

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (85) 711 final

Brussels, 16 December 1985

**Proposal for a
COUNCIL DIRECTIVE
amending Directive 79/117/EEC prohibiting the placing on the market
and use of plant protection products containing certain active
substances.**

(submitted to the Council by the Commission)

COM (85) 711 final

EXPLANATORY MEMORANDUM

Com 717

Council Directive 79/117/EEC requires Member States to 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 except in accordance with certain temporary derogations. Certain amendments to the Annex may be adopted by the Commission under a procedure laid down in the Directive. However, the application of that procedure is limited to a period of five years from 1 January 1981 and is therefore due to expire at the end of 1985. The object of the present proposal is to remove the limit on the application of the procedure.

PROPOSAL

for a Council Directive amending Directive 79/117/EEC prohibiting
the placing on the market and use of plant protection products
containing certain active substances

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and
in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Whereas Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing
on the market and use of plant protection products containing certain active sub-
stances (1), as last amended by Commission Directive 85/298/EEC (2), requires
Member States to 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 except in accordance with certain temporary derogations;

Whereas Article 6 (1) of the Directive provides for certain amendments to the
Annex to be adopted by the Commission, after consultation where appropriate,
of the Scientific Committee on Pesticides set up under Commission Decision
78/436/EEC (3), and after reference to the Standing Committee on Plant Health
set up under Council Decision 76/894/EEC (4);

Whereas Article 6 (2) of the Directive limits the application of that procedure
to a period of five years from 1 January 1981, but provides for the Council,
acting unanimously on a proposal from the Commission, to decide to extend the
period of validity of the procedure or to remove any limit on its application;

Whereas the reason for limiting the application of the procedure was to enable its
functioning to be monitored;

Whereas the experience thereby acquired has shown that the procedure operates well;

(1) OJ n° L 33, 08.02.1979, p. 36.

(2) OJ n° L 154, 22.05.1985, p. 48.

(3) OJ n° L 124, 12.05.1978, p. 16.

(4) OJ n° L 340, 09.12.1976, p. 25.

Whereas the limit on the application of the procedure should therefore be removed,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Article 6 (2) of Directive 79/117/EEC is hereby deleted.

Article 2

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,