

EXPLANATORY MEMORANDUM TO
THE PLANT PROTECTION PRODUCTS (AMENDMENT) REGULATIONS 2007
2007 No. 636

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 eleven 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 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 eleven Community Directives (Commission Directives 2006/64/EC, 2006/74/EC 2006/75/EC, 2006/76/EC, 2006/85/EC, 2006/131/EC, 2006/132/EC, 2006/133/EC, 2006/134/EC, 2006/135/EC and 2006/136/EC), which add a further 17 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 in the process of drafting replacement legislation which should come into force on 6 April 2008. This new legislation will replace several other Regulations: the Control of Pesticides Regulations 1986 (as amended); The Plant Protection Products (Basic Conditions) Regulations 1997; The Plant Protection Products Regulations 2005 (as amended); and The Plant Protection Products (Fees) Regulations 2007. A consultation on the replacement legislation is due to start by the end of February 2007. Therefore a consolidation of the Regulations was not thought to be an appropriate use of resources 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) Regulations 2007

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

Commission Directive 2006/64/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include clopyralid, cyprodinil, fosetyl and trinexapac as active substances.	Regulation 2(4) and the Schedule (Part 3).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/64/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 31 October 2007 at the latest and to apply them from 1 November 2007.	Regulation 1(3)(b).	Schedule 1 to the principal Regulations is amended with effect from 1 November 2007.
3	Member States to review authorisations for all plant protection products containing clopyralid, cyprodinil, fosetyl and trinexapac to ensure compliance with the conditions set out in Annex I by 31 October 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 30 April 2011 at the latest.		
4	Directive enters into force 1 May 2007.		

Directive 2006/74/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include dichlorprop-P, metconazole, pyrimethanil and triclopyr as active substances.	Regulation 2(5) and the Schedule (Part 4).	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, regulations and administrative provisions to	Regulation 1(3)(c).	Schedule 1 to the principal Regulations is amended with effect from 1 December 2007.

	comply with the Directive by 30 November 2007 at the latest and to apply them from 1 December 2007.		
3	Member States to review authorisations for all plant protection products containing dichlorprop-P, metconazole, pyrimethanil and triclopyr to ensure compliance with the conditions set out in Annex I by 30 November 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 31 May 2011 at the latest.		
4	Directive enters into force 1 June 2007.		

Directive 2006/75/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include dimoxystrobin as an active substance..	Regulation 2(2) and the Schedule (Part 1).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/75/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 31 March 2007 at the latest and to apply them from 1 April 2007.	Regulation 1(3)(e).	Schedule 1 to the principal Regulations is amended with effect from 31 March 2007.
3	Member States to review authorisations for all plant protection products containing dimoxystrobin to ensure compliance with the conditions set out in Annex I by 31 March 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 31 March 2008 at the latest.		
4	Directive enters into force 1 October 2006.		

Commission Directive 2006/76/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to amend the specification of the active substance chlorothalonil.	Regulation 2(2) and the Schedule (Part 1).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/76/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 31 August 2006 at the latest and to apply them from 1 September 2006.	Regulation 1(3)(e).	Schedule 1 to the principal Regulations is amended with effect from 31 March 2007.
4	Directive enters into force 23 September 2006.		

Directive 2006/85/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include fenamiphos and ethephon as active substances.	Regulation 2(6) and the Schedule (Part 5).	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, regulations and administrative provisions to comply with the Directive by 31 January 2008 at the latest and to apply them from 1 February 2008.	Regulation 1(3)(d).	Schedule 1 to the principal Regulations is amended with effect from 1 February 2008.
3	Member States to review authorisations for all plant protection products containing fenamiphos and ethephon to ensure compliance with the conditions set out in Annex I by 31 January 2008; and to re-evaluate the product in accordance with the principles of Annex VI by 31 July 2011 at the latest.		
4	Directive enters into force 1 August 2007.		

Directive 2006/131/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include methamidophos as an active substance.	Regulation 2(3) and the Schedule (Part 2).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/131/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 30 June 2007 at the latest and to apply them from 1 July 2007.	Regulation 1(3)(a).	Schedule 1 to the principal Regulations is amended with effect from 1 July 2007.
3	Member States to review authorisations for all plant protection products containing methamidophos to ensure compliance with the conditions set out in Annex I by 30 June 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 30 June 2008 at the latest.		
4	Directive enters into force 1 January 2007.		

Commission Directive 2006/132/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include procymidone as an active substance.	Regulation 2(3) and the Schedule (Part 2).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/132/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 30 June 2007 at the latest and to apply them from 1 July 2007.	Regulation 1(3)(a).	Schedule 1 to the principal Regulations is amended with effect from 1 July 2007.
3	Member States to review authorisations for all plant protection products containing procymidone to ensure compliance with the		

	conditions set out in Annex I by 30 June 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 30 June 2008 at the latest.		
4	Directive enters into force 1 January 2007.		

Directive 2006/133/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include flusilazole as an active substance.	Regulation 2(3) and the Schedule (Part 2).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/133/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 30 June 2007 at the latest and to apply them from 1 July 2007.	Regulation 1(3)(a).	Schedule 1 to the principal Regulations is amended with effect from 1 July 2007.
3	Member States to review authorisations for all plant protection products containing flusilazole to ensure compliance with the conditions set out in Annex I by 30 June 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 30 June 2008 at the latest.		
4	Directive enters into force 1 January 2007.		

Directive 2006/134/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include fenarimol as an active substance.	Regulation 2(3) and the Schedule (Part 2).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/134/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by	Regulation 1(3)(a).	Schedule 1 to the principal Regulations is amended with effect from 1 July 2007.

	30 June 2007 at the latest and to apply them from 1 July 2007.		
3	Member States to review authorisations for all plant protection products containing fenarimol to ensure compliance with the conditions set out in Annex I by 30 June 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 30 June 2008 at the latest.		
4	Directive enters into force 1 January 2007.		

Commission Directive 2006/135/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include carbendazim as an active substance.	Regulation 2(3) and the Schedule (Part 2).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/135/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 30 June 2007 at the latest and to apply them from 1 July 2007.	Regulation 1(3)(a).	Schedule 1 to the principal Regulations is amended with effect from 1 July 2007.
3	Member States to review authorisations for all plant protection products containing carbendazim to ensure compliance with the conditions set out in Annex I by 30 June 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 31 December 2009 at the latest.		
4	Directive enters into force 1 January 2007.		

Directive 2006/136/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include dinocap as an active substance.	Regulation 2(3) and the Schedule (Part 2).	Schedule 1 to the principal Regulations is amended to show Directive 91/414 amended by Directive 2006/136/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 30 June 2007 at the latest and to apply them from 1 July 2007.	Regulation 1(3)(a).	Schedule 1 to the principal Regulations is amended with effect from 1 July 2007.
3	Member States to review authorisations for all plant protection products containing dinocap to ensure compliance with the conditions set out in Annex I by 30 June 2007; and to re-evaluate the product in accordance with the principles of Annex VI by 31 December 2009 at the latest.		
4	Directive enters into force 1 January 2007.		