

Written Statement

SI laid in Parliament, which amends legislation in a devolved area

The Pesticides (Revocation) (EU Exit) Regulations 2022 (“the Regulations”)

The Regulations revoke retained direct EU legislation listed below relating to pesticides, and in particular, legislation relating to plant protection products and maximum residue levels which are redundant retained EU law.

- Commission Implementing Regulation (EU) 2020/616 renewing the approval of the active substance foramsulfuron in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation (EU) 2020/617 renewing the approval of the active substance metalaxyl-M, and restricting the use of seeds treated with plant protection products containing it, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation (EU) 2020/640 concerning the non-approval of propolis extract as a basic substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market.
- Commission Implementing Regulation (EU) 2020/642 approving the basic substance L-cysteine in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation (EU) 2020/643 concerning the non-approval of *Saponaria officinalis* L. roots as a basic substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market.
- Commission Implementing Regulation (EU) 2020/646 approving the active substance Lavandulyl senecioate as a low-risk substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation (EU) 2020/653 correcting Implementing Regulations (EU) No 540/2011 and (EU) 2019/706 as regards the CAS number of the active substance carvone.
- Commission Regulation (EU) 2020/703 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for dimethoate and omethoate in or on cherries.

- Commission Regulation (EU) 2020/749 amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorate in or on certain products.
- Commission Regulation (EU) 2020/856 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cyantraniliprole, cyazofamid, cyprodinil, fenpyroximate, fludioxonil, fluxapyroxad, imazalil, isofetamid, kresoxim-methyl, lufenuron, mandipropamid, propamocarb, pyraclostrobin, pyriofenone, pyriproxyfen and spinetoram in or on certain products.
- Commission Implementing Regulation (EU) 2020/869 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances beflubutamid, benalaxyl, benthiavalicarb, bifenazate, boscalid, bromoxynil, captan, cyazofamid, dimethomorph, ethephon, etoxazole, famoxadone, fenamiphos, flumioxazine, fluoxastrobin, folpet, formetanate, metribuzin, milbemectin, *Paecilomyces lilacinus* strain 251, phenmedipham, phosmet, pirimiphos-methyl, propamocarb, prothioconazole and S-metolachlor.
- Commission Implementing Regulation (EU) 2020/892 concerning the non-renewal of the approval of the active substance beta-cyfluthrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation (EU) 2020/968 renewing the approval of the active substance pyriproxyfen in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation (EU) 2020/1003 renewing the approval of the active substances *Phlebiopsis gigantea* strains VRA 1835, VRA 1984 and FOC PG 410.3 as low-risk substances in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation (EU) 2020/1004 approving the basic substance cow milk in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation (EU) 2020/1018 approving ferric pyrophosphate as low-risk active substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011.
- Commission Regulation (EU) 2020/1085 amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards

maximum residue levels for chlorpyrifos and chlorpyrifos-methyl in or on certain products.

- Commission Implementing Regulation (EU) 2020/1160 amending Implementing Regulation (EU) 540/2011 as regards the extension of the approval periods of the active substances aluminium ammonium sulphate, aluminium silicate, blood meal, calcium carbonate, carbon dioxide, extract from tea tree, fat distillation residues, fatty acids C7 to C20, garlic extract, gibberellic acid, gibberellins, hydrolysed proteins, iron sulphate, kieselgur (diatomaceous earth), plant oils/rape seed oil, potassium hydrogen carbonate, quartz sand, fish oil, repellents by smell of animal or plant origin/sheep fat, Straight Chain Lepidopteran Pheromones, tebuconazole and urea.
- Commission Implementing Regulation (EU) 2020/1246 concerning the non-renewal of the approval of the active substance fenamiphos, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation 2020/1263 approving the active substance sodium hydrogen carbonate as a low-risk substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation 2020/1276 concerning the non-renewal of the approval of the active substance bromoxynil, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation 2020/1280 concerning the non-renewal of the approval of the active substance benalaxyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation (EU) 2020/1281 concerning the non-approval of the active substance ethametsulfuron-methyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market.
- Commission Implementing Regulation 2020/1293 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance azadirachtin.
- Commission Implementing Regulation (EU) 2020/1295 amending Implementing Regulation (EU) 2015/408 as regards the inclusion of the active substances carbetamide, emamectin, flurochloridone, gamma-cyhalothrin, halosulfuron-methyl, ipconazole and tembotrione in the list of candidates for substitution.
- Commission Implementing Regulation (EU) 2020/1498 concerning the non-renewal of approval of the active substance thiophanate-methyl, in accordance

with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011.

- Commission Implementing Regulation (EU) 2020/1511 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, bifenox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, picloram, prosulfocarb, sulphur, triflusulfuron and tritosulfuron.
- Commission Regulation (EU) 2020/1565 amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 1,4-diaminobutane, 1-methylcyclopropene, ammonium acetate, bifenazate, chlorantraniliprole, chlormequat, cyprodinil, limestone, mandipropamid, pepper, pyridaben, repellants: blood meal, seaweed extracts and trimethylamine hydrochloride in or on certain products.
- Commission Implementing Regulation (EU) 2020/1643 amending Implementing Regulation (EU) No 540/2011 as regards the approval periods of the active substances calcium phosphide, denathonium benzoate, haloxyfop-P, imidacloprid, pencycuron and zeta-cypermethrin.
- Commission Implementing Regulation (EU) 2020/2007 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-decanol, 1,4-dimethylnaphthalene, 6-benzyladenine, acequinocyl, *Adoxophyes orana granulovirus*, aluminium sulfate, amisulbrom, *Aureobasidium pullulans* (strains DSM 14940 and DSM 14941), azadirachtin, *Bacillus pumilus* QST 2808, benalaxyl-M, bixafen, bupirimate, *Candida oleophila* strain O, chlorantraniliprole, disodium phosphonate, dithianon, dodine, emamectin, flubendiamide, fluometuron, fluxapyroxad, flutriafol, hexythiazox, imazamox, ipconazole, isoxaben, L-ascorbic acid, lime sulphur, orange oil, *Paecilomyces fumosoroseus* strain FE 9901, pendimethalin, penflufen, penthiopyrad, potassium phosphonates, prosulfuron, *Pseudomonas* sp. strain DSMZ 13134, pyridalyl, pryiofenone, pyroxsulam, quinmerac, S-abscisic acid, sedaxane, sintofen, sodium silver thiosulfate, spinetoram, spirotetramat, *Streptomyces lydicus* strain WYEC 108, tau-fluvalinate, tebufenozide, tembotrione, thiencarbazone, valifenalate, zinc phosphide.
- Commission Implementing Regulation (EU) No 2020/2104 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval period of the active substance paraffin oil.

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

Earlier Exit SIs put in place the main corrections required to the regulatory regime for pesticides. These broadened the executive competence of the Welsh Ministers by conferring functions on them (in their capacity as the 'Competent Authority' for Wales) without encumbrance.

The purpose of the amendments

The main corrections required to the regulatory regime for pesticides as a result of EU Exit have already been put in place through a series of earlier EU Exit SIs. These SIs established a regulatory regime for pesticides in Great Britain. The approach taken in these earlier SIs was to deem active substance approvals and various decisions on MRLs made in the EU prior to the end of the implementation period to have been made by the relevant Great Britain competent authorities, and to establish new statutory registers to record decisions on approval of active substances and give effect to decisions on setting of pesticide MRLs. This ensured that all relevant extant EU decisions were retained in Great Britain after the end of the implementation period. The EU implementing regulations which had previously given effect to those decisions were therefore redundant and so were repealed.

The Regulations are now required in order to follow this established approach in relation to further EU implementing regulations which came into force in the latter part of the implementation period, hence too late to have been addressed in the earlier EU Exit SIs. The effect of these further EU implementing regulations has already been retained through the transitional provisions in the earlier EU Exit SIs, and the new statutory registers, so the implementing regulations themselves are no longer required. It is now necessary to remove them so that they do not remain on the statute book.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

<https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-pesticides-revocation-eu-exit-regulations-2022>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to Wales for reasons of efficiency and expediency. The amendments have been considered fully and there is no divergence in policy.