

To: Business Committee

From: Minister for Rural Development

Explanatory Memorandum

THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (AMENDMENT) REGULATIONS 2003

Summary

The European Commission has a major programme to develop Maximum Residue Levels (MRLs) to protect short and long term impacts on human health for all the active substances used as pesticides on all significant crops. Approximately 18000 EC MRLs have already been introduced. The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 2003 will implement 3 EC Directives and introduce a number of new MRLs.

1. This memorandum is submitted to the Assembly's Business Committee in relation to the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 2003.
2. A copy of the Instrument is submitted with this Memorandum.
3. The functions of the National Assembly in relation to the regulation and approval of pesticides are joint functions of the National Assembly and DEFRA.
4. These regulations are being made under section 2(2) of the European Communities Act 1972. The National Assembly is designated for the purposes of section 2(2) in relation to the common agricultural policy of the European Community (SI 1999/2788). Schedule 2(2)(a)(ii) of the Designation Order (SI 1999/2788) provides that regulations made by the National Assembly relating to maximum levels for pesticide residues shall be made jointly with the Secretary of State for the Environment, Food and Rural Affairs. The functions of the National Assembly under this designation have been delegated to the Assembly Minister for Rural Development.
5. The Regulations specify maximum levels of specific pesticides which crops, food and feeding stuffs may contain in implementation of Commission Directives 2002/79/EC, 2002/97/EC, and 2002/100/EC. These Directives will add or substitute new maximum residue levels in Part 2 of Schedule 2 for the following active substances:
 - i. abamectin, azocyclotin, bioresmethrin, bifenthrin, bitertanol, bromopropylate, clofentezine, cyromazine, cyhexatin, fenpropimorph, flucytrinate, hexaconazol, metacrifos, myclobutanil,

penconazole, prochloraz, profenofos, resmethrin, tridemorph, triadimefon and triadimenol (Commission Directive 2002/79/EC)

- ii. triasulfuron, thifensulfuron methyl and 2,4-D (Commission Directive 2002/97/EC)
- iii. azoxystrobin (Commission Directive 2002/100/EC)

6. Nationally set pesticide residue levels for Bitertanol on bananas, pomme and stone fruits are replaced by Community levels, some of which are the same whilst others are changed. The regulations also extend the list of commodities for which MRLs for Bitertanol have been established (e.g. Cereals and pulses).
7. The definition of “the Residues Directives” (Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC) is updated to take account of the Directives being implemented by these regulations.

Financial Implications

8. The Regulations reflect a technical change to the framework Directive rather than a policy change. There are no additional financial implications for the Assembly, for business or others.

Regulatory Appraisal

9. In the case of these Regulations, falling outside the definition of Assembly subordinate legislation in section 58 of the Government of Wales Act 1998, a regulatory appraisal is not required to be undertaken.

Consultation

With Stakeholders

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

With Subject Committee

11. A detailed consultation has not been conducted with the Subject Committee. The intention to bring forward these Regulations was, however, considered in the Agriculture and Rural Affairs Committee on Wednesday, 12 February 2003, where the committee recommended approval of the draft order.

Recommended Procedure

12. I recommend that they proceed to Plenary for vote without debate.

Compliance/Cross Cutting Themes

13. 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 (section106); and
- Is compatible with any international obligations of the United Kingdom;
- This memorandum has been cleared with the Office of the Counsel General.

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

DATE: February 2003

MINISTER FOR RURAL DEVELOPMENT