L.N. 120 of 2010

PESTICIDES CONTROL ACT
(CAP. 430)

Plant Protection Products (Amendment) 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:-

Title and scope.

L.N. 358 of 2009.

1. (1) The title of these regulations is the Plant Protection Products (Amendment) Regulations, 2010 and they shall be read and construed as one with Plant Protection Products Regulations, 2009, hereinafter referred to as "the principal regulations".

(2) The scope of these regulations is to transpose Commission Directive 2009/115/EC of 31 August 2009 amending Council Directive 91/414/EEC to include methomyl as active substance, Council Directive 2009/116/EC of 25 June 2009 amending Directive 91/414/EEC to include paraffin oils CAS No 64742-46-7, CAS No 72623-86-0 and CAS No 97862-82-3 as active substances, Council Directive 2009/117/EC of 25 June 2009 amending Directive 91/414/EEC to include paraffin oil CAS No 8042-47-5 as an active substance, Commission Directive 2009/146/EC of 26 November 2009 correcting Directive 2008/125/EC amending Council Directive 91/414/EEC to include aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole and triadimenol as active substances, Commission Directive 2009/152/EC of 30 November 2009 amending Council Directive 91/414/EEC as regards the expiry date for inclusion in Annex I of the active substance carbendazim, Commission Directive 2009/153/EC of 30 November 2009 amending Annex I to Council Directive 91/414/EEC as regards the common name and the purity of the active substance hydrolysed proteins, Commission Directive 2009/154/EC of 30 November 2009 amending Council Directive 91/414/EEC to include cyflufenamid as active substance, Commission Directive 2009/155/EC of 30 November 2009 amending Council Directive 91/414/EEC as regards the purity level required of the active substance metazachlor, Commission Directive 2009/160/EU of 17 December 2009 amending Council Directive 91/414/EEC

to include 2-phenylphenol as active substance, and Commission Directive 2010/2/EU of 27 January 2010 amending Council Directive 91/414/EEC as regards an extension of the use of the active substance chlormequat.

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

(a) in item 149 thereof, in the column "Expiration of inclusion" thereof, for the words "31 December 2009" there shall be substituted the words "31 December 2010";

(b) in item 266 (Aluminium phosphide), in part A of the seventh column (Specific provisions) thereof, for the words from "Only uses as insecticide" to the words "outdoor uses may be authorized" there shall be substituted the following:

"Only uses as insecticide, rodenticide, talpicide and leporicide in the form of ready-to-use aluminium phosphide containing products may be authorised. As rodenticide, talpicide and leporicide only outdoor uses may be authorised.";

(c) in item 267 (Calcium phosphide), in part A of the seventh column (Specific provisions) thereof, for the words from "Only outdoor uses as rodenticide" to the words "products may be authorized" there shall be substituted the following:

"Only outdoor uses as rodenticide and talpicide in the form of ready-to-use calcium phosphide containing products may be authorised.";

(d) in item 268 (Magnesium phosphide), in part A of the seventh column (Specific provisions) thereof, for the words from "Only uses as insecticide" to the words "outdoor uses may be authorized" there shall be substituted the following:

"Only uses as insecticide, rodenticide, talpicide and leporicide in the form of ready-to-use magnesium phosphide containing products may be authorised.

As rodenticide, talpicide and leporicide only outdoor uses may be authorised.";

(e) in item 281 (Chlormequat), in part A of the seventh column (Specific provisions) thereof, for the words from "Only uses as a plant growth regulator" to the words "may be authorized" there shall be substituted the following:

"Only uses as plant growth regulator on cereals and non edible crops may be authorised.".

(f) for item 223 there shall be substituted the following:

No	Common Name, Identification Numbers	IUPAC Name	Purity	Entry into force	Expiration of inclusion	Specific provisions
"223	Metazachlor CAS No 67129-08-2 CIPAC No 411	2-chloro-N-(pyrazol-1-ylmethyl)acet-2′,6′-xylidide	≥ 940 g/kg The manufacturing impurity toluene is considered to be of toxicological concern and a maximum level of 0,05 % is established.	1 August 2009	31 July 2019	PART A Only uses as herbicide may be authorised; pplication max. of 1,0 kg/ha only every third year on the same field. PART B For the implementation of the uniform principles of Schedule VI, the conclusions of the review report on metazachlor, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 September 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator safety and ensure that conditions of use — prescribe the application of adequate personal protective equipment, — the protection of aquatic organisms, — the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation shall include risk mitigation measures and monitoring programmes shall be initiated to verify potential groundwater contamination from the metabolites 479M04, 479M08, 479M09, 479M11 and 479M12 in vulnerable zones, where appropriate. If metazachlor is classified under Directive 67/548/EEC as "limited evidence of a cancerogenic effect", the Member States concerned shall request the submission of further information on the relevance of the metabolites 479M04, 479M08, 479M09, 479M11 and 479M12 with respect to

No	Common Name, Identification Numbers	IUPAC Name	Purity	Entry into force	Expiration of inclusion	Specific provisions
						cancer. They shall ensure that the notifiers provide that information to the Commission within six months from the notification of such a classification decision.”;

(g) for item 240 there shall be substituted the following:

No	Common Name, Identification Numbers	IUPAC Name	Purity	Entry into force	Expiration of inclusion	Specific provisions
“240	Hydrolysed proteins CAS No: not allocated CIPAC No: not allocated	Not available	Review report (SANCO/2615/2008)	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. Hydrolysed proteins of animal origin must be in compliance with Regulation (EC) No 1774/2002. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on hydrolysed proteins (SANCO/2615/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.”; and

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(h) immediately after item 298 “Tetraconazole” there shall be added the following new items:

No	Common Name, Identification Numbers	IUPAC Name	Purity	Entry into force	Expiration of inclusion	Specific provisions
“299	Methomyl CAS No 16752-77-50 CIPAC No: 264	*S-methyl (EZ)-N-(methylcarbamoyloxy)thioacetimidate*	≥ 980 g/kg	1 September 2009	31 August 2019	PART A Only uses as insecticide on vegetables may be authorised at rates not exceeding 0,25 kg active substance per hectare per application and for a maximum of 2 applications per season. Authorisations shall be limited to professional users. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on methomyl, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 12 June 2009 shall be taken into account. In this overall assessment Member States shall pay particular attention to: - the operator safety: conditions of use shall prescribe the use of adequate personal protective equipment. Special attention shall be paid to the exposure of operators using knapsacks or other hand-held application equipment; - the protection of birds; - the protection of aquatic organisms: conditions of authorisation shall include risk mitigation measures, where appropriate, such as buffer zones, reduction of run-off and drift reduction nozzles; - the protection of non-target arthropods, in particular bees: risk mitigation measures to avoid all contact with bees shall be applied.

No	Common Name, Identification Numbers	IUPAC Name	Purity	Entry into force	Expiration of inclusion	Specific provisions
						Member States shall ensure that methomyl-based formulations contain effective repelling and/or emetic agents. Where appropriate, conditions of authorisation shall include further risk mitigation measures.
300	Paraffin oils CAS No 64742-46-7 CAS No 72623-86-0 CAS No 97862-82-3 CIPAC No n.a.	*paraffin oil*	European Pharmacopoeia 6.0	1 January 2010	31 December 2019	PART A Only uses as insecticide and acaricide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on paraffin oils CAS No 64742-46-7, CAS No 72623-86-0 and CAS No 97862-82-3, and in particular Appendices I and II thereto shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures. The Member States concerned shall request: — the submission of the specification of the technical material as commercially manufactured to verify the compliance with purity criteria of European Pharmacopoeia. 6.0. They shall ensure that the notifiers provides such information to the Commission by 30 June 2010.
301	Paraffin oil CAS No 8042-47-5 CIPAC No n.a.	*paraffin oil*	European Pharmacopoeia 6.0	1 January 2010	31 December 2019	PART A Only uses as insecticide and acaricide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on paraffin oil 8042-47-5, and in particular Appendices I and II thereof, shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures. The Member States concerned shall request: — The submission of the specification of the

No	Common Name, Identification Numbers	IUPAC Name	Purity	Entry into force	Expiration of inclusion	Specific provisions
						technical material as commercially manufactured to verify the compliance with purity criteria of European Pharmacopoeia. 6,0 They shall ensure that the notifier provides such information to the Commission by 30 June 2010.
302	Cyflufenamid CAS No 180409-60-3 CIPAC No: 759	(Z)-N-[α-(cyclopropylmethoxyimino) – 2,3-difluoro-6-(trifluoromethyl)benzyl]-2-phenylacetamide	> 980 g/kg	1 April 2010	31 March 2020	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cyflufenamid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 2 October 2009 shall be taken into account. In this overall assessment Member States must pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation shall include risk mitigation measures, where appropriate.
305	2-phenylphenol (including its salts such as the sodium salt) CAS No 90-43-7 CIPAC No 246	biphenyl-2-ol	≥ 998 g/kg	1 January 2010	31 December 2019	PART A Only uses as a post-harvest fungicide for indoor use in closed drench chambers may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on 2-phenylphenol, 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

No	Common Name, Identification Numbers	IUPAC Name	Purity	Entry into force	Expiration of inclusion	Specific provisions
						attention to put in place appropriate waste management practices to handle the waste solution remaining after application, including the cleaning water of the drenching system. Member States permitting the release of waste water into the sewage system shall ensure that a local risk assessment is carried out. The Member States concerned shall ensure that the notifier submits to the Commission further information on the potential for skin depigmentation for workers and consumers due to possible exposure to the metabolite 2-phenylhydroquinone (PHQ) on citrus peel. They shall ensure that the notifier provides such information to the Commission by 31 December 2011. The Member States concerned shall ensure that the notifier submits to the Commission further information to confirm that the analytical method applied in residue trials correctly quantifies the residues of 2-phenylphenol, PHQ and their conjugates. They shall ensure that the notifier provides such information to the Commission by 31 December 2011.” .