

COMMISSION DECISION

of 11 November 2005

concerning the non-inclusion of naled in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance*(notified under document number C(2005) 4351)***(Text with EEA relevance)**

(2005/788/EC)

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 the fourth subparagraph of Article 8(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 of 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 Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 703/2001 ⁽³⁾ lay down the detailed rules for the implementation of the second stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. For the active substance naled, the notifier informed the Commission on 2 December 2004 that it no longer wished to seek the inclusion of that substance in Annex I to Directive 91/414/EEC. Consequently, that active substance should not be included in that Annex and Member States should withdraw all authorisations for plant protection products containing naled.
- (3) A period of grace for disposal, storage, placing on the market and use of existing stocks should be provided to allow those stocks to be used in one further growing season.

- (4) 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

Naled shall not be included as an active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

- (a) authorisations for plant protection products containing naled are withdrawn by 11 May 2006;
- (b) no authorisations for plant protection products containing naled are granted or renewed from 12 November 2005.

Article 3

Any period of grace granted by Member States in accordance with Article 4(6) of Directive 91/414/EEC, for the disposal, storage, placing on the market and use of existing stocks shall be as short as possible and shall expire on 11 May 2007 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 11 November 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Regulation (EC) No 396/2005 of the European Parliament and of the Council (OJ L 70, 16.3.2005, p. 1).

⁽²⁾ OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

⁽³⁾ OJ L 98, 7.4.2001, p. 6.