



Notification Number: 2010/684/F

## Order on the banned use of certain products referred to in Article L253-1 of the French Rural Code in places visited by the general public or by groups of vulnerable people

Date received : 18/10/2010

End of Standstill : 19/01/2011

Issue of comments by : Commission

### Message

Message 002

Communication from the Commission - SG(2010) D/52548

Directive 98/34/EC

Translation of the message 001

Notification: 2010/0684/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201002548.EN)

#### 1. Structured Information Line

MSG 002 IND 2010 0684 F EN 18-10-2010 F NOTIF

#### 2. Member State

F

#### 3. Department Responsible

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#### 3. Originating Department

Ministère de l'Alimentation, de l'Agriculture et de la Pêche – Direction Générale de l'Alimentation – SPRSPP -



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#### **4. Notification Number**

2010/0684/F - C10C

#### **5. Title**

Order on the banned use of certain products referred to in Article L253-1 of the French Rural Code in places visited by the general public or by groups of vulnerable people

#### **6. Products Concerned**

Phytopharmaceutical products

#### **7. Notification Under Another Act**

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#### **8. Main Content**

This draft Order determines the products which, based on their classification, cannot be used in places visited by the general public or by groups of vulnerable people; these places are also defined.

Thus, the draft text prohibits the use of all phytopharmaceutical products in places frequented by children and ill people, with an exemption issued for products classified as 'hazardous for the environment' (Article 2 of the draft).

It also prohibits the use of phytopharmaceutical products containing active ingredients with CMR classification 1 or 2 in accordance with Directive 67/548/EEC (corresponding to categories 1A and 1B in accordance with Regulation 1272/2008) or (highly) persistent, (highly) bioaccumulative or toxic substances in public walking and leisure places (Article 3).

A usage ban is laid down for products classified as explosive, (highly) toxic, toxic, CMR3 and harmful to the skin, by inhalation or by ingestion. An exemption is issued as long as the treated sites can be closed to the public for at least 12 hours after treatment has been completed (Article 4).

The text also lays down the eviction of the public from certain places during and even after treatment. Marking and information on the treatments used shall be put in place (Articles 5 and 6).

Finally, the provisions of Articles 2, 3 and 4 do not apply when the treatment involves fighting harmful organisms subject to compulsory combat measures (Article 7).

#### **9. Brief Statement of Grounds**

This draft Order is introduced pursuant to Article 12(a) of Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides.

This draft aims to identify the products the classification of which poses most risk and to ban, as a result, the use



of these products in places frequented by the general public or groups of vulnerable people. The aim of this text is to protect public health, in particular that of individuals who, because of their state of health or their age, are the most sensitive. The text therefore lays down a broad ban on use of phytopharmaceutical products with regard to these individuals.

It lays down a more limited ban on using these products in places frequented by the general public without any distinction as to the public in question.

The ban laid down by this draft text therefore protects and provides better information for people who are not aware of the effects of using phytopharmaceutical products and who do not have the protective equipment used by professional users.

#### **10. Reference Documents - Basic Texts**

Reference texts: - Regulation (EC) No 1272/2008: Annex VII

- Regulation (EC) No 1907/2006: Annex XIII

- Article 12(a) of Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides.

- the French Rural and Sea Fisheries Code: Articles L.253-1 and L.253-3

- the French Public Health Code: Articles L.5132-2, R.6141-14 to R.6141-16, R.6161-1, D.6161-2, D.6124-401, D.6124-409, D.6124-431 and D.6124-463.

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

-

#### **16. TBT and SPS aspects**

TBT

No - The draft has no significant effect on international trade.

SPS

No - The draft has no significant effect on international trade.



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