

2001 No. 3814

PESTICIDES

**The Plant Protection Products (Amendment) (No.3)
Regulations 2001**

Made - - - - - 30th November 2001

Laid before Parliament 3rd December 2001

Coming into force - - - 1st January 2002

The Secretary of State for Environment, Food and Rural Affairs and the National Assembly for Wales, being designated (a) for the purposes of sections 2(2) of the European Communities Act 1972(b) in relation to the common agriculture policy of the European Community, acting jointly (the National Assembly for Wales acting in relation to Wales only), in exercise of the powers conferred on them by that section 2(2), and of all other powers enabling them in that behalf, make the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Plant Protection Products (Amendment) (No.3) Regulations 2001, extend to England and Wales, and come into force on 1st January 2002.

Amendment of the Plant Protection Products Regulations 1995

2. In so far as they extend to England and Wales, the Plant Protection Products Regulations 1995(c) shall be amended by substituting for the definition of “the Directive” in relation 2(1), the following definition—

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

- (a) Commission Directive 93/71/EEC(e)
- (b) Commission Directive 94/37/EC(f)
- (c) Commission Directive 94/79/EC(g)
- (d) Commission Directive 95/35/EC(h)
- (e) Commission Directive 95/36/EC(i)
- (f) Commission Directive 96/12/EC(j)
- (g) Commission Directive 96/46/EC(k)

(a) S.I. 1972/1811 and, in the case of the National Assembly for Wales, S.I. 1999/2788.

(b) 1972 c. 68.

(c) S.I. 1995/887 as amended by S.I. 1997/7, 1997/2499, 1999/3430 and, as regards England and Wales 2001/2419, (the last being revoked by these Regulations).

(d) OJ No. L230, 19.8.91, p.1 (as read with corrigenda published in OJ No. L170, 25.6.92, p.40).

(e) OJ No. L221, 31.8.93, p.27 (as read with corrigenda published in OJ No. L170, 25.6.92, p.40).

(f) OJ No. L194, 29.7.94, p.65.

(g) OJ No. L354, 31.12.94, p.16 (as read with corrigenda published in OJ No. L280, 23.11.95, p.58).

(h) OJ No. L172, 22.7.95, p.6.

(i) OJ No. L172, 22.7.95, p.8.

(j) OJ No. L65, 15.3.96, p.20.

(k) OJ No. L214, 23.8.96, p.18.

- (h) Commission Directive 96/68/EC(a)
- (i) Council Directive 97/57/EC(b)
- (j) Commission Directive 2000/80/EC(c)
- (k) Commission Directive 2001/21/EC(d)
- (l) Commission Directive 2001/28/EC(e)
- (m) Commission Directive 2001/36/EC(f)
- (n) Commission Directive 2001/47/EC(g)
- (o) Commission Directive 2001/49/EC(h)

Transitional arrangements for provisional approvals

3. In so far as they extend to England and Wales, the Plant Protection Products Regulations 1995 shall be modified so that—

- (a) the inclusion of the active substance flupyrsulfuron-methyl in Annex I shall not make it necessary to revoke any approval granted under regulation 7(1) (provisional approvals), or extended pursuant to regulation 7(5), in respect of any plant protection products containing that active substance, and any such approval shall continue to have effect until the date a decision made on an application for approval under regulation 5(1) (standard approvals) has effect, or 30th November 2002, whichever is the earlier; and
- (b) the inclusion of the active substance fenhexamid in Annex I shall not make it necessary to revoke any approvals issued pursuant to regulation 7(1), or extended under regulation 7(5), in respect of any plant protection products containing that active substance, and any such approvals which have expired shall be deemed to have revived until the date a decision made on an application for approval of the product under regulation 5(1) has effect, or 1st August 2002, whichever is the earlier.

Revocation

- 4. The Plant Protection Products (Amendment)(No. 2) Regulations 2001(i) are revoked.

Consequential modification of other regulations

5. The Plant Protection Products (Fees) Regulations 2001(j) shall be read in relation to England and Wales as if any reference in them to the Plant Protection Products Regulations 1995 were inserted after the coming into force of these Regulations.

Signed on behalf of the National Assembly for Wales

29th November 2001

D Elis-Thomas
Presiding Officer
National Assembly for Wales

30th November 2001

Whitty
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

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- (a) OJ No. L277, 30.10.96, p.25.
 - (b) OJ No. L265, 27.9.97, p.87.
 - (c) OJ No. L309, 9.12.2000, p.14.
 - (d) OJ No. L69, 10.3.2001, p.17.
 - (e) OJ No. L113, 24.4.2001, p.5.
 - (f) OJ No. L164, 20.6.2001, p.1.
 - (g) OJ No. L175, 28.6.2001, p.21.
 - (h) OJ No. L176, 29.6.2001, p.61.
 - (i) S.I. 2001/2419.
 - (j) S.I. 2001/2477.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales, further amend the Plant Protection Products Regulations 1995(S.I. 1995/887) which implement in Great Britain Council Directive 91/414/EEC concerning the placing of plant protection products on the market (OJ No. L230, 19.8.91, p.1 as read with OJ No. L170, 25.6.92, p.40).

The Regulations amend the definition of “the Directive” in S.I. 1995/887 so as to implement—

- (a) Commission Directive 2000/80 (which repeals and replaces earlier Directives and adds lambda-cyhalothrin to Annex I to the 1991 Directive);
- (b) the following Directives—
 - Commission Directive 2001/21
 - Commission Directive 2001/47
 - Commission Directive 2001/49
 - which add amitrol, diquat, pyridate, thiabendazole, Paecilomyces fumosoroseus and flupyrsulfuron-methyl to Annex I to the 1991 Directive; and
- (c) Commission Directive 2001/36/EC, which substantially amends the Annex II dossier requirements for inclusion of an active substance in Annex I, and Annex III dossier requirements for approval of plant protection products.

Transitional arrangements to implement derogations contained in two of the Directives are included in regulation 3 to cover the position of certain existing provisional approvals. Those containing the active substance flupyrsulfuron-methyl (Commission Directive 2001/49/EC) shall continue, whilst those containing fenhexamid (Commission Directive 2001/28/EC) shall be treated as revived and extended, until later dates mentioned therein.

These Regulations revoke the Plant Protection Products (Amendment)(No. 2) Regulations 2001 which are either spent or consolidated in these Regulations and also consequentially modify the Plant Protection Products (Fees) Regulations 2001.

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Regulations 2001**

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