

COMMISSION DIRECTIVE 2004/20/EC
of 2 March 2004
amending Council Directive 91/414/EEC to include chlorpropham as an active substance
(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⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes chlorpropham.
- (2) For chlorpropham, the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulation (EEC) No 3600/92 for a range of uses proposed by the notifiers. Pursuant to Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member State for the implementation of Commission Regulation (EEC) No 3600/92 ⁽³⁾, the Netherlands was designated as rapporteur Member State. The Netherlands submitted the relevant assessment report and recommendations to the Commission on 30 April 1996 in accordance with Article 7(1)(c) of Regulation (EEC) No 3600/92.
- (3) This assessment report has been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health.
- (4) The review was finalised on 28 November 2003 in the format of the Commission review report for chlorpropham.
- (5) The review for chlorpropham did not reveal any open questions or concerns, which would have required a consultation of the Scientific Committee on Plants.
- (6) It has appeared from the various examinations made that plant protection products containing chlorpropham may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/

EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include chlorpropham in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing chlorpropham can be granted in accordance with the provisions of that directive.

- (7) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (8) After inclusion, Member States should be allowed a reasonable period within which to implement the provisions of Directive 91/414/EEC as regards plant protection products containing chlorpropham, and in particular, to review existing authorisations to ensure that the conditions regarding those active substances set out in Annex I to Directive 91/414/EEC are satisfied. A longer period should be provided for the submission and assessment of the complete dossier of each plant protection product in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 31 July 2005 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2003/119/EC (OJ L 325, 12.12.2003, p. 41).

⁽²⁾ OJ L 366, 15.12.1992, p. 10. Regulation as last amended by Regulation (EC) No 2266/2000 (OJ L 259, 13.10.2000, p. 10).

⁽³⁾ OJ L 107, 28.4.1994, p. 8. Regulation as last amended by Regulation (EC) No 2230/95 (OJ L 225, 22.9.1995, p. 1).

They shall apply those provisions from 1 August 2005.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

1. Member States shall review the authorisation for each plant protection product containing chlorpropham to ensure that the conditions relating to chlorpropham set out in Annex I to Directive 91/414/EEC are complied with. Where necessary and by 31 July 2005 at the latest, they shall amend or withdraw the authorisation.

2. Member States shall, for each authorised plant protection product containing chlorpropham as either the only active substance or as one of several active substances, all of which were listed in Annex I to Directive 91/414/EEC by 31 January 2005 at the latest, re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the require-

ments of Annex III to that Directive. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC. Where necessary and by 31 January 2009 at the latest, they shall amend or withdraw the authorisation.

Article 4

This Directive shall enter into force on 1 February 2005.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 2 March 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
79	chlorpropham CAS No 101-21-3 CIPAC No 43	Isopropyl 3-chlorophenylcarbamate	975 g/kg	1 February 2005	31 January 2015	<p>Only uses as herbicide and sprout suppression may be authorised.</p> <p>For the implementation of the uniform principles of Annex VI, the conclusions of the review report on chlorpropham, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 November 2003 shall be taken into account. In this overall assessment Member States should pay particular attention to the protection of operators, consumers and non-target arthropods. Conditions of authorisation should include risk mitigation measures, where appropriate.</p>

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.'