STATUTORY RULES OF NORTHERN IRELAND

# 2006 No. 220

# AGRICULTURE
# PESTICIDES

## Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations (Northern Ireland) 2006

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| *Made - - - -* | *12th May 2006* |
| *Coming into operation* | *30th June 2006* |

The Department of Agriculture and Rural Development, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, makes the following Regulations in exercise of the powers conferred on it by the said section 2(2), and, in respect of the provisions of these Regulations relating to Part I of Schedule 2 to these Regulations, in exercise of the powers conferred on it by section 16(2) of the Food and Environment Protection Act 1985(**3**), after consultation in accordance with section 16(9) of the said Act of 1985 with the Advisory Committee on Pesticides for Northern Ireland established under section 16(7) of that Act(**4**):

### Citation and commencement

**1.** These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations (Northern Ireland) 2006 and shall come into operation on 30th June 2006.

### Interpretation

**2.**—(1) In these Regulations—

"Directive 76/895" means Council Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables(**5**);

(**1**) S.I.2000/2812
(**2**) 1972 c. 68 the powers conferred by section 2(2) were extended by virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c. 51)
(**3**) 1985 c. 48; section 16 was amended by the Pesticides (Fees and Enforcement) Act 1989 (c. 27) and by the Pesticides Act 1998 (c. 26); see also section 25(2), and Article 3(4) of the Department (Northern Ireland) Order 1999 S.I. 1999/283 (N.I. 1), and section 25(2A) as inserted by section 1(5) of the Pesticides Act 1998
(**4**) Established by S.R. 1987 No. 341
(**5**) O.J. No. L340, 9.12.1976, p. 26, as last amended by Commission Directive 2005/70/EC (O.J. No. L276, 21.10.2005, p. 35)

"Directive 86/362" means Council Directive 86/362/EEC on the fixing of maximum levels for pesticide residues in and on cereals(**6**);

"Directive 86/363" means Council Directive 86/363/EEC on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin(**7**);

"Directive 90/642" means Council Directive 90/642/EEC on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables(**8**);

"EEA State" means a member State, Norway, Iceland or Liechtenstein;

"fruit or vegetable" means a product referred to in Article 1 of Directive 90/642;

"maximum residue level" means the maximum quantity of pesticide residue (measured in milligrams per kilogram of product) that a product is permitted to contain under regulation 3;

"pesticide" means any substance, preparation or organism listed in column 1 of Schedule 1;

"pesticide residue" means, in relation to any particular pesticide, the substance specified in column 2 of Schedule 1 in respect of that pesticide;

"product" means any crop, food or feeding stuff specified in Schedule 2;

"putting into circulation", in relation to any product, means handing it over (post-harvest if the product is a fruit or vegetable), whether or not for consideration; and

"the Residues Directives" means Directive 76/895, Directive 86/362, Directive 86/363 and Directive 90/642, in each case as amended at the date of the making of these Regulations.

(2) The expressions "composite food", "drying"and "processing" when used in regulation 3 or in paragraph (c) or (d) of regulation 5 have the same meaning as when used in the Residues Directives and any related expressions shall be construed accordingly.

(3) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Prohibition on putting into circulation products with excess residues**

**3.**—(1) A person shall not put into circulation a product named in Schedule 2 if it contains a quantity of pesticide residue, per kilogram of the product, greater than that specified in that Schedule in respect of that product and the pesticide in question, for the period (if any) specified.

(2) Subject to paragraph (3), paragraph (1) shall also apply in relation to the putting into circulation of—

(a) any product which after drying or processing is obtained from any of the products named in Schedule 2, and

(b) any composite food which includes any of the products named in that Schedule,

as it applies to the products so named.

(3) Where—

(a) paragraph (1) applies in relation to a dried or processed product or a composite food by virtue of paragraph (2), and

(b) in relation to that dried or processed product or composite food no quantity has been specified in Schedule 2 as the maximum residue level in respect of a pesticide residue which may be contained in that dried or processed product or composite food,

(**6**) O.J. No. L221, 7.8.1986, p. 37, as last amended by Commission Directive 2006/30/EC (O.J. No. L75, 14.3.2006, p. 7)
(**7**) O.J. No. L221, 7.8.1986, p. 43, as last amended by Commission Directive 2006/30/EC (O.J. No. L75, 14.3.2006, p. 7)
(**8**) O.J. No. L350, 14.12.1990, p. 71, as last amended by Commission Directive 2006/30/EC (O.J. No. L75, 14.3.06, p. 7)
(**9**) 1954 c. 33 (N.I.)

paragraph (1) applies as if the maximum residue level in respect of that pesticide residue were the quantity applicable under that Schedule as it has effect by virtue of regulation 5(c) or, as the case may be, (d).

(4) Any person who, without reasonable excuse, contravenes or causes or permits any other person to contravene the prohibition in paragraph (1) shall be guilty of an offence, and shall be liable —

(a) on summary conviction, to a fine not exceeding the statutory maximum; and

(b) on conviction on indictment, to a fine.

(5) In any proceedings for an offence under this regulation in relation to any product, whether or not dried or processed or a composite food, it is a defence for the person charged to prove that when the product was put into circulation—

(a) it was so put with the intention of its being exported to a country which is not an EEA State and the contravention of the prohibition in paragraph (1) was caused by the product being treated in a manner—

(i) required by the country of destination in order to prevent the introduction of harmful organisms into its territory; or

(ii) necessary to protect the product from harmful organisms during transport to the country of destination and storage there, or

(b) it was so put with the intention that—

(i) it be used in the manufacture of things other than foodstuffs and animal feed; or

(ii) it be used for sowing or planting.

(6) Sections 19 (enforcement powers), 21(5) (offences — penalties etc) and 22 (general defence of due diligence) of, and Schedule 2 (officers and their powers) to, the Food and Environment Protection Act 1985 shall apply for the purposes of this regulation as they apply for the purposes of that Act, taking references therein to that Act or any part of it to be references to this regulation, and the general purposes of that Act to include the purposes of this regulation.

**Seizure or disposal of crops, food or feeding stuffs**

**4.**—(1) If any product contains a quantity of pesticide residue greater than that permitted under regulation 3(1), any Northern Ireland department may—

(a) seize or dispose of the consignment containing that product, or any part of it, or require the owner or any person appearing to be in charge of it to dispose of it, or

(b) direct the owner or any person appearing to be in charge of it to take such remedial action as appears to that department to be necessary.

(2) Paragraph (1) applies to any product put into circulation in circumstances referred to in regulation 3(5)(a) or (b) as it applies to other products.

**Sampling and analysis**

**5.** In determining for the purposes of regulation 3(1) whether the quantity of pesticide residue contained in any product exceeds the maximum residue level—

(a) in relation to any product specified in column 2 of Schedule 3 (and falling within a group of products specified in column 1 of that Schedule) the whole or part only of that product shall, so far as is practicable, be taken into account as specified in column 3 of that Schedule;

(b) the procedure to be followed for sampling for the determination of pesticide residues shall be that set out in the Annex to Commission Directive 2002/63/EC(**10**);

(c) in the case of any product which has been dried or processed, Schedule 2 shall have effect where, in relation to a pesticide residue, no such maximum residue level is specified therein for the product in its dried or processed form, as if the maximum residue level specified in that Schedule in respect of that pesticide residue and in relation to the product in question were subject to an adjustment to take account of the concentration of the product caused by the drying process or, as the case may be, the dilution or concentration of the product caused by the processing; and

(d) in a case where a product listed in Schedule 2 has been mixed with other products or ingredients to form a composite food, that Schedule shall have effect, in relation to that composite food, as if the products which have been mixed to form the composite food had not been mixed and accordingly the maximum residue levels specified for each of the pesticide residues specified applied in relation to each of those products separately taking into account—

(i) the relative concentrations of each of the products in the composite food; and

(ii) the provisions of paragraph (c).

**Revocations**

**6.** The Regulations specified in Schedule 4 are revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 12th May 2006.

*R. Jordan*
A senior officer of the
Department of Agriculture and Rural
Development

(**10**) O.J. No. L187, 16.7.2002, p. 30

SCHEDULE 1 Regulation 2(1)

PESTICIDE RESIDUES

| Column 1<br>*Pesticide* | Column 2<br>*Residue* |
|---|---|
| 1,1-Dichloro-2,2-bis (4-ethyl-phenyl-) ethane | 1,1-dichloro-2,2-bis (4-ethyl-phenyl-) ethane |
| 1,2-Dibromoethane | (1) for products of plant origin other than cereals: 1,2-dibromoethane (ethylene dibromide)<br>(2) for cereals: 1,2-dibromoethane |
| 1,2-Dichloroethane | 1,2-dichloroethane |
| 2,4-D | (1) for products of plant origin: 2,4-D (sum of 2,4-D and its esters) expressed as 2,4-D<br>(2) for foodstuffs of animal origin: 2,4-D |
| 2,4-DB | 2,4-DB |
| 2,4,5-T | 2,4,5-T |
| Abamectin | abamectin (sum of avermectin B1a, avermectin B1b and delta-8, 9 isomer of avermectin B1a) |
| Acephate | acephate |
| Acibenzolar-S-methyl | acibenzolar-S-methyl |
| Aldicarb | sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb |
| Aldrin and Dieldrin | (1) for products of plant origin other than cereals: aldrin and dieldrin combined expressed as dieldrin<br>(2) for cereals and foodstuffs of animal origin: aldrin and dieldrin singly or combined, expressed as dieldrin (HEOD) |
| Amitraz | amitraz including the metabolites containing the 2,4 dimethylaniline moiety expressed as amitraz |
| Amitrole | amitrole |
| Aramite | aramite |
| Atrazine | atrazine |
| Azimsulfuron | azimsulfuron |
| Azinphos-ethyl | azinphos-ethyl |
| Azinphos-methyl | azinphos-methyl |
| Azocyclotin and Cyhexatin | azocyclotin and cyhexatin (sum of azocyclotin and cyhexatin expressed as cyhexatin) |
| Azoxystrobin | azoxystrobin |