

**COUNCIL DIRECTIVE 79/117/EEC of 21 December 1978 Prohibiting the placing on the market and use of plant protection products containing certain active substances – unofficial consolidated version**

***Article 1***

This Directive concerns prohibition of the placing on the market and use of plant protection products containing certain active substances.

***Article 2***

For the purposes of this Directive the following definitions shall apply:

1. Plant protection products

Active substances and preparations containing one or more active substances intended:

1.1. To destroy organisms harmful to plants or plant products or to protect them from such organisms, in so far as such substances or preparations are not defined in the following provisions

1.2. To influence the life processes of plants, other than as a nutrient

1.3. To preserve plant products, in so far as such substances or products are not subject to special Council or Commission provisions on preservatives

1.4. To destroy undesired plants

Or

1.5. To destroy parts of plants or to prevent undesired growth of plants.

2. Substances

Chemical elements and their compounds, as they occur naturally or by manufacture.

3. Preparations

Mixtures or solutions composed of two or more substances, or of microorganisms or viruses used as plant protection products.

4. Active substances

Substances, micro-organisms and viruses, having general or specific action:

4.1. Against harmful organisms

Or

4.2. On plants, parts of plants or plant products.

5. Plants

Live plants and live parts of plants, including fresh fruit and seed.

6. Plant products

Products, in the unprocessed state or having undergone only simple preparation such as milling, drying or pressing, derived from plants, but excluding plants themselves as defined in point 5.

7. Harmful organisms

Pests of plants or of plant products, which belong to the animal or plant Kingdoms, or which are viruses, mycoplasmas or other pathogens.

8. Animals

Animals belonging to species normally nourished and kept or consumed by man.

9. Placing on the market

Any transfer of possession, whether in return for payment or free of charge.

10. Environment

The relationship of human beings with water, air, land and all biological

***Article 3***

Member States shall ensure that plant protection products containing one or more of the active substances listed in the Annex may be neither placed on the market nor used.

The first paragraph shall not apply to plant protection products which contain negligible impurities because of the nature of their manufacturing process, provided that they have no harmful effects on human beings, animals or the environment.

***Article 4***

1. By way of derogation from Article 3, Member States shall be temporarily authorized to permit the placing on the market or the use within their territory of plant protection products containing certain of the active substances listed in the first column of the Annex in the cases set out in the second column.

2. Member States shall inform the other Member States and the Commission of any cases in which paragraph 1 is applied and, if the Commission so requests, shall provide it with details of the extent to which each such active substance is used.

***Article 5***

The Directive shall not apply to plant protection products intended for:

(a) purposes of research or analysis

Or

(b) export to third countries.

### **Article 6**

1. After consultation by the Commission of the scientific committee on pesticides set up under Decision 78/436/EEC (4) the following shall be adopted in accordance with the procedure laid down in Article 8:
  - (a) any amendments necessary within groups a (mercury compounds) and b persistent organochlorine compounds) of the substances in column 1 of the annex
  - (b) any amendments necessary to column 2 of the annex. If a derogation is to be cancelled, prior consultation of the scientific committee shall not be necessary, provided that all Member States have informed the Commission that they do not intend or no longer intend to avail themselves of that derogation. This information may be supplied to the standing committee on plant health set up under Decision 76/894/EEC (5).
3. Any amendments to the Annex which are not provided for in paragraph 1 shall be adopted by the Council acting on a proposal from the Commission.
4. The Commission shall examine at least every two years whether and to what extent the second column of the Annex should be amended.
5. All amendments to the Annex shall be made by reason of the development of scientific and technical knowledge.
6. An active substance shall be included in the Annex if, even when properly applied for the purpose intended, its use gives rise or is likely to give rise to:
  - (a) harmful effects on human or animal health
  - (b) unreasonable adverse effects on the environment.

### **Article 7**

1. If it appears necessary, because of an unforeseeable danger threatening plant production which cannot be contained by other means, to use in a Member state a plant protection product containing one or more of the active substances listed in the annex, the Member State in question may permit the placing on the market and the use of such product for a maximum period of 120 days. It shall immediately inform the other Member States and the Commission of its action.
2. It shall be established without delay in accordance with the procedure laid down in Article 8 whether and, if so, under what conditions the action taken by the Member State pursuant to paragraph 1 may be continued or repeated.

### **Article 8**

1. Where the procedure laid down in this article is to be followed, matters shall be referred without delay by the chairman, either on his own initiative or at the request of a Member State, to the standing committee on plant health, hereinafter called " the committee ".
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.
3. The Commission shall adopt the measures and implement them forthwith where they are in accordance with the opinion of the committee. Where they are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall adopt the measures by a qualified majority. If the Council has not adopted any measures within three months of the proposal being submitted to it, the Commission shall adopt the proposed measures and implement them forthwith.

### **Article 9**

The Member States shall, not later than 1 January 1981, bring into force the laws, Regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

### **Article 10**

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1978.

For the Council

The President

Otto Graf Lambsdorff

<b>Names of active substances or groups of active substances referred to in Article 3</b>	<b>Cases in which placing on the market or use are permitted in accordance with Article 4</b>
<b>A. Mercury compounds</b>	
1. Mercuric oxide	(deleted)
2. Mercurous chloride (calomel)	(a) (deleted)

<p>3. Other inorganic mercury compounds</p> <p>4. Alkyl mercury compounds</p> <p>5. Alkoxyalkyl and aryl mercury compounds</p>	<p>(b) (deleted)</p> <p>(c) (deleted)</p> <p>(deleted)</p> <p>(deleted)</p> <p>(deleted)</p>
<p><b>B. Persistent organo-chlorine compounds</b></p> <p>1. Aldrin</p> <p>2. Chlordane</p> <p>3. Dieldrin</p> <p>4. DDT</p> <p>5. Endrin</p> <p>6. HCH containing less than 99-0 % of the gamma isomer</p> <p>7. Heptachlor</p> <p>8. Hexachlorobenzene</p> <p>9. Campheclor</p>	<p>(a) (deleted)</p> <p>(b) (deleted)</p> <p>(c) (deleted)</p> <p>(a) (deleted)</p> <p>(b) (deleted)</p> <p>(c) (deleted)</p> <p>(d) (deleted)</p> <p>(e) (deleted)</p> <p>(a) (deleted)</p> <p>(b) (deleted)</p> <p>Treatment at their preparation stage of beet seed against <i>Atomaria linearis</i>, <i>Agriotes spec.</i>, <i>Myriapoda</i> and <i>Collembola</i></p>
<p><b>C. Other compounds</b></p> <p>1. Ethylene oxide</p> <p>2. Nitrofen</p> <p>3. 1,2-Dibromoethane</p> <p>4. 1,2-Dichloroethane</p> <p>5. Dinoseb, its acetate and salts</p> <p>6. Binapacryl</p> <p>7. Captafol</p>	<p>(a) pathogen reduction of the following dried vegetables, intended for incorporation in food preparations which do not undergo full cooking treatment prior to consumption</p> <ul style="list-style-type: none"> <li>- asparagus</li> <li>- onions</li> <li>- leeks</li> <li>- mushrooms</li> </ul> <p>(b) pathogen reduction of dried herbs and spices<sup>1</sup></p> <p>(c) pathogen reduction of dried herbs intended exclusively for marketing without further processing as medicinal products</p>

<sup>1</sup> Plants and plant products rich in essential oils and aromatic principles mainly used as condiments because of their characteristic taste

<p>8. Dicofol containing less than 78 % of p.p.1-dicofol or more than 1 g/kg ddt and ddt related compounds</p> <p>9. (a) maleic hydrazide and its salts, other than its choline, potassium and sodium salts;</p> <p>(b) choline, potassium and sodium salts of maleic hydrazide containing more than 1 mg/kg of free hydrazine expressed on the basis of the acid equivalent</p> <p>10. Quintozene containing more than 1 g/kg of hcb or more than 10 g/kg pentachlorobenzene</p>	<p>(d) pathogen reduction of cocoa powder and cake</p> <p>(e) fumigation of tobacco leaf</p>
<p><i>Derogations (a), (d), and (e) shall expire on 31 December 1989 at the latest and derogations (b) and (c) on 31 December 1990 at the latest.</i></p>	