

Commission Directive 2008/44/EC of 4 April 2008 amending
Council Directive 91/414/EEC to include benthialicarb,
boscalid, carvone, fluoxastrobin, *Paecilomyces lilacinus* and
prothioconazole as active substances (Text with EEA relevance)

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

1 Member States shall adopt and publish by 31 January 2009 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 February 2009.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

1 Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing benthialicarb, boscalid, carvone, fluoxastrobin, *Paecilomyces lilacinus* or prothioconazole as active substance by 31 January 2009. By that date, they shall in particular verify that the conditions in Annex I to that Directive relating to benthialicarb, boscalid, carvone, fluoxastrobin, *Paecilomyces lilacinus* or prothioconazole, respectively, are met, with the exception of those identified in part B of the entry concerning the active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13(2) of that Directive.

2 By way of derogation from paragraph 1, for each authorised plant protection product containing benthialicarb, boscalid, carvone, fluoxastrobin, *Paecilomyces lilacinus* or prothioconazole as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 July 2008 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning benthialicarb, boscalid, carvone, fluoxastrobin, *Paecilomyces lilacinus* or prothioconazole. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- a in the case of a product containing benthialicarb, boscalid, carvone, fluoxastrobin, *Paecilomyces lilacinus* or prothioconazole as the only active substance, where necessary, amend or withdraw the authorisation by 31 January 2010 at the latest; or
- b in the case of a product containing benthialicarb, boscalid, carvone, fluoxastrobin, *Paecilomyces lilacinus* or prothioconazole as one of several active substances, where

necessary, amend or withdraw the authorisation by 31 January 2010 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 August 2008.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 4 April 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission