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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:

<u>₿</u>

		No	page	date
<u>M1</u>	Commission Regulation (EC) No 1336/2003 of 25 July 2003	L 187	21	26.7.2003
► <u>M2</u>	Commission Regulation (EC) No 835/2004 of 28 April 2004	L 127	43	29.4.2004
► <u>M3</u>	Commission Regulation (EC) No 1765/2004 of 13 October 2004	L 315	26	14.10.2004
► <u>M4</u>	Commission Regulation (EC) No 1335/2005 of 12 August 2005	L 211	6	13.8.2005
► <u>M5</u>	Commission Regulation (EC) No 1980/2006 of 20 December 2006	L 368	96	23.12.2006
<u>M6</u>	Commission Regulation (EC) No 1313/2007 of 8 November 2007	L 291	11	9.11.2007
<u>M7</u>	Commission Regulation (EC) No 848/2008 of 28 August 2008	L 231	9	29.8.2008
<u>M8</u>	Commission Implementing Regulation (EU) No 698/2014 of 24 June 2014	L 184	4	25.6.2014

#### COMMISSION REGULATION (EC) No 2076/2002

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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 (<sup>5</sup>), as last amended by Regulation (EC) No 2266/2000 (<sup>6</sup>), 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 (<sup>7</sup>) 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.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 276, 12.10.2002, p. 28.

<sup>(3)</sup> OJ L 55, 29.2.2000, p. 25.

<sup>(4)</sup> OJ L 224, 21.8.2002, p. 23.

<sup>(5)</sup> OJ L 366, 15.12.1992, p. 10. (6) OJ L 259, 13.10.2000, p. 27.

<sup>(&</sup>lt;sup>7</sup>) OJ L 168, 27.6.2002, p. 14.

<sup>(8)</sup> COM(2001) 444 final.

- (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

#### **▼**<u>M4</u>

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 ►M7 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. ►M6 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.

#### 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).

#### **▼** M5

- 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.

#### 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;

## ▼ <u>M5</u>

(c) for the uses for which the authorisation is to be withdrawn by 30 June 2009, shall expire not later than 31 December 2009.

**▼**B

#### 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.

#### 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

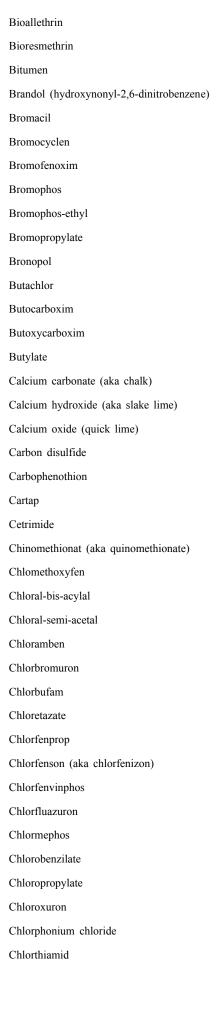
Bentaluron

Benzalkonium chloride

Benzoximate

Benzoylprop

Benzthiazuron



# **▼**<u>B</u> Chlorthiophos Cufraneb Cyanazine Cycloate Cycluron Cyprofuram DADZ (zinc-diethyldithiocarbamate) Dalapon **▼**<u>M8</u> **▼**<u>B</u> 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

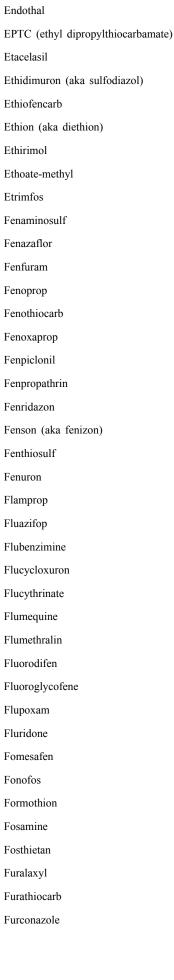
Dioxathion

Disulfoton Ditalimfos

Diphenamid (aka difenamide)

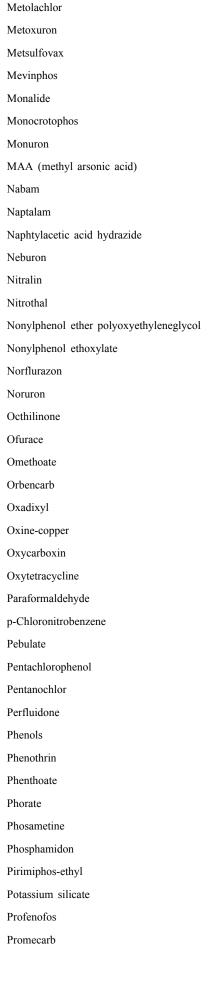
Disodium octaborate tetrahydrate

Drazoxolon





Metobromuron



<b>▼</b> <u>B</u>	
	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

## ▼

7 <u>B</u>	
	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

## **▼**<u>M5</u>

## List of authorisations referred to in Article 2(3) and 2(4)

## **▼**<u>M1</u>

**▼**<u>M3</u>

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-chlorophenoxy-acetic acid)	Greece	Grape (seedless)
decire dela)	Spain	Tomato, aubergine
	France	Tomato, aubergine
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
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, <i>Brassica</i> vegetables, swede, turnip, radish, black radish, leek, celeriac

**▼**<u>M4</u>

Column A	Column B	Column C
Active substance	Member State	Use
	Sweden	Head cabbage and swedes
	Portugal	Brassica
	Spain	Brassica
Cyanazine	United Kingdom	Pea, bean, <i>Brassica</i> , narcissi, oilseed rape, <i>Allium</i> , 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)
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
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

Column A	Column B	Column C
Active substance	Member State	Use
Iminoctadine	Greece	Tomatoes under plastic
Mepronil	Austria	Lettuce
Metobromuron	Belgium	Lambs lettuce, bean, potato
	Spain	Potato
	France	Artichoke, lambs lettuce
	Germany	Lambs lettuce, bean, tobacco
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
Prometryn	United Kingdom	Umbellifers, Allium, herbs
	Bulgaria	Sunflower, cotton and Umbelliferae
	Spain	Carrots, celery, cotton, chickpeas, pe 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

**▼**<u>M5</u>

Column A	Column B	Column C
Active substance	Member State	Use
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 green- houses
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
	Bulgaria	Limited to professional users with appropriate protective equipment. Soil treatment of potatoes, tobacco, cotton and beet
Terbutryn	United Kingdom	Pea, bean, lupin
•	Spain	Citrus
	Ireland	Peas, beans
Tetradifon	Spain	Citrus, <i>Cucurbitaceae</i> , tomato, grapes
	Ireland	tomato, cucumber, ornamentals nursery stock
Triazophos	Ireland	Carrot
Triforine	Austria	Bean, cucumber, ornamentals growing, rose
	Denmark	Apple, pear, blackcurrant, redcurrant, gooseberry

Column A	Column B	Column C
Active substance	Member State	Use
Vamidothion	Belgium	Apple, arboriculture
	Spain	Pome fruit
	Italy	Pome fruit
	Portugal	Apple, pear
Azaconazole	Poland	tomato, wound treatment of trees
Bensultap	Hungary	Potato, sugar beet, cereals, strawberry, poppy, bean, berries
	Bulgaria	Sunflower, beet, potatoes and alfalfa
	Poland	Potatoes
Bromopropylate	Cyprus	Citrus
Chlorfenvinphos	Poland	Mushroom
	Latvia	oil seed rape
	Czech Republic	Vining peas
	Estonia	oil seed rape
	Lithuania	oilseed rape
Cycloate	Poland	Red beet, spinach
Dichlorprop	Hungary	Cereals, grasses
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

# ▼<u>M2</u>

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
	Bulgaria	Sunflower, cotton and Umbelliferae
	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
Terbufos	France	Bananas
	Bulgaria	Limited to professional users with appropriate protective equipment. Soil treatment of potatoes, tobacco, cotton and beet
	Cross	Cupan haat
	Greece Hungary	Sugar beet  Maize, sugar beet, cereals, sunflower, soybean
		-
Terbutryn	Slovakia	horse bean, green pea
Thiocyclam	Cyprus	Potatoes, beans, celery, cucumbers, melons, watermelons, pumpkins, ornamentals

## **▼**<u>M2</u>

	Column A	Column B	Column C
	Active substance	Member State	Use
	Triforine	Czech Republic	Chives (seed production) and chrysan-themum
▼ <u>M4</u>	Chlormephos	France	Maize, sweet corn
	Hexachlorophene	Cyprus	Tomatoes, peppers, cucumbers, pumpkins, watermelons, melons, ornamentals

<sup>(\*)</sup> 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.