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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)

(OJ L 319, 23.11.2002, p. 3)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 1336/2003 of 25 July 2003	L 187	21	26.7.2003
►**M2**	Commission Regulation (EC) No 835/2004 of 28 April 2004	L 127	43	29.4.2004
►**M3**	Commission Regulation (EC) No 1765/2004 of 13 October 2004	L 315	26	14.10.2004
►**M4**	Commission Regulation (EC) No 1335/2005 of 12 August 2005	L 211	6	13.8.2005

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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

([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.

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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

▼M4

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 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 the relevant date to include or not include the active substance concerned in Annex I to Directive 91/414/EEC. 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.

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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.

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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.

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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)

▼B

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

▼B

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

▼B

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

▼B

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

▼B

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

▼B

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

▼B

Triapenthenol

Triazbutyl

Triazophos

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

Tributyltinoxyde

Trichloronate

Tridiphane

Trietazine

Trifenmorph

Triforine

Trioxymethylen

Validamycin

Vamidothion

Vernolate

▼M1

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
▼M3 4-CPA (4-chlorophenoxyacetic acid)	Greece	Grape (seedless)
	Spain	Tomato, aubergine
	France	Tomato, aubergine
▼M1 Acifluorfen	Italy	Soybean
Azaconazole	Belgium	Sweet pepper, tomato, wound treatment on trees
	The Netherlands	Tomato
	United Kingdom	Ornamentals
Benfuresate	Spain	Cotton
Bromacil	France	Lavender, lavandin
Bromopropylate	Belgium	Bean
	Italy	Pome fruit, vine
	Spain	Lemon, tomato, pome fruit, vine
Calcium hydroxide (aka slake lime (*))	The Netherlands	Fruit
Cartap	Italy	Pome fruit, stone fruit, tomato, aubergine, pepper, melon, marrow, ornamentals
Chinomethionate	Greece	Melon, water melon
	Spain	*Cucurbitaceae*

▼M1

Column A	Column B	Column C
Active substance	Member State	Use
Chlorfenvinfos	Denmark	Cabbage
	Germany	Small radish, radish, carrot, onion, celery, cabbage, cucumber, oil seed rape
	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
	Sweden	Head cabbage and swedes
	Portugal	*Brassica*
	Spain	*Brassica*
Cyanazine	United Kingdom	Pea, bean, *Brassica*, narcissi, oilseed rape, *Allium*, forestry
	Sweden	Oilseed rape and pickling cucumber
	Ireland	Onion
Dalapon	Italy	Rice
Ethion	France	Carrot, parsley, celery, celeriac, garlic, shallot, onion, leek, cabbage
Dikegulac	Germany	Ornamentals (under glass)
Dimefuron	Germany	Oil seed rape
Dinobuton	Spain	Pome fruit
Ethyl dipropylthiocarbamate (EPTC)	Portugal	Potato
Fenpropathrin	United Kingdom	Soft fruit (blackcurrant)

▼M4

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▼M1

Flumethralin	Portugal	Tobacco
	Spain	Tobacco
Fomesafen	United Kingdom	Pea, bean, lupin
	France	Soybean, bean
	Italy	Soybean, bean, pea
Furalaxyl	Ireland	Ornamentals
Furathiocarb	Belgium	Leek
Haloxyfop	Denmark	Seed grass fields of red fescue, seed beds of ornamentals

▼M1

Column A	Column B	Column C
Active substance	Member State	Use
Heptenophos	Ireland	Ornamentals, cucumber, tomato, lettuce
	Italy	Cabbage, french bean, lettuce
Hexazinone	Austria	Conifer
	France	Conifer, lavender, lavandin, clary sage, liquorice, lucerne, sugar cane
	Ireland	Conifer
	Spain	Conifer, lucerne
Imazapyr	Ireland	Forestry
	Portugal	Non-crop land
Iminoctadine	Greece	Tomatoes under plastic
Mepronil	Austria	Lettuce
▼M4 Metobromuron	Belgium	Lambs lettuce, bean, potato
	Spain	Potato
	France	Artichoke, lambs lettuce
	Germany	Lambs lettuce, bean, tobacco
▼M1 Metoxuron	Belgium	Carrot, potato
	France	Carrot
	Ireland	Carrot
	Luxemburg	Carrot, potato
	The Netherlands	Carrot, potato, iris, gladiolus
	United Kingdom	Carrot, parsnip
Naptalam	Spain	Melon, water melon
	France	Melon
Omethoate	Austria	Ornamentals
Orbencarb	Austria	Lupin
Oxadixyl	Belgium	Pea — seed treatment
Oxycarboxin	United Kingdom	Ornamentals
	Austria	Ornamentals
	Greece	Ornamentals, flowers
	Spain	Ornamentals
	Ireland	Turf grass
Pebulate	Greece	Tobacco
Pentanochlor	United Kingdom	Umbellifers, herbs, ornamentals

▼M1

Column A	Column B	Column C
Active substance	Member State	Use
Prometryn	United Kingdom	Umbellifers, *Allium*, herbs
	Spain	Carrots, celery, cotton, chickpeas, peas, lentils
	Greece	Cotton
	Ireland	Carrots, parsley, celery, parsnips
	Portugal	Potatoes, carrots, parsley, leek, peas
	France	Celery, celeriac, lentils, leek
Pyridafenthion	Spain	Vine, meadow, lemon
Resmethrin	United Kingdom	Mushroom
Rock powder (*)	Austria	Forestry
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
Sulfotep	Germany	Ornamentals and vegetables in greenhouses
Tar acids (*)	Ireland	Disinfectant use
	United Kingdom	Disinfectant use
Temephos	Spain	Rice
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	Greece	Sugar beet
Terbutryn	United Kingdom	Pea, bean, lupin
	Spain	Citrus
	Ireland	Peas, beans
Tetradifon	Spain	Citrus, *Cucurbitaceae*, tomato, grapes
	Ireland	tomato, cucumber, ornamentals nursery stock

▼M1

Column A	Column B	Column C
Active substance	Member State	Use
Triazophos	Ireland	Carrot
Triforine	Austria	Bean, cucumber, ornamentals growing, rose
	Denmark	Apple, pear, blackcurrant, redcurrant, gooseberry
Vamidothion	Belgium	Apple, arboriculture
	Spain	Pome fruit
	Italy	Pome fruit
	Portugal	Apple, pear

▼M2

Azaconazole	Poland	tomato, wound treatment of trees
Bensultap	Hungary	Potato, sugar beet, cereals, strawberry, poppy, bean, berries
	Poland	Potatoes
Bromopropylate	Cyprus	Citrus
Chlorfenvinphos	Poland	Mushroom
Cyanazine	Latvia	oil seed rape
	Czech Republic	Vining peas
	Estonia	oil seed rape
	Lithuania	oilseed rape
Cycloate	Poland	Red beet, spinach
Dichlorprop	Hungary	Cereals, grasses

▼M4

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▼M2

Furathiocarb	Czech Republic	Seed treatment of bean, purple clover, Dutch clover, flax, poppy, cucumber, lucerne, Brassica vegetables
Hexazinone	Hungary	Forestry
	Czech Republic	Forestry
	Slovakia	Forestry
Imazapyr	Estonia	non-crop land
	Latvia	non-crop land
		forestry production for treatment of sites prior to re-stocking
	Lithuania	non-crop land
	Poland	non-crop land
	Slovakia	non-crop land
Iminoctadine	Poland	Tree nurseries

▼M2

Column A	Column B	Column C
Active substance	Member State	Use
Naptalam	Slovakia	Cucumber
	Poland	Cucumber, pumpkin, zucchini
	Czech Republic	Cucumber
	Hungary	Cucumber
Oxine-copper	Hungary	Cereals (seed dressing)
Oxycarboxin	Cyprus	Ornamentals, flowers and turf grass, beans
Prometryne	Hungary	Sunflower, potato, carrot, lentil, herbs, sunflower
	Slovakia	Buckwheat, strawberry, dill, lentil
	Latvia	carrots, celery, parsley, leek, garlic, onion, caraway
	Cyprus	Carrots, celery, peas, onions, garlic, parsley, coriander, leek, lentils and umbellifer herbs
	Estonia	peas, beans, carrots, celery, parsley, caraway, leek, onion, garlic
	Poland	Carrot, parsley, parsnip, celeriac, dill, leek, garlic, onion, pea, broad bean, lentils, coriander, caraway, common madder, peppermint and other herbaceous plants, gladiolus, tulip, rosa
	Lithuania	Peas, beans, vetch, caraway, lupine, carrots
Terbacil	Poland	Peppermint
▼M4 Terbufos	France	Bananas
	Greece	Sugar beet
	Hungary	Maize, sugar beet, cereals, sunflower, soybean
▼M2 Terbutryn	Slovakia	horse bean, green pea
Thiocyclam	Cyprus	Potatoes, beans, celery, cucumbers, melons, watermelons, pumpkins, ornamentals
Triforine	Czech Republic	Chives (seed production) and chrysanthemum
▼M4 Chlormephos	France	Maize, sweet corn
Hexachlorophene	Cyprus	Tomatoes, peppers, cucumbers, pumpkins, watermelons, melons, ornamentals

▼M1

(*) This active substance is allowed to remain on the market for the uses mentioned pending the finalisation of the procedures under the fourth stage of the programme of work as initiated by Commission Regulation (EC) No 1112/2002.