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)

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.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 2076/2002. (See end of Document for details)*

(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,

HAS ADOPTED THIS REGULATION:

Article 1

[[F1]The time period of 12 years referred to in Article 8(2) of Directive 91/414/EEC is extended until 31 December 2006 for the active substances which are assessed in the framework of Regulation (EEC) No 3600/92, until 30 September 2007 for the active substances which are assessed in the framework of the second stage under Regulation (EC) No 451/2000, and until **[**[F2]31 December 2009**]** 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 the relevant date to include or not include the active substance concerned in Annex I to Directive 91/414/EEC. **[**[F3]However, for metalaxyl the time period of 12 years referred to in Article 8(2) of Directive 91/414/EEC shall be extended until 30 June 2010.**]** During those periods Member States may continue to authorise or authorise again the placing on the market of plant protection products containing those active substances, in accordance with the provisions of Article 8(2) of Directive 91/414/EEC.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1335/2005 of 12 August 2005 amending Regulation (EC) No 2076/2002 and Decisions 2002/928/EC, 2004/129/EC, 2004/140/EC, 2004/247/EC and

2005/303/EC as regards the time period referred to in Article 8(2) of Council Directive 91/414/EEC and the continued use of certain substances not included in its Annex I (Text with EEA relevance).

F2 Substituted by Commission Regulation (EC) No 848/2008 of 28 August 2008 amending Regulation (EC) No 2076/2002 and Decision 2003/565/EC as regards the time period provided for in Article 8(2) of Council Directive 91/414/EEC (Text with EEA relevance).

F3 Inserted by Commission Regulation (EC) No 1313/2007 of 8 November 2007 amending Regulations (EC) No 2076/2002 as regards the extension of the time period referred to in Article 8(2) of Council Directive 91/414/EEC with respect to metalaxyl and (EC) No 2024/2006 as regards the deletion of the derogation concerning metalaxyl (Text with EEA relevance).

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).

[[F4]4 By way of derogation from paragraph 3, for the authorisations of plant protection products containing substances listed in column A of Annex II, Bulgaria may maintain in force authorisations for plant protection products containing those substances for the uses listed in column C until 30 June 2009 provided that:

a the continued use is only accepted so far as it has no harmful effects on human or animal health and no unacceptable influence on the environment;

b such plant protection products remaining on the market are relabelled in order to match the restricted use conditions;

c all appropriate risk mitigation measures are imposed to reduce any possible risks;

d alternatives for such uses are being seriously sought.

Bulgaria shall inform the Commission about the measures taken in application of this paragraph, and in particular about the actions taken pursuant to points (a) to (d), by 31 December of each year.**]**

Textual Amendments

F4 Inserted by Commission Regulation (EC) No 1980/2006 of 20 December 2006 laying down transitional measures amending Regulation (EC) No 2076/2002 and Decisions 2001/245/EC,

2002/928/EC and 2006/797/EC as regards the continued use of certain active substances not included in Annex I to Directive 91/414/EEC by reason of the accession of Bulgaria (Text with EEA relevance).

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**[**F5**;]**

(c) **[**F4for the uses for which the authorisation is to be withdrawn by 30 June 2009, shall expire not later than 31 December 2009.**]**

Textual Amendments

F4 Inserted by Commission Regulation (EC) No 1980/2006 of 20 December 2006 laying down transitional measures amending Regulation (EC) No 2076/2002 and Decisions 2001/245/EC, 2002/928/EC and 2006/797/EC as regards the continued use of certain active substances not included in Annex I to Directive 91/414/EEC by reason of the accession of Bulgaria (Text with EEA relevance).

F5 Substituted by Commission Regulation (EC) No 1980/2006 of 20 December 2006 laying down transitional measures amending Regulation (EC) No 2076/2002 and Decisions 2001/245/EC, 2002/928/EC and 2006/797/EC as regards the continued use of certain active substances not included in Annex I to Directive 91/414/EEC by reason of the accession of Bulgaria (Text with EEA relevance).

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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 2076/2002. (See end of Document for details)*

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