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

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

Metolachlor
Metoxuron
Metsulfovax
Mevinphos
Monalide
Monocrotophos
Monuron
MAA (methyl arsonic acid)
Nabam
Naptalam
Naphtylacetic acid hydrazide
Neburon
Nitralin
Nitrothal
Nonylphenol ether polyoxyethyleneglycol
Nonylphenol ethoxylate
Norflurazon
Noruron
Octhilinone
Ofurace
Omethoate
Orbencarb
Oxadixyl
Oxine-copper
Oxycarboxin
Oxytetracycline
Paraformaldehyde
p-Chloronitrobenzene
Pebulate
Pentachlorophenol
Pentanochlor
Perfluidone
Phenols
Phenothrin
Phenthoate
Phorate
Phosametine
Phosphamidon
Pirimiphos-ethyl
Potassium silicate
Profenofos
Promecarb
Prometryne
Propazine
Propetamphos
Propoxur
Propyl-3-t-butylphenoxyacetate
Prothiocarb
Prothiofos
Prothoate
Pyraclofos
Pyrazoxyfen
Pyridafenthion
Pyrifenox
Pyroquilone
Quinalphos
Quizalofop
Resmethrin
Rock powder
Secbumeton
Seconal (aka 5-allyl-5-(1′-methylbutyl) barbituric acid)
Sethoxydim
Siduron
Silicates
Silver nitrate
Sodium arsenite
Sodium diacetoneketogulonate
Sodium dichlorophenate
Sodium dimethyldithiocarbamate
Sodium dioctyl sulfosuccinate
Sodium fluosilicate
Sodium monochloroacetate
Sodium pentaborate
Sodium p-t-amylphenate
Sodium silicate
Sodium silver thiosulphate
Sodium tetrathiocarbamate
Sodium thiocyanate
Sulfotep
Sulprofos
Tar acids
TCA
TCMTB
Tebutam (aka butam)
Tebuthiuron
Temephos
Terbacil
Terbufos
Terbumeton
Terbutryn
Tetrachlorvinphos
Tetradifon
Tetramethrin
Tetrasul
Thiazafluron
Thiazopyr
Thiocyclam
Thiofanox
Thiometon
Thionazin
Thiophanate
Tiocarbazil
Tolylphtalam
Tralomethrin
Triapenthenol
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	*Cucurbitaceae*
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
Pentanochlor	United Kingdom	Umbellifers, herbs
Prometryn	United Kingdom	Umbellifers, Allium, herbs
	Spain	Cotton
	Greece	Cotton
	Ireland	Carrots, parsley, celery, parsnips
	France	Celery, celeriac, lentils, leek
Pyridafenthion	Spain	Vine, meadow, lemon
Resmethrin	United Kingdom	Mushroom
Sethoxydim	Austria	Strawberry
	Belgium	Leek, beans, cabbage
	Italy	Vegetables
Silver nitrate	The Netherlands	Cucumber and gherkin grown for seed
Sodium monochloracetate	United Kingdom	Brassica, Allium, soft fruit, hop
	Ireland	Cabbage, Brussels sprouts, kale
Sodium silver thiosulphate	Denmark	Cut flowers, pot plants
Terbacil	Spain	Mentha
	France	Arnica, ribbed melilot, balm, peppermint, oregano, wild pansy, rosemary, winter savory, sage, thyme
	Greece	Aromatic plants
	United Kingdom	Aromatic and pharmaceutical plants
Terbufos	Germany	Sugar beet, fodder beet
Terbutryn	United Kingdom	Pea, bean, lupin
Tetradifon	Spain	Citrus, *Cucurbitaceae*, tomato, grapes
	Ireland	Tomato, cucumber, ornamentals nursery stock
Triazophos	Ireland	Carrot
Triforine	Austria	Bean, cucumber, ornamentals growing, rose
	Denmark	Apple, pear, blackcurrant, red currant, gooseberry
Vamidothion	Belgium	Apple, arboriculture
	Spain	Pome fruit
	Italy	Pome fruit
	Portugal	Apple, pear