromoxynil, desmedipham, ioxynil and phenmedipham
Commission Directive 2004/60/EC(e)	Quinoxyfen
Commission Directive 2004/62/EC(f)	Mepanipyrim
Council Directive 2004/66/EC(g)	None
Commission Directive 2004/71/EC(h)	<i>Pseudomonas chlororaphis</i>
Commission Directive 2004/99/EC(i)	acetamiprid and thiacloprid
Commission Directive 2005/2/EC(j)	<i>Ampelomyces quisqualis</i> and <i>Gliocladium catenulatum</i>
Commission Directive 2005/3/EC(k)	imazosulfuron, laminarin, methoxyfenozide and s-metolachlor
Council Directive 2005/25/EC(l)	None
Commission Directive 2005/34/EC(m)	etoxazole and tepraloxydim
Commission Directive 2005/53/EC(n)	chlorothalonil, chlorotoluron, cypermethrin, daminozide and thiophanate-methyl
Commission Directive 2005/54/EC(o)	Tribenuron
Commission Directive 2005/58/EC(p)	bifenazate and milbemectin
Commission Directive 2006/45/EC(q)	None

PART II

Instruments coming into force on 1st October 2006

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 2006/10/EC(r)	forchlorfenuron and indoxacarb
Commission Directive 2006/19/EC(s)	1-methylcyclopropene

- (a) O.J. No. L 325, 12.12.03, p.41.
(b) O.J. No. L 70, 9.3.04, p.32.
(c) O.J. No. L 77, 13.3.04, p.50.
(d) O.J. No. L 120, 24.4.04, p.26.
(e) O.J. No. L 120, 24.4.04, p.39 (as amended by Commission Directive 2004/97/EC, O.J. No. L 301, 28.09.04, p.53).
(f) O.J. No. L 125, 28.4.04, p.38.
(g) O.J. No. L 168, 1.5.04, p.35.
(h) O.J. No. L 127, 29.4.04, p.104.
(i) O.J. No. L 309, 6.10.04, p.6.
(j) O.J. No. L 20, 22.1.05, p.15.
(k) O.J. No. L 20, 22.1.05, p.19.
(l) O.J. No. L 90, 8.4.05, p.1.
(m) O.J. No. L 125, 18.5.05, p.5.
(n) O.J. No. L 241, 17.9.05, p.51.
(o) O.J. No. L 244, 20.9.05, p.21.
(p) O.J. No. L 246, 22.9.05, p.17.
(q) O.J. No. L 130, 18.5.06, p.27.
(r) O.J. No. L 25, 28.1.06, p.24.
(s) O.J. No. L 44, 15.2.06, p.15.

PART III

Instruments coming into force on 1st November 2006

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 2005/57/EC(a)	MCPA and MCPB

PART IV

Instruments coming into force on 1st January 2007

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 2005/72/EC(b)	chlorpyrifos, chlorpyrifos-methyl, mancozeb, maneb and metiram

PART V

Instruments coming into force on 1st February 2007

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 2006/16/EC(c)	Oxamyl
Commission Directive 2006/41/EC(d)	clothianidin and pethoxamid

PART VI

Instruments coming into force on 1st April 2007

<i>Instruments</i>	<i>Active substances added to Annex I</i>
Commission Directive 2006/5/EC(e)	Warfarin
Commission Directive 2006/6/EC(f)	Tolylfluanid

PART VII

Instrument coming into force on 1st August 2007

<i>Instrument</i>	<i>Active substances added to Annex I</i>
Commission Directive 2006/39/EC(g)	clodinafop, pirimicarb, rimsulfuron, tolclofos-methyl and triticonazole

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- (a) O.J. No. L 246, 22.9.05, p.14.
(b) O.J. No. L 279, 22.10.05, p.63.
(c) O.J. No. L 36, 8.2.06, p.37.
(d) O.J. No. L 187, 8.7.06, p.24.
(e) O.J. No. L 12, 18.1.06, p.17.
(f) O.J. No. L 12, 18.1.06, p.21.
(g) O.J. No. L 104, 13.4.06, p.30.

PART VIII

Instrument coming into force on 1st November 2007

<i>Instrument</i>	<i>Active substances added to Annex I</i>
Commission Directive 2006/64/EC(a)	clopyralid, cyprodinil, fosetyl and trinexapac

Revocation

5. The Plant Protection Products (Scotland) Amendment Regulations 2006(b) are revoked.

St Andrew's House,
Edinburgh
30th August 2006

ROSS FINNIE
A member of the Scottish Executive

(a) O.J. No. L 206, 27.7.06, p.107.
(b) S.S.I. 2006/241.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Plant Protection Products (Scotland) Regulations 2005 (S.S.I. 2005/331) (“the principal 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”).

These Regulations amend the definition of “the Directive” in the principal Regulations so as to implement Commission Directives 2006/39/EC (O.J. No. L 104, 13.4.06, p.30), 2006/41/EC (O.J. No. L 187, 8.7.06, p.24), 2006/45/EC (O.J. No. L 130, 18.5.06, p.27), and 2006/64/EC (O.J. No. L 206, 27.7.06, p.107) which amend Annex 1 to the Directive (regulation 3).

These 4 Directives amend the specification of the active substance, propoxycarbazone, and add 11 substances to the list of active substances in Annex I of the Directive. The 4 Directives and the additional 11 active substances are therefore added to Schedule 1 to the principal Regulations by substituting a new Schedule for Schedule 1 to the principal Regulations (regulations 3 and 4). In consequence the list of active substances which can be used in products capable of being approved under regulations 5 and 6 of the principal Regulations for placing on the market and use is extended accordingly.

Finally, the Regulations revoke the Plant Protection Products (Scotland) Amendment Regulations 2006 (S.S.I. 2006/241) which amended the principal Regulations and which amendment is superseded by these Regulations (regulation 5).

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

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£3.00

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