

Council Directive of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances (79/117/EEC) (repealed)

*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:  
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;  
to, influence the life processes of plants, other than as a nutrient;  
to preserve plant products, in so far as such substances or products are not subject to special Council or Commission provisions on preservatives;  
to destroy undesired plants; or  
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 micro-organisms or viruses used as plant protection products.

4. *Active substances*

Substances, micro-organisms and viruses, having general or specific action:  
against harmful organisms; or  
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*

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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 forms.

*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<sup>(1)</sup> 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<sup>(2)</sup>.

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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.

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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.

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**Textual Amendments**

- F1** Deleted by [Council Directive of 26 May 1986 amending Directive 79/117/EEC prohibiting the placing on the market and use of plant protection products containing certain active substances \(86/214/EEC\)](#).

*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.

*<sup>F2</sup>Article 8*

1 The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up by Article 58 of Regulation (EC) No 178/2002<sup>(3)</sup>.

2 Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC<sup>(4)</sup> shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 The committee shall adopt its rules of procedure.]

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**Textual Amendments**

- F2** Substituted by [Council Regulation \(EC\) No 807/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure \(unanimity\)](#).

*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.

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- (1) OJ No L 124, 12. 5. 1978, p. 16.
- (2) OJ No L 340, 9. 12. 1976, p. 25.
- (3) [<sup>F2</sup>OJ L 31, 1.2.2002, p. 1.
- (4) OJ L 184, 17.7.1999, p. 23.]

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