EXPLANATORY MEMORANDUM TO

THE PLANT PROTECTION PRODUCTS (AMENDMENT) REGULATIONS 2006

2006 No. 1295

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 ten EC Directives which amend Directive 91/414/EEC.

4.2 These ten 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 2005Regulations 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 ten Community Directives (Commission Directives 2005/53/EC, 2005/54/EC, 2005/57/EC, 2005/58/EC, 2005/72/EC, 2006/5/EC, 2006/6/EC, 2006/10/EC, 2006/16/EC, and 2006/19/EC), which add a further 21 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 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) Regulations 2006

Commission Directive 2005/53/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include chlorothalonil, chlorotoluron, cypermethrin, daminozide and thiophanate-methyl as active substances.	Regulation 4 and the Schedule (Part 2).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show Directive 91/414 amended by Directive 2005/53/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(4).	Schedule 1 of the Plant Protection Products Regulations 2005 amended with effect from 1 September 2006.
3	Member States to review authorisations for all plant protection products containing chlorothalonil, chlorotoluron, cypermethrin, daminozide and thiophanate-methyl to ensure compliance with the conditions set out in Annex I by 31 August 2006; and to re-evaluate the product in accordance with the principles of Annex VI by 28 February 2010 at the latest.		
4	Directive enters into force 1 March 2006.		

Directive 2005/54/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include tribenuron as active substance.	Regulation 4 and the Schedule (Part 2).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show Directive 91/414 amended by Directive 2005/54/EC.
2	Member States to adopt and publish laws, regulations and	Regulation 1(4).	Schedule 1 of the Plant Protection Products Regulations 2005

	administrative provisions to comply with the Directive by 31 August 2006 at the latest and to apply them from 1 September 2006.		amended with effect from 1 September 2006.
3	Member States to review authorisations for all plant protection products containing tribenuron to ensure compliance with the conditions set out in Annex I by 31 August 2006; and to re-evaluate the product in accordance with the principles of Annex VI by 28 February 2010 at the latest.		
4	Directive enters into force 1 March 2006.		

Directive 2005/57/EC

Article	**Purpose**	**Implementation**	**Comment**
1	Amends Annex I to Directive 91/414/EEC to include MCPA and MCPB as active substances.	Regulation 6 and the Schedule (Part 4).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show Directive 91/414 amended by Directive 2005/57/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 31 October 2006 at the latest and to apply them from 1 November 2006.	Regulation 1(6).	Schedule 1 of the Plant Protection Products Regulations 2005 amended with effect from 1 November 2006.
3	Member States to review authorisations for all plant protection products containing MCPA and MCPB to ensure compliance with the conditions set out in Annex I by 31 October 2006; and to re-evaluate the product in accordance with the principles of Annex VI by 30 April 2010 at the latest.		
4	Directive enters into force 1 May 2006.		

Directive 2005/58/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include bifenazate and milbemectin as active substances.	Regulation 3 and the Schedule (Part 1).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show Directive 91/414 amended by Directive 2005/58/EC.
2	Member States to adopt and publish laws, regulations and administrative provisions to comply with the Directive by 31 May 2006 at the latest and to apply them from 1 June 2006.	Regulation 1(3).	Schedule 1 of the Plant Protection Products Regulations 2005 amended with effect from 1 June 2006.
3	Member States to review authorisations for all plant protection products containing bifenazate and milbemectin to ensure compliance with the conditions set out in Annex I by 31 May 2006; and to re-evaluate the product in accordance with the principles of Annex VI by 31 May 2007 at the latest.		
4	Directive enters into force 1 December 2005.		

Directive 2005/72/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include chlorpyrifos, chlorpyrifos-methyl, mancozeb, maneb and metiram as active substances.	Regulation 7 and the Schedule (Part 5).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show Directive 91/414 mended by Directive 2005/72/EC.
2	Member States to adopt and publish laws regulations and administrative provisions to comply with the Directive by 31 December 2006 at the latest and to apply them from 1	Regulation 1(7).	Schedule 1 of the Plant Protection Products Regulations 2005 amended with effect from 1 January 2007.

	January 2007.		
3	Member States to review authorisations for all plant protection products containing chlorpyrifos, chlorpyrifos-methyl, mancozeb, maneb and metiram to ensure compliance with the conditions set out in Annex I by 31 December 2006; and to re-evaluate the product in accordance with the principles of Annex VI by 30 June 2010 at the latest.		
4	Directive enters into force 1 July 2006.		

Directive 2006/5/EC

Article	**Purpose**	**Implementation**	**Comment**
1	Amends Annex I to Directive 91/414/EEC to include warfarin as an active substance.	Regulation 9 and the Schedule (Part 7).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show Directive 91/414 amended by Directive 2006/5/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(9).	Schedule 1 of the Plant Protection Products Regulations 2005 amended with effect from 1 April 2007.
3	Member States to review authorisations for all plant protection products containing warfarin 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 30 September 2010 at the latest.		
4	Directive enters into force 1 October 2006.		

Directive 2006/6/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include tolyfluanid as an active substance.	Regulation 9 and the Schedule (Part 7).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show Directive 91/414 amended by Directive 2006/6/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(9).	Schedule 1 of the Plant Protection Products Regulations 2005 amended with effect from 1 April 2007.
3	Member States to review authorisations for all plant protection products containing warfarin 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 30 September 2010 at the latest.		
4	Directive enters into force 1 October 2006.		

Directive 2006/10/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include indoxacarb and forchlorfenuron as active substances.	Regulation 5 and the Schedule (Part 3).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show directive 91/414 amended by Directive 2006/10/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(5).	Schedule 1 of the Plant Protection Products Regulations 2005 amended with effect from 1 October 2006.
3	Member States to review authorisations for all plant		

	protection products containing indoxacarb and forchlorfenuron to ensure compliance with the conditions set out in Annex I by 30 September 2006; and to re-evaluate the product in accordance with the principles of Annex VI by 30 September 2007 at the latest.		
4	Directive enters into force 1 April 2006.		

Directive 2006/16/EC

Article	**Purpose**	**Implementation**	**Comment**
1	Amends Annex I to Directive 91/414/EEC to include oxamyl as an active substance.	Regulation 8 and the Schedule (Part 6).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show Directive 91/414 amended by Directive 2006/16/EC.
2	Member States to adopt and publish laws regulations and administrative provisions to comply with the Directive by 31 January 2007 at the latest and to apply them from 1 February 2007.	Regulation 1(8).	Schedule 1 of the Plant Protection Products Regulations 2005 amended with effect from 1 February 2007.
3	Member States to review authorisations for all plant protection products containing oxamyl 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 30 July 2010 at the latest.		
4	Directive enters into force 1 August 2006.		

Directive 2006/19/EC

Article	Purpose	Implementation	Comment
1	Amends Annex I to Directive 91/414/EEC to include 1-methylcyclopropene as an active substance.	Regulation 5 and the Schedule (Part 3).	Schedule 1 of the Plant Protection Products Regulations 2005 amended to show Directive 91/414 amended by Directive 2006/19/EC.
2	Member States to adopt and publish laws regulations and administrative provisions to comply with the Directive by 30 September 2006 at the latest and to apply them from 1 October 2006.	Regulation 1(5).	Schedule 1 of the Plant Protection Products Regulations 2005 amended with effect from 1 October 2006.
3	Member States to review authorisations for all plant protection products containing 1-methylcyclopropene to ensure compliance with the conditions set out in Annex I by 30 September 2006; and to re-evaluate the product in accordance with the principles of Annex VI by 30 September 2007 at the latest.		
4	Directive enters into force 1 April 2006.		