EXPLANATORY MEMORANDUM

1. THE PLANT PROTECTION PRODUCTS (AMENDMENT) REGULATIONS 2004
SI 2004 No 1810

This explanatory memorandum is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

Submitted by the Department for Environment, Food and Rural Affairs.

2. Description

This Statutory Instrument amends Schedule 1 of the Plant Protection Products Regulations 2003 (S.I. 2003/3241) and corrects two errors to regulation 27 of that instrument.

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

The Joint Committee on Statutory Instruments reported the 2003 Regulations for defective drafting (see the Sixth report of the Committee for the 2003/2004 session).

In responding to the Committee's request for a memorandum, the Department acknowledged the error and confirmed that a correcting instrument would be issued free of charge in accordance with normal practice.

Since the primary purpose of the present SI is not to correct these mistakes, but rather to update the Schedule of Directives which amend Council

Directive 91/414, the Department has not, as it previously indicated it would, issued this SI free of charge.

4. Legislative Background

This instrument transposes eight EC Directives which constitute part of the EU Pesticide Review Programme which aims to review all existing active substances used in pesticides to ensure they continue to meet modern safety standards.

The 8 Directives amend Annex I to Council Directive 91/414/EEC which establishes a framework for the authorisation of plant protection products (agricultural pesticides) in the EC and which is implemented in England and Wales by the Plant Protection Products Regulations 2003. Schedule 1 to the 2003 Regulations lists the Directives that amend the framework Directive and this Schedule is replaced to include the 8 new Directives

A transposition note is attached.

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

5. Extent

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

6. European Convention on Human Rights

Not required.

7. Policy Background

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 framework directive. This amendment to the Plant Protection Products Regulations 2003 implements eight Community Directives (Commission Directives 2003/112/EC, 2003/119/EC, 2004/20/EC, 2004/30/EC, 2004/58/EC, 2004/60/EC, 2004/62/EC and 2004/71/EC) which adds a further seventeen 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.

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

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

Gabrielle Hunnybun
Consumer Safety and European Policy Branch
Pesticides Safety Directorate
Room 308 Mallard House
1-2 Peasholme Green
YORK
YO1 7PX
Tel: 01904 455750
Fax: 01904 455733
Email: gabrielle.hunnybun@psd.defra.gsi.gov.uk