

EXPLANATORY MEMORANDUM TO
THE PLANT PROTECTION PRODUCTS (AMENDMENT) (No.2) REGULATIONS
2006

2006 No. 2933

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 amends the Plant Protection Products Regulations 2005 to implement three EC Directives which amend Directive 91/414/EEC.

4.2 These Directives amend 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 These Directives are transposed by being added to the list in Schedule 1 to the Plant Protection Products Regulations 2005 Regulations which sets out the instruments that amend Directive 91/414.

4.4 A transposition note is attached for these Directives.

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 Scottish Executive, Environment and Rural Affairs Department and the Department of Agriculture and Rural Development, Northern Ireland.

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 the Directive 91/414/EEC. These Regulations amend the Plant Protection Products Regulations 2005 (S.I. 2005/1435). They implement three Community Directives (Commission Directives 2006/39/EC, 2006/41/EC and 2006/45/EC), which add a further 7 pesticide active substances to Annex 1, and amend one active substance already listed on 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 The House of Lords Merits Committee stated that changes to the Regulations should take the form of consolidation rather than amendment. However, PSD is currently considering the need to make a number of other changes to the Regulations and would not have been able to incorporate all of these in time to meet the deadline for implementing the Directives. So a consolidation of the Regulations was not thought to be appropriate at this time.

7.3 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 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) (No.2) Regulations 2006

“The principal Regulations” means the Plant Protection Products Regulations 2005.

Commission Directive 2006/39/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include clodinafop, pirimicarb, rimsulfuron, tolclofos-methyl and triticonazole as active substances.	Regulation 2 and the Schedule (Part 2).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/39/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 31 July 2007 at the latest and to apply them from 1 August 2007.	Regulation 1(3)(a).	Schedule 1 to the principal Regulations is amended with effect from 1 August 2007.
3	Member States to review authorisations for all plant protection products containing clodinafop, pirimicarb, rimsulfuron, tolclofos-methyl and triticonazole to ensure compliance with the conditions set out in Annex I by 31 July 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 31 January 2011 at the latest.		
4	Directive enters into force 1 February 2007.		

Directive 2006/41/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include clothianidin and pethoxamid as active substances.	Regulation 2 and the Schedule (Part 2).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/41/EC.
2	Member States to adopt and publish laws,	Regulation 1(3)(a).	Schedule 1 to the principal Regulations is amended

	regulations and administrative provisions to comply with the Directive by 31 January 2007 at the latest and to apply them from 1 February 2007.		with effect from 1 February 2007.
3	Member States to review authorisations for all plant protection products containing clothianidin and pethoxamid to ensure compliance with the conditions set out in Annex I by 31 January 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 31 January 2008 at the latest.		
4	Directive enters into force 1 August 2006.		

Directive 2006/45/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to amend the specification of the active substance propoxycarbazone.	Regulation 2 and the Schedule (Part 1).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/45/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 18 September 2006 at the latest and to apply them from 19 September 2006.	Regulation 1(3)(b).	Schedule 1 to the principal Regulations is amended with effect from 6 December 2006.
4	Directive enters into force 6 June 2006.		