2002 No. 21

PESTICIDES

Plant Protection Products (Amendment) Regulations (Northern Ireland) 2002

Made . . . . . 28th January 2002

Coming into operation . . 4th March 2002

The Department of Agriculture and Rural Development, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Protection Products (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 4th March 2002.

(2) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Plant Protection Products Regulations (Northern Ireland) 1995

2. Regulation 2(1) of the Plant Protection Products Regulations (Northern Ireland) 1995(**d**) shall be amended by substituting for the definition of "the Directive" the following definition—

" "the Directive" means Council Directive 91/414/EEC concerning the placing of plant protection products on the market(**e**), as amended by—

(*a*) Commission Directive 93/71/EEC(**f**);

(*b*) Commission Directive 94/37/EC(**g**);

(*c*) Commission Directive 94/79/EC(**h**);

(**a**) S.I. 2000/2812
(**b**) 1972 c. 68
(**c**) 1954 c. 33 (N.I.)
(**d**) S.R. 1995 No. 371, amended by S.R. 1997 Nos. 471 and 507 and S.R. 2001 No. 280 (S.R. 2001 No. 280 is revoked by the present Regulations)
(**e**) O.J. No. L230, 19.8.91, p. 1 (to be read with Corrigenda published in O.J. No. L170, 25.6.92, p. 40)
(**f**) O.J. No. L221, 31.8.93, p. 27 (to be read with Corrigenda published in O.J. No. L4, 6.1.96, p. 16)
(**g**) O.J. No. L194, 29.7.94, p. 65
(**h**) O.J. No. L354, 31.12.94, p. 16 (to be read with Corrigenda published in O.J. No. L280, 23.11.95, p. 58)

(*d*) Commission Directive 95/35/EC(**a**);

(*e*) Commission Directive 95/36/EC(**b**);

(*f*) Commission Directive 96/12/EC(**c**);

(*g*) Commission Directive 96/46/EC(**d**);

(*h*) Commission Directive 96/68/EC(**e**);

(*i*) Council Directive 97/57/EC(**f**);

(*j*) Commission Directive 2000/80/EC(**g**);

(*k*) Commission Directive 2001/21/EC(**h**);

(*l*) Commission Directive 2001/28/EC(**i**);

(*m*) Commission Directive 2001/36/EC(**j**);

(*n*) Commission Directive 2001/47/EC(**k**);

(*o*) Commission Directive 2001/49/EC(**l**).".

Transitional arrangements for provisional approvals

3. The Plant Protection Products Regulations (Northern Ireland) 1995 shall be modified so that—

(*a*) the inclusion of the active substance flupyrsulfuron-methyl in Annex I shall not make it necessary to revoke any approval granted under regulation 7(1) (provisional approvals), or extended pursuant to regulation 7(5), in respect of any plant protection products containing that active substance, and any such approval shall continue to have effect until the date a decision made on an application for approval under regulation 5(1) (standard approvals) has effect, or 30th November 2002, whichever is the earlier; and

(*b*) the inclusion of the active substance fenhexamid in Annex I shall not make it necessary to revoke any approvals issued pursuant to regulation 7(1), or extended under regulation 7(5), in respect of any plant protection products containing that active substance, and any such approvals which have expired shall be deemed to have revived until the date a decision made on an application for approval of the product under regulation 5(1) has effect, or 1st August 2002, whichever is the earlier.

(**a**) O.J. No. L172, 22.7.95, p. 6
(**b**) O.J. No. L172, 22.7.95, p. 8
(**c**) O.J. No. L65, 15.3.96, p. 20
(**d**) O.J. No. L214, 23.8.96, p. 18
(**e**) O.J. No. L277, 30.10.96, p. 25
(**f**) O.J. No. L265, 27.9.97, p. 87
(**g**) O.J. No. L309, 9.12.2000, p. 14
(**h**) O.J. No. L69, 10.3.2001, p. 17
(**i**) O.J. No. L113, 24.4.2001, p. 5
(**j**) O.J. No. L164, 20.6.2001, p. 1
(**k**) O.J. No. L175, 28.6.2001, p. 21
(**l**) O.J. No. L176, 29.6.2001, p. 61

Revocation

3. The Plant Protection Products (Amendment) Regulations (Northern Ireland) 2001(**a**) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 28th January 2002.

(L.S.) *Liam McKibben*

A senior officer of the Department of Agriculture and Rural Development

(**a**) S.R. 2001 No. 280

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Plant Protection Products Regulations (Northern Ireland) 1995 (S.R. 1995 No. 371), as amended by S.R. 1997 No. 471, S.R. 1997 No. 507 and S.R. 2001 No. 280 ("the principal Regulations") which implement in Northern Ireland Council Directive 91/414/EEC (O.J. No. L230, 19.8.91, p. 1 to be read with the Corrigenda published in O.J. No. L170, 25.6.92, p. 40) concerning the placing of plant protection products on the market ("the Directive"), as amended.

The Regulations amend the definition of the Directive provided in the principal Regulations in consequence of—

(*a*) Commission Directive 2000/80/EC (which repeals and replaces earlier Directives and adds triasulfuron, esfenvalerate, bentazone and lambda-cyhalothrin to Annex I to the 1991 Directive) (O.J. No. L309, 9.12.2000, p. 14);

(*b*) Commission Directive 2001/21/EC (O.J. No. L69, 10.3.2001, p. 17)
Commission Directive 2001/28/EC (O.J. No. L113, 24.4.2001, p. 5)
Commission Directive 2001/47/EC (O.J. No. L175, 28.6.2001, p. 21)
Commission Directive 2001/49/EC (O.J. No. L176, 29.6.2001, p. 61)
which add fenhexamid, amitrole, diquat, pyridate, thiabendazole, Paecilomyces fumosoroseus and flupyrsulfuron-methyl to Annex I to the Directive; and

(*c*) Commission Directive 2001/36/EC (O.J. No. L164, 20.6.2001, p. 1) which substantially amends the Annex II dossier requirements for inclusion of an active substance in Annex I, and Annex III dossier requirements for approval of plant protection products.

Transitional arrangements to implement derogations contained in two of the Directives are included in regulation 3 to cover the position of certain existing provisional approvals. Those containing the active substance flupyrsulfuron-methyl (Commission Directive 2001/49/EC) shall continue, whilst those containing fenhexamid (Commission Directive 2001/28/EC) shall be treated as revived and extended, until later dates mentioned.

The Regulations revoke the Plant Protection Products (Amendment) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 280) which are either spent or consolidated in these Regulations.

£2·00

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N20391. C3. 1/02. Gp. 130. 14567.

ISBN 0-337-94137-8