

EXPLANATORY MEMORANDUM TO
THE PLANT PROTECTION PRODUCTS (AMENDMENT) REGULATIONS 2005
2005 No.3197

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Statutory Instrument amends the Plant Protection Products Regulations 2005 (S.I. 2005/1435).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 This instrument continues to implement in England and Wales Council Directive 91/414/EEC. In addition it transposes one EC Directive which amends Directive 91/414/EEC.

4.2 This Directive amends Annex I to Council Directive 91/414/EEC which lists active substances that may be included in plant protection products (agricultural pesticides) authorised in the framework of the EC pesticides regime which is implemented in England and Wales by these Regulations.

4.3 This Directive is transposed by being added to the list in Schedule 1 to the Regulations which sets out the instruments that amend Directive 91/414.

4.4 A transposition note is attached for this Directive.

4.5 This instrument transposes Commission Directives which are not subject to Parliamentary Scrutiny.

5. Extent

5.1 This Instrument applies to England and Wales only. Similar legislation is being prepared by the Department of Agriculture and Rural Development, Northern Ireland. The Scottish Executive, Environment and Rural Affairs Department has already implemented this Directive.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 Active substances used in pesticides are evaluated at EU level and those that are found to be acceptable in terms of effects on people and the environment are authorised by means of inclusion in Annex 1 of Directive 91/414/EEC. This amendment to the Plant Protection Products Regulations 2005 implements one Community Directive (Commission Directive 2005/34/EC) which adds a further two pesticide active substances to Annex 1. It is necessary to make amending legislation each time a substance is added to Annex 1. This is a frequent occurrence.

7.2 This Instrument is not politically or legally important. This is a long established and well understood piece of legislation which is being amended in an uncontroversial and relatively minor fashion.

8. Impact

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

9. Contact

Karen Trott at the Department of Environment, Food and Rural Affairs Tel: 01904 455750 or email: karen.trott@psd.defra.gsi.gov.uk, can answer any queries regarding the instrument.

Transposition Note

The Plant Protection Products (Amendment) Regulations 2005

Directive 2005/34/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include etoxazole and tepraloxydim as active substances.	Schedule 1, Regulation 2 (1).	Schedule 1 to the Plant Protection Products Regulations 2005 to show Directive 91/414 amended by Directive 2005/34/EC with effect from 1 December 2005.
2	Member States to adopt and publish laws regulations and administrative provisions to comply with the Directive by 30 November 2005 at the latest and to apply them from 1 December 2005.		Amendment Regulations to come into force on 12 December 2005.
3	Member States to review authorisations for all plant protection products containing etoxazole and tepraloxydim to ensure compliance with the conditions set out in Annex I by 30 November 2005; and to re-evaluate the product in accordance with the principles of Annex VI by 30 November 2006 at the latest.		Schedule 1 and Schedule 4 of the 2005 Regulations.
4	Directive enters into force 1 June 2005.		