

**To: Business Committee**

**From: Minister for Environment, Planning and Countryside**

## **EXPLANATORY MEMORANDUM**

### **THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) (AMENDMENT) (No 2) 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. The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) (No 2) Regulations 2003 will implement three 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) (No 2) Regulations 2003 under Standing Order 23.
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 1999/2278) 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 Environment, Planning and Countryside.
5. The Regulations specify maximum levels of specific pesticides which crops, food and feeding stuffs may contain in implementation of Commission Directives 2003/60/EC, 2003/62/EC and 2003/69/EC. New columns of pesticides are added to Part 2 of Schedule 2 to the 1999 Regulations for the residues of Acibenzolar-S-methyl, Chlorfenapyr, Cinidon-ethyl, Cyclanilide, Cyhalofop butyl, Diquat, Ethofumesate, Famoxadone, Fenhexamid, Fentin acetate, Fentin hydroxide, Florasulam, Flumioxazine, Iprovalicarb, Isoproturon, Metalaxyl-M, Picolinafen, Prosulfuron, Pyraflufen-ethyl and Sulfosulfuron. Complete revised columns for the residues of the pesticides Aminotriazole (Amitrole), Azoxystrobin,

Clofentezine, Hexaconazole, Lambda-cyhalothrin, Myclobutanil and Prochloraz have been substituted for existing columns in Part 2 of Schedule 2. The previous column headed "Aminotriazole (Amitrole)" is replaced by "Amitrole" (regulation 2(6)).

6. Regulation 2 (3) adds the names of further pesticide residue substances to Schedule 1, which specifies the substances used to assess residues.
7. In completion of the implementation of Commission Directive 2002/71/EC, these Regulations remove pesticide residue levels for Omethoate, that had previously been set nationally by virtue of powers contained in the Food and Environment Protection Act 1985, from the list contained in Part 1 of Schedule 2 to the 1999 Regulations as they have been replaced by Community levels for Dimethoate (regulation 2 (4)).
8. Other minor alterations to implement changes of pesticide residue for other pesticides, namely Chlormequat, Dimethoate, Kresoxim-methyl and Maneb Mancozeb Metiram Propineb Zineb, are made to specified products in regulation 2 (5).
9. The definition of "the Residues Directives" is updated to take account of the Directives being implemented (regulation 2 (2)).

### **Financial Implications**

10. 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**

11. 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, a regulatory appraisal is not required to be undertaken.

### **Consultation**

#### With Stakeholders

12. 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

13. While there is no formal requirement to consult the Subject Committee on proposals for joint instruments, these Regulations have been included in the list of forthcoming legislation put to the Subject Committee at its meeting of 16<sup>th</sup> July 2003. They were not identified for discussion in committee.

### **Recommended Procedure**

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

## **Compliance/Cross Cutting Themes**

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

16. **Policy Division Contact:** Jonathan Williams (Ext 6144), Plant Health and Biotechnology.

**Date** September 2003

**Carwyn Jones AM**  
**Minister for Environment, Planning and**  
**Countryside**