

COMMISSION REGULATION (EC) No 2076/2002
of 20 November 2002

extending the time period referred to in Article 8(2) of Council Directive 91/414/EEC and concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisations for plant protection products containing these substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2002/81/EC ⁽²⁾, and in particular Article 8(2) thereof,

Having regard to Commission Regulation (EC) No 451/2000 of 28 February 2000 laying down the detailed rules for the implementation of the second and third stages of the work programme referred to in Article 8(2) of Directive 91/414/EEC ⁽³⁾, as last amended by Regulation (EC) No 1490/2002 ⁽⁴⁾, and in particular Article 6(7) and Article 11(2) thereof,

Whereas:

(1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I that are already on the market two years after the date of notification, except where a decision has been taken not to include a substance in Annex I.

(2) Commission Regulation (EEC) No 3600/92 ⁽⁵⁾, as last amended by Regulation (EC) No 2266/2000 ⁽⁶⁾, Regulation (EC) No 451/2000 and Regulation (EC) No 1490/2002 lay down the detailed rules for the implementation of the first, second and third stages of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. This programme is ongoing and it has not been possible yet to complete decision making on a number of active substances. The notification procedure for the active substances covered by Regulation (EC) No 1112/2002 ⁽⁷⁾ has not yet been finalised either and therefore for certain of these active substances the time period will also need to be extended.

(3) The Commission presented its progress report on 26 July 2001 ⁽⁸⁾. It concluded that progress has not been as good as was originally anticipated and therefore the deadline should be extended for those substances still under review or for which industry has notified a commitment to further prepare the necessary dossiers within the time limits.

(4) For the active substances covered by the first stage the Commission will ensure that as many decisions as possible are taken before July 2003, acknowledging however that for a number of active substances a decision can not be taken before 2005. Additional time is needed to evaluate the further data required by the Commission before it can be decided whether these active substances satisfy the safety requirements of Directive 91/414/EEC and the Commission will ensure that the extension of the time period will be as short as possible.

(5) Active substances for which a commitment to further prepare the necessary dossier has not been notified, should not be included in Annex I to Directive 91/414/EEC and Member States should withdraw all authorisations for plant protection products containing such active substances.

(6) For uses for which additional technical evidence has been provided demonstrating the essential need for further use of the active substance and the absence of an efficient alternative, temporary measures should be provided to enable the development of alternatives. For a number of uses such information has been presented and evaluated by the Commission with Member State experts. Derogations should be given only for cases, which appear justified and as not giving rise to concern, and should be restricted to the control of harmful organisms, for which no efficient alternatives exist.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 276, 12.10.2002, p. 28.

⁽³⁾ OJ L 55, 29.2.2000, p. 25.

⁽⁴⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁵⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁶⁾ OJ L 259, 13.10.2000, p. 27.

⁽⁷⁾ OJ L 168, 27.6.2002, p. 14.

⁽⁸⁾ COM(2001) 444 final.

HAS ADOPTED THIS REGULATION:

Article 1

The time period of 12 years referred to in Article 8(2) of Directive 91/414/EEC is extended until 31 December 2005 for the active substances which are assessed in the framework of Regulation (EEC) No 3600/92 and the second stage under Regulation (EC) No 451/2000, and until 31 December 2008 for the active substances which are assessed in the framework of Regulation (EC) No 1490/2002, unless a decision has been taken or is taken before that date to include or not include the active substance in Annex I to Directive 91/414/EEC. During these periods the Member States may continue to authorise or authorise again the placing on the market of plant protection products containing the above mentioned active substances, in accordance with the provisions of Article 8(2) of Directive 91/414/EEC.

Article 2

1. The active substances listed in Annex I to this Regulation are not included as active substance in Annex I to Directive 91/414/EEC.
2. Member States shall ensure that authorisations for plant protection products containing the active substances listed in Annex I to this Regulation are withdrawn by 25 July 2003 except as provided in paragraph 3.
3. In relation to a substance specified in column A of Annex II, any Member State specified in column B of that Annex in relation to the substance may maintain in force authorisations for plant protection products containing that substance for the uses listed in column C until 30 June 2007 provided that it:
 - (a) ensures that the continued use is only accepted as far it does not have any harmful effect on human or animal health and no unacceptable influence on the environment;

- (b) ensures that such plant protection products remaining on the market after 31 December 2003 are relabelled in order to match the restricted use conditions;
- (c) imposes all appropriate risk mitigation measures to reduce any possible risks;
- (d) ensures that alternatives for such uses are being seriously sought.

The Member State concerned shall inform the Commission on 31 December 2004 at the latest on the application of this paragraph and in particular on the actions taken pursuant to points (a) to (d).

Article 3

Any period of grace granted by Member States in accordance with Article 4(6) of Directive 91/414/EEC shall be as short as possible and:

- (a) for the uses for which the authorisation is to be withdrawn by 25 July 2003, shall expire not later than 31 December 2003, except for the limited number of essential uses referred to in Annex II, for which the authorisation can still be maintained in specified Member States in accordance with the provisions of Article 2(3);
- (b) for the uses for which the authorisation is to be withdrawn by 30 June 2007, shall expire not later than 31 December 2007.

Article 4

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 November 2002.

For the Commission
David BYRNE
Member of the Commission

ANNEX I

List of active substances which are not included as active substance in Annex I to Directive 91/414/EEC

1,2-Dichloropropane	Bromopropylate
1,3-Dichloropropene (cis)	Bronopol
1,3-Diphenyl urea	Butachlor
2-(dithiocyanomethylthio)-benzothiazol	Butocarboxim
2,3,6-TBA	Butoxycarboxim
2,4,5-T	Butylate
2-Aminobutane (aka sec-butylamine)	Calcium carbonate (aka chalk)
2-Benzyl-4-chlorophenol	Calcium hydroxide (aka slake lime)
4-CPA (4-chlorophenoxyacetic acid = PCPA)	Calcium oxide (quick lime)
4-t-Pentylphenol	Carbon disulfide
Acifluorfen	Carbophenothion
Aldimorph	Cartap
Alkyltrimethyl ammonium chloride	Cetrimide
Alkyltrimethylbenzyl ammonium chloride	Chinomethionat (aka quinomethionate)
Allethrin	Chlormethoxyfen
Alloxydim	Chloral-bis-acylal
Allyl alcohol	Chloral-semi-acetal
Ametryn	Chloramben
Ampropylofos	Chlorbromuron
Ancymidol	Chlorbufam
Anilazine	Chloretazate
Anthracene oil	Chlorfenprop
Azaconazole	Chlorfenson (aka chlorfenizon)
Azamethiphos	Chlorfenvinphos
Aziprotryne	Chlorfluazuron
Barban	Chlormephos
Barium fluosilicate	Chlorobenzilate
Barium polysulphide	Chloropropylate
Benazolin	Chloroxuron
Bendiocarb	Chlorphonium chloride
Benfuresate	Chlorthiamid
Benodanil	Chlorthiophos
Bensulide	Cufraneb
Bensultap	Cyanazine
Bentaluron	Cycloate
Benzalkonium chloride	Cycluron
Benzoximate	Cyprofuram
Benzoylprop	DADZ (zinc-diethyldithiocarbamate)
Benzthiazuron	Dalapon
Bioallethrin	delta-endotoxin of <i>Bacillus thuringiensis</i>
Bioresmethrin	Demeton-S-methyl
Bitumen	Demeton-S-methyl sulphone
Brandol (hydroxynonyl-2,6-dinitrobenzene)	Desmetryne
Bromacil	Diafenthion
Bromocyclen	Dialifos
Bromofenoxim	Di-allate
Bromophos	Diammonium phosphate
Bromophos-ethyl	Dichlofenthion

Dichlofluanid	Fluorodifen
Dichlone	Fluoroglycofene
Dichlorprop	Flupoxam
Diclobutrazol	Fluridone
Dicrotophos	Fomesafen
Dicyclopentadiene	Fonofos
Dienochlor	Formothion
Diethyl (-ethyl)	Fosamine
Difenoxyuron	Fosthietan
Difenoquat	Furalaxyl
Dikegulac	Furathiocarb
Dimefox	Furconazole
Dimefuron	Furfural
Dimepiperate	Furmecyclox
Dimethirimol	Gentian violet
Dimexano	Halfenprox (aka brofenprox)
Dinitramine	Haloxyfop
Dinobuton	Heptenophos
Dioxacarb	Hexachlorophene
Dioxathion	Hexazinone
Diphenamid (aka difenamid)	Hydramethylnon
Disodium octaborate tetrahydrate	Hydroxy-MCPA
Disulfoton	Hydroxyphenyl-salicylamide
Ditalimfos	Imazapyr
Drazoxolon	Imazethabenz
Endothal	Iminoctadine
EPTC (ethyl dipropylthiocarbamate)	Iodofenphos
Etacelasil	Isazofos
Ethidimuron (aka sulfodiazol)	Isocarbamide
Ethiofencarb	Isofenphos
Ethion (aka diethion)	Isolan
Ethirimol	Isopropalin
Ethoate-methyl	Isoprothiolane
Etrimfos	Isoxathion
Fenaminosulf	Karbutilate
Fenazaflor	Kinoprene
Fenfuram	Mancopper
Fenoprop	Mecarbam
Fenothiocarb	Mefenacet
Fenoxaprop	Mephospholan
Fenpiclonil	Mepronil
Fenpropathrin	Merphos (aka tributylphosphorotrithioite)
Fenridazon	Methacrifos
Fenson (aka fenizon)	Methazole
Fenthiosulf	Methfuroxam
Fenuron	Methoprene
Flamprop	Methoprothryne
Fluazifop	Methoxychlor
Flubenzimine	Methylenebisthiocyanate
Flucycloxuron	Methylisothiocyanate
Flucythrinate	Methylnaphthylacetamide
Flumequine	Methylnaphthylacetic acid
Flumethralin	Metobromuron

Metolachlor	Pyrifenox
Metoxuron	Pyroquilone
Metsulfovax	Quinalphos
Mevinphos	Quizalofop
Monalide	Resmethrin
Monocrotophos	Rock powder
Monuron	Sebumeton
MAA (methyl arsonic acid)	Seconal (aka 5-allyl-5-(1'-methylbutyl) barbituric acid)
Nabam	Sethoxydim
Naptalam	Siduron
Naphtylacetic acid hydrazide	Silicates
Neburon	Silver nitrate
Nitralin	Sodium arsenite
Nitrothal	Sodium diacetoneketogulonate
Nonylphenol ether polyoxyethyleneglycol	Sodium dichlorophenate
Nonylphenol ethoxylate	Sodium dimethyldithiocarbamate
Norflurazon	Sodium dioctyl sulfosuccinate
Noruron	Sodium fluosilicate
Octhilinone	Sodium monochloroacetate
Ofurace	Sodium pentaborate
Omethoate	Sodium p-t-amylphenate
Orbencarb	Sodium silicate
Oxadixyl	Sodium silver thiosulphate
Oxine-copper	Sodium tetrathiocarbamate
Oxycarboxin	Sodium thiocyanate
Oxytetracycline	Sulfotep
Paraformaldehyde	Sulprofos
p-Chloronitrobenzene	Tar acids
Pebulate	TCA
Pentachlorophenol	TCMTB
Pentanochlor	Tebutam (aka butam)
Perfluidone	Tebuthiuron
Phenols	Temephos
Phenothrin	Terbacil
Phenthoate	Terbufos
Phorate	Terbumeton
Phosametine	Terbutryn
Phosphamidon	Tetrachlorvinphos
Pirimiphos-ethyl	Tetradifon
Potassium silicate	Tetramethrin
Profenofos	Tetrasul
Promecarb	Thiazafluron
Prometryne	Thiazopyr
Propazine	Thiocyclam
Propetamphos	Thiofanox
Propoxur	Thiometon
Propyl-3-t-butylphenoxyacetate	Thionazin
Prothiocarb	Thiophanate
Prothiofos	Tiocarbazil
Prothoate	Tolylphtalam
Pyraclufos	Tralomethrin
Pyrazoxyfen	Triapenthenol
Pyridafenthion	Triazbutyl

Triazophos

Tribufos (s,s,s-tributyl-phosphorotrithioate)

Tributyltinoxyde

Trichloronate

Tridiphane

Trietazine

Trifenmorph

Triforine

Trioxymethylen

Validamycin

Vamidothion

Vernolate

ANNEX II

List of authorisations referred to in Article 2(3)

Column A	Column B	Column C
Active substance	Member State	Use
2-aminobutane	United Kingdom	Stored seed potato
	Ireland	Stored seed potato
1,3-dichloropropene (cis)	The Netherlands	flower bulbs, strawberries, vegetables, tree nursery crops, perennials and replanting of orchards
4-CPA (4-chlorophenoxyacetic acid)	Greece	Grape (seedless)
	Spain	Tomato, aubergine
Acifluorfen	Italy	Soybean
Azaconazole	Belgium	Sweet pepper, tomato, arboriculture
	The Netherlands	Tomato
	United Kingdom	Ornamentals
Benfuresate	Spain	Cotton
Bromacil	France	Lavender, lavandin
Bromopropylate	Belgium	Bean
	Spain	Lemon, tomato, pome fruit, vine
Cartap	Italy	Pome fruit, stone fruit, tomato, aubergine, pepper, melon, marrow, ornamentals
Chinomethionate	Greece	Melon, water melon
	Spain	<i>Cucurbitaceae</i>
Chlorfenvinfos	Denmark	Cabbage
	Germany	Small radish, radish, carrot, onion, celery, cabbage, cucumber
	Ireland	Carrot, parsnip, cabbage, swede
	France	Mushroom, asparagus, cress, radish, spinach, corn salad, gherkin, courgette, onion, shallot, carrot, celeriac, leek, celery, parsley, garlic, cabbage, turnip
	The Netherlands	Cabbage, onion, carrot, brassica vegetables, swede, turnip, radish, black radish, leek, celeriac
	Spain	Brassicas
Cyanazine	United Kingdom	Pea, bean, brassica, narcissi, oilseed rape, Allium, forestry
	Ireland	Onion
Ethion	France	Carrot, parsley, celery, celeriac, garlic, shallot, onion, leek, cabbage
Dikegulac	Germany	Ornamentals (under glass)
Dinobuton	Spain	Pome fruit
Ethyl dipropylthiocarbamate (EPTC)	Portugal	Potato

Column A	Column B	Column C
Active substance	Member State	Use
Fenpropathrin	United Kingdom	Soft fruit (blackcurrant)
Fenuron	United Kingdom	Pea, bean, spinach
Fomesafen	United Kingdom France Italy	Pea, bean, lupin Soybean, bean Soybean, bean, pea
Furalaxyl	Ireland	Ornamentals
Furathiocarb	Belgium	Leek
Haloxyfop	Denmark	Seed grass fields of red fescue, seed beds of ornamentals
Heptenophos	Ireland	Ornamentals, cucumber, tomato, lettuce
Hexazinone	Austria France Ireland Spain	Conifer Conifer, lavender, lavandin, clary sage, liquorice, lucerne, sugar cane Conifer Conifer, lucerne
Imazapyr	Ireland	Forestry
Mepronil	Austria	Lettuce
Metobromuron	Belgium Germany	Lambs lettuce, bean, potato Lambs lettuce, bean, tobacco
Metoxuron	Belgium France Ireland Luxembourg The Netherlands United Kingdom	Carrot, potato Carrot Carrot Carrot, potato Carrot, potato, iris, gladiolus Carrot
Naptalam	Spain France	Melon, water melon Melon
Omethoate	Austria	Ornamentals
Orbencarb	Austria	Lupin
Oxadixyl	Belgium	Pea — seed treatment
Oxycarboxin	United Kingdom Austria Greece Spain Ireland	Ornamentals Ornamentals Ornamentals, flowers Ornamentals Turf grass
Pebulate	Greece	Tobacco

Column A	Column B	Column C
Active substance	Member State	Use
Pentachlor	United Kingdom	Umbellifers, herbs
Prometryn	United Kingdom Spain Greece Ireland France	Umbellifers, Allium, herbs Cotton Cotton Carrots, parsley, celery, parsnips Celery, celeriac, lentils, leek
Pyridafenthion	Spain	Vine, meadow, lemon
Resmethrin	United Kingdom	Mushroom
Sethoxydim	Austria Belgium Italy	Strawberry Leek, beans, cabbage Vegetables
Silver nitrate	The Netherlands	Cucumber and gherkin grown for seed
Sodium monochloracetate	United Kingdom Ireland	Brassica, Allium, soft fruit, hop Cabbage, Brussels sprouts, kale
Sodium silver thiosulphate	Denmark	Cut flowers, pot plants
Terbacil	Spain France Greece United Kingdom	Mentha Arnica, ribbed melilot, balm, peppermint, oregano, wild pansy, rosemary, winter savory, sage, thyme Aromatic plants Aromatic and pharmaceutical plants
Terbufos	Germany	Sugar beet, fodder beet
Terbutryn	United Kingdom	Pea, bean, lupin
Tetradifon	Spain Ireland	Citrus, <i>Cucurbitaceae</i> , tomato, grapes Tomato, cucumber, ornamentals nursery stock
Triazophos	Ireland	Carrot
Triforine	Austria Denmark	Bean, cucumber, ornamentals growing, rose Apple, pear, blackcurrant, red currant, gooseberry
Vamidothion	Belgium Spain Italy Portugal	Apple, arboriculture Pome fruit Pome fruit Apple, pear