

2002 No. 526

PESTICIDES, ENGLAND AND WALES

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

<i>Made - - - - -</i>	<i>7th March 2002</i>
<i>Laid before Parliament</i>	<i>8th March 2002</i>
<i>Coming into force - -</i>	<i>31st March 2002</i>

The Secretary of State for Environment, Food and Rural Affairs and the National Assembly for Wales, being designated(a) for the purposes of section 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 upon 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) Regulations 2002, extend to England and Wales, and come into force on 31st March 2002.

Amendment to the Plant Protection Products Regulations 1995

2.—(1) 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 regulation 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);

(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 2001/3814, (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. L1354, 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.

- (f) Commission Directive 96/12/EC(a);
- (g) Commission Directive 96/46/EC(b);
- (h) Commission Directive 96/68/EC(c);
- (i) Council Directive 97/57/EC(d);
- (j) Commission Directive 2000/80/EC(e);
- (k) Commission Directive 2001/21/EC(f);
- (l) Commission Directive 2001/28/EC(g);
- (m) Commission Directive 2001/36/EC(h);
- (n) Commission Directive 2001/47/EC(i);
- (o) Commission Directive 2001/49/EC(j); and
- (p) Commission Directive 2001/87/EC(k)”

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 where there is an approval granted under regulation 7(1) (provisional approvals), or extended pursuant to regulation 7(5)—

- (a) The inclusion of the active substances acibenzolar-s-methyl and pymetrozine in Annex I to the Directive shall not make it necessary to revoke any approval in respect of any plant protection products containing either or both those active substances, and where such approval expires it shall continue in effect as a provisional approval, until 31st March 2003;
- (b) The inclusion of the active substance flupyrsulfuron-methyl in Annex I to the Directive shall not make it necessary to revoke any approval in respect of any plant protection products containing that active substance, and where such approval expires it shall continue in effect as a provisional approval, until 30th November 2002;
- (c) The inclusion of the active substance fenhexamid in Annex I to the Directive shall not make it necessary to revoke any approval in respect of any plant protection products containing that active substance, and any such approval which have expired shall be deemed to have revived until 1st August 2002.

Revocation

- 4. The Plant Protection Products (Amendment) (No. 3) Regulations 2001(l) are revoked.

Signed on behalf of the National Assembly for Wales

7th March 2002

Dr John Marek
Deputy Presiding Officer,
National Assembly for Wales

26th February 2002

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

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- (a) OJ No. L65, 15.3.96, p. 20.
 - (b) OJ No. L214, 23.8.96, p. 18.
 - (c) OJ No. L277, 30.10.96, p. 25.
 - (d) OJ No. L265, 27.9.97, p. 87.
 - (e) OJ No. L309, 9.12.2000, p. 14.
 - (f) OJ No. L69, 10.3.2001, p. 17.
 - (g) OJ No. L113, 24.4.2001, p. 5.
 - (h) OJ No. L164, 20.6.2001, p. 1.
 - (i) OJ No. L175, 28.6.2001, p. 21.
 - (j) OJ No. L176, 29.6.2001, p. 61.
 - (k) OJ No. L276, 19.10.2001, p. 17.
 - (l) S.I. 2001/3814.

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).

These Regulations amend the definition of “the Directive” in S.I. 1995/887 so as to implement Commission Directive 2001/87/EC which adds acibenzolar-s-methyl, cyclanilide, ferric phosphate, pymetrozine and pyraflufen-ethyl to Annex I of the Directive.

Transitional arrangements are included in regulation 3 to implement saving provisions included in various implementing Directives with the purpose of disapplying regulation 13(5)(a)(i). These allow for the continuation of provisional approvals containing the two active substances from Commission Directive 2001/87/EC (acibenzolar-s-methyl and pymetrozine), the active substance flupyrsulfuron-methyl from Commission Directive 2001/49/EC, and the active substance fenhexamid from Commission Directive 2001/28/EC until replaced by a decision made on an application for a standard approval, subject to a longstop date.

These Regulations revoke the Plant Protection Products (Amendment) (No. 3) Regulations 2001.

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Regulations 2002**

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