

Explanatory Memorandum

Plant Protection Products (Amendment) (No.3) Regulations 2002

1. Introduction of the Plant Protection Products (Amendment) (No.3) Regulations 2002 will reflect the EU authorisation of several new active substances used in plant protection products. The Regulations also include deadlines by which provisional approvals must be amended to standard approvals and impose new rules on the naming and labelling of products.
2. This memorandum is submitted to the National Assembly's Business Committee in relation to the Plant Protection Products (Amendment) (No.3) Regulations 2002, in accordance with Standing Order 22.5.
3. A copy of the Instrument is submitted with this Memorandum.
4. The National Assembly is jointly responsible, with DEFRA, for the regulation and approval of pesticides and the marketing of plant protection products.
5. These regulations are being made under section 2(2) of the European Communities Act 1972. The National Assembly is designated to act jointly with the Minister of Agriculture, Fisheries and Food for the purposes of section 2(2) in relation to the common agricultural policy of the European Community concerning plant protection products (SI 1999/2788). The functions of the National Assembly under this designation have been delegated to the Assembly Minister for Rural Affairs.
6. These Regulations, which extend to England and Wales, further amend the Plant Protection Products Regulations 1995 (S. I. 1995/887) which implement in Great Britain Council Directive 91/414/EEC concerning the placing of plant protection products on the market (OJ No. L230, 19.8.91, p.1 as read with OJ No. L170, 25.6.92, p.40).
7. The Regulations amend the definition of "the Directive" in S. I. 1995/887 so as to implement –
 - Commission Directive 2001/48/EC, which adds the active substances iprovalicarb, prosulfuron, sulfosulfuron to Annex I of the Directive (implementation date: 1st January 2003).
 - Commission Directive 2002/64/EC, which adds cinidon-ethyl, cyhalofop-butyl, famoxadone, flurasulam, metalaxyl-m and picolinafen to the Annex (implementation date: 1st April 2003).
 - Commission Directive 2002/81/EC, which adds flumioxazine to the Annex (implementation date: 1st January 2003).

- Commission Directive 2002/37/EC, which adds ethofumesate to the Annex (implementation date: 1st March 2003).
8. The regulations introduce a new schedule (schedule AA1) which lists the instruments which have amended the Framework Directive and, where appropriate, the active substances which each has added to Annex 1.
 9. This instrument also specifies dates by which provisional approvals must be amended to standard approvals, or be withdrawn, once the active substance they contain is added to Annex 1 of 91/414/EC. (Schedule A1)
 10. As a result of the implementation of Council Directive 1999/45/EC, which regulates the classification, packaging and labelling of dangerous preparations by Member States, the regulations specify how plant protection products be legitimately named on labels and packaging.
 11. These Regulations revoke the Plant Protection Products (Amendment) (No.2) Regulations 2002, the relevant provisions of which have been incorporated into these Regulations.

Financial Implications

12. There are no additional financial implications for the Assembly, for business or others.

Regulatory Appraisal

13. In the case of these Regulations, falling outside the definition of Assembly general subordinate legislation in section 58 of the Government of Wales Act 1998, the standing orders do not require the Minister to carry out a regulatory appraisal.

Consultation

With Stakeholders

14. A consultation has not been conducted with stakeholders as the Regulations reflect a technical change to the framework Directive rather than a policy change.

With Subject Committee

15. While no formal consultation with the Subject Committee has been carried out, the proposed instrument has been included in the list of forthcoming legislation put to Committee, but has not been identified for scrutiny.

Recommended Procedure

16. As these Regulations have no financial implications for the Assembly, for business or others, and they only reflect a technical change rather than a policy change, I recommend that the Instrument proceed to Plenary for vote without debate.

Compliance

17. I can confirm that the proposed legislation (as far as applicable):

- Has due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998, section 120);
- Is compatible with the Assembly's scheme for sustainable development (section 121);
- Is compatible with community law (section 106);
- Is compatible with the Assembly's human rights legislation (section 107);
- Is compatible with any international obligations binding the UK Government and the Assembly (section 108).

18. This memorandum has been cleared with the Office of the Counsel General.

19. **Policy Division Contact:** Jayne Baxter (Ext.3596), Plant Health and Biotechnology

DATE October 2002

MINISTER FOR RURAL DEVELOPMENT