

**L.N. 282 of 2010**

**PESTICIDES CONTROL ACT  
(CAP. 430)**

**Plant Protection Products (Amendment) (No. 2) Regulations,  
2010**

IN exercise of the powers conferred by articles 4 and 5 of the Pesticides Control Act, the Minister for Resources and Rural Affairs, in consultation with the Prime Minister and with the Minister for Health, the Elderly and Community Care, has made the following regulations :-

**1.** (1) The title of these regulations is the Plant Protection Products (Amendment) (No. 2) Regulations, 2010 and they shall be read and construed as one with Plant Protection Products Regulations, 2009, hereinafter referred to as “the principal regulations”.

Title and scope.

L.N. 358 of 2009.

(2) The scope of these regulations is to transpose Commission Directive 2010/14/EU of 3 March 2010 amending Council Directive 91/414/EEC to include heptamaloxyloglucan as active substance, Commission Directive 2010/15/EU of 8 March 2010 amending Council Directive 91/414/EEC to include fluopicolide as active substance, Commission Directive 2010/17/EU of 9 March 2010 amending Council Directive 91/414/EEC to include malathion as active substance and Commission Directive 2010/20/EU of 9 March 2010 amending Council Directive 91/414/EEC to remove tolylfluanid as active substance and on the withdrawal of authorisations for plant protection products containing that substance.

**2.** Schedule I to the principal regulations shall be amended as follows: -

Amends Schedule I to the principal regulation.

(a) row 122, concerning tolylfluanid, shall be deleted;

(b) immediately after item 302 “Cyflufenamid” there shall be added the following new items:

| No   | Common Name, Identification Numbers                | IUPAC Name                                                             | Purity*                                                                           | Entry into force | Expiration of inclusion | Specific provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------|----------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "303 | Fluopicolide<br>CAS No 239110-15-7<br>CIPAC No 787 | 2,6-dichloro-N-[3-chloro-5-(trifluoromethyl)-2-pyridylmethyl]benzamide | ≥ 970 g/kg The impurity toluene must not exceed 3 g/kg in the technical material. | 1 June 2010      | 31 May 2020             | <p>PART A</p> <p>Only uses as fungicide may be authorised.</p> <p>PART B</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fluopicolide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 27 November 2009 shall be taken into account. In this overall assessment, Member States must pay particular attention to:</p> <ul style="list-style-type: none"> <li>— the protection of aquatic organisms,</li> <li>— the protection of groundwater when the active substance is applied in regions with vulnerable soil and/or climatic conditions,</li> <li>— to the risk to operators during application,</li> <li>— the potential for long range transport via air.</li> </ul> <p>Conditions of authorisation shall include risk mitigation measures and monitoring programmes shall be initiated to verify potential accumulation and exposure in vulnerable areas, where appropriate.</p> <p>The Member States concerned shall ensure that the notifier submits to the Commission further information on the relevance of the metabolite M15 for groundwater by 30 April 2012 at the latest.</p> |

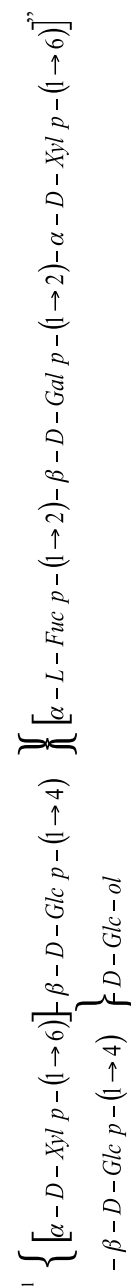
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\* Further details on identity and specification of active substances are provided in the review report.

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| 304 | Heptamaloxyloglucan<br>CAS N°<br>870721-81-6<br>CIPAC N°<br>Not available | Full IUPAC name in footnote <sup>1</sup><br><br>Xyl p : xylopyranosyl<br>Glc p : glucopyranosyl<br>Fuc p : fucopyranosyl<br>Gal p : galactopyranosyl<br>Glc-ol : glucitol | ≥780g/kg<br>The impurity Paulin must not exceed 50 µg/kg in the technical material. | 1 June 2010 | 31 May 2020 | PART A<br>Only uses as plant growth regulator may be authorised.<br><br>PART B<br>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on heptamaloxyloglucan, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 27 November 2009 shall be taken into account.”; and |
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(c) immediately after item 305 “2-phenylphenol” there shall be added the following new item:

| No   | Common Name, Identification Numbers           | IUPAC Name                                                                                                                          | Purity <sup>2</sup>                                             | Entry into force | Expiration of inclusion | Specific provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “306 | Malathion<br>CAS No: 121-75-5<br>CIPAC No: 12 | diethyl<br>(dimethoxyphosphinothioylthio)succinate<br>or<br>S-1,2-bis(ethoxycarbonyl)ethyl O,O-dimethyl phosphorodithioate racemate | ≥ 950 g/kg<br>Impurities:<br>Isomalathion: not more than 2 g/kg | 1 May 2010       | 30 April 2020           | PART A<br>Only uses as insecticide may be authorised.<br>Authorisations shall be limited to professional users.<br><br>PART B<br>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on malathion, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 22 January 2010 shall be taken into account.<br><br>In this overall assessment Member States shall pay |



<sup>2</sup> Further details on identity and specification of active substance are provided in the review report.

| No | Common Name,<br>Identification<br>Numbers | IUPAC Name | Purity <sup>2</sup> | Entry into<br>force | Expiration<br>of inclusion | Specific provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|    |                                           |            |                     |                     |                            | <p>particular attention to:</p> <ul style="list-style-type: none"> <li>- the operator and worker safety: conditions of use shall prescribe the use of adequate personal protective equipment;</li> <li>- the protection of aquatic organisms: conditions of authorisation shall include risk mitigation measures, where appropriate, such as adequate buffer zones;</li> <li>- the protection of insectivorous birds and honey bees: conditions of authorisation shall include risk mitigation measures, where appropriate. As regards bees, the necessary indications shall be provided on the labelling and the accompanying instructions as to avoid exposure.</li> </ul> <p>Member States shall ensure that malathion-based formulations are accompanied by the necessary instructions to avoid any risk of formation of isomalathion in excess of the permitted maximum quantities during storage and transport.</p> <p>Where appropriate, conditions of authorisation shall include further risk mitigation measures.</p> <p>The Member States concerned shall ensure that the notifier presents to the Commission :</p> <ul style="list-style-type: none"> <li>- information confirming the consumer risk assessment and the acute and long-term risk assessment for insectivorous birds;</li> <li>- information on the quantification of the different potency of malaoxon and malathion.”.</li> </ul> |

