COMMISSION DECISION
of 30 January 2004
(notified under document number C(2004) 152)
(Text with EEA relevance)

(2004/129/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,


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 to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.

(2) Commission Regulation (EC) No 1112/2002 (3) lays down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. The active substances of the fourth stage 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. Annex I to this Decision lists active substances which fall into this category.

(3) Commission Regulations (EC) No 451/2000 (4) and (EC) No 1490/2002 (5) lay down the detailed rules for the implementation of the second and third stages of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. Active substances for which no complete dossier has been submitted or for which notifiers have declared that no dossier will be submitted within the prescribed time limit 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. Annex I to this Decision lists active substances which fall into this category.

(4) For some of those active substances information has been presented and evaluated by the Commission together with Member State experts which has shown a need for further use of the substances concerned. In those cases temporary measures should be provided for to enable the development of alternatives.

(5) For the active substances for which there is only a short period of advance notice for the withdrawal of plant protection products containing such substances, it is reasonable to provide for a period of grace for disposal, storage, placing on the market and use of existing stocks for a period no longer than 12 months to allow existing stocks to be used in no more than one further growing. In cases where a longer advance notice period is provided, such period can be shortened to expire at the end of the growing season.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The active substances listed in Annex I to this Decision shall not be included in Annex I to Directive 91/414/EEC.

Article 2

1. Member States shall ensure that authorisations for plant protection products containing the active substances listed in Annex I to this Decision are withdrawn by 31 March 2004 at the latest.

2. By derogation from paragraph 1, Member States listed in column B of Annex II may maintain authorisations for plant protection products containing substances listed in column A of that Annex for uses listed in column C of that Annex until 30 June 2007 at the latest, to permit the development of an efficient alternative for the substance concerned.
Member States making use of the derogation provided for in the first subparagraph shall ensure that the following conditions are complied with:

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

(b) such plant protection products remaining on the market after 31 March 2004 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.

3. The Member State concerned shall inform the Commission about the measures taken in application of paragraph 2, and in particular about the actions taken pursuant to points (a) to (d), by 31 December 2004 at the latest.

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.

Where authorisations shall be withdrawn in accordance with Article 2(1) by 31 March 2004 at the latest, the period shall expire on 31 December 2004 at the latest.

Where authorisations shall be withdrawn in accordance with Article 2(2) by 30 June 2007 at the latest, the period shall expire on 31 December 2007 at the latest.

Article 4

This Decision is addressed to the Member States.


For the Commission

David BYRNE

Member of the Commission
ANNEX I

List of active substances referred to in Article 1

PART A

Substance covered by Commission Regulation (EC) No 703/2001 (second stage of the programme of work)

Methidathion

PART B

Substances covered by Commission Regulation (EC) No 1490/2002 (third stage of the programme of work)

Cinosulfuron
Clofencet
Chlorflurenol
Flamprop-M
Flurenol
Hexaflumuron
Imazethapyr
Nuarimol
Primisulfuron
Pretilachlor
Quinclorac
Streptomyicine
Triadimefon

PART C

Substances covered by Commission Regulation (EC) No 1112/2002 (fourth stage of the programme of work)

A. Chemical active substances

(4E-7Z)-4,7-Tridecadien-1-yl-acetate
(4Z-9Z)-7,9-Dodecadien-1-ol
(E)-10-Dodecenyl acetate
(Z)-3-Methyl-6-isopropenyl-3,4-decadien-1-yl acetate
(Z)-3-Methyl-6-isopropenyl-9-decen-1-yl acetate
(Z)-5-Dodecen-1-yl acetate
(Z)-7-Tetradecanole
(Z)-9-Tricosene
(Z,Z) Octadienyl acetate
2-Propanol
3,7-Dimethyl-2,6-octadienal
4-chloro-3-methylphenol
7,8-Epoxi-2-methyl-octadecane
7-Methyl-3-methylene-7-octene-1-yl-propionate
Acridinic bases
Alkylidimethylenzyl ammonium chloride
Alkylidimethylbenzyl ammonium chloride
Ammonium hydroxide
Ammonium sulphate
Barium nitrate
Biphenyl
Boric acid
Bromethalin
Calciferol
Calcium cyanide
Calcium oxide
Calcium phosphate
Chlorhydrate of poly (imino imido biguanidine)
Chlorophylline
Cholecalciferol
Choline chloride
Corn steep liquor
Counchloar
Coumatetralyl
Crimidine
Difethialone
Dioctyldimethyl ammonium chloride
Diphacinone
Ethanethiol
Ethylhexanoate
Floccumafen
Fluoroacetamide
Hydrogen cyanide  Sebacic acid
Isoval  Serricornin
Lactic acid  Sodium carbonate
Lauryldimethylbenzylammonium bromide  Sodium chloride
Lauryldimethylbenzylammonium chloride  Sodium cyanide
Lime phosphate  Sodium dimethylarsinate
Methyl-trans-6-nonenooate  Sodium hydroxide
Naphtalene  Sodium o-benzyl-p-chlorphenoxide
Nitrogen  Sodium propionate
Octyldcyldimethyl ammonium chloride  Sodium p-t-amylphenoxide
Onion extract  Sodium tetraborate
Papaine  Soybean extract
p-Cresyl acetate  Soybean oil, epoxylated
p-Dichlorobenzene  Strychnine
Pherodim  Tar oils
Phosphoric acid  Thallium sulphate
Plant oils/Coconut oil  Thiourea
trans-6-Nonen-1-ol  trans-6-Nonen-1-ol
Plant oils/Coconut oil  Trimedlure
Potassium sorbate  
Pronumone  
Propionic acid  
Pyranocumarin  
Quaternary ammonium compounds  
Scilliroside  

B. Micro-organisms

Aschersonia aleyrodis
Agrotis segetum granulosis virus
Mamestra brassica nuclear polyhedrosis virus
Tomato mosaic virus
## ANNEX II

List of authorisations referred to in Article 2(2)

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
<th>Column C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active substance</td>
<td>Member State</td>
<td>Use</td>
</tr>
<tr>
<td>Alkyldimethylbenzyl ammonium chloride</td>
<td>Belgium</td>
<td>Disinfection of mushroom growth chambers and equipment</td>
</tr>
<tr>
<td>Cinosulfuron</td>
<td>Spain, Italy</td>
<td>Rice, Rice</td>
</tr>
<tr>
<td>Flamprop-M</td>
<td>Austria, Denmark</td>
<td>Spring wheat, Spring barley, Winter wheat, Winter barley</td>
</tr>
<tr>
<td>Hexaflumuron</td>
<td>Portugal, Spain</td>
<td>Citrus, Pinus</td>
</tr>
<tr>
<td>Methidathion</td>
<td>France, Germany, Italy, Portugal, Spain, Greece</td>
<td>Apple, pear, plum, citrus, Oil rape seed, Olives, Apple, pear, peach, olives, vines, citrus, mango and custard apple, Citrus, olives, Olives, apples, pears</td>
</tr>
<tr>
<td>Pretilachlor</td>
<td>France, Italy</td>
<td>Rice, Rice</td>
</tr>
<tr>
<td>Quinclorac</td>
<td>Spain, Greece, Portugal, Italy</td>
<td>Rice, Rice, Rice</td>
</tr>
<tr>
<td>Triadimefon</td>
<td>Sweden</td>
<td>Field grown strawberries, Tomatoes and cucumbers under glass</td>
</tr>
</tbody>
</table>