



11 May 2022

(22-3697)

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Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1. Notifying Member: <u>EUROPEAN UNION</u> If applicable, name of local government involved:
2. Agency responsible: European Commission, Health and Food Safety Directorate-General
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Pesticides
4. Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5. Title of the notified document: Draft Commission Implementing Regulation amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance penflufen and repealing Implementing Regulation (EU) 2018/185 (Text with EEA relevance). Language(s): English. Number of pages: 4+3 https://members.wto.org/crnattachments/2022/SPS/EEC/22_3376_00_e.pdf https://members.wto.org/crnattachments/2022/SPS/EEC/22_3376_01_e.pdf
6. Description of content: This draft Commission Implementing Regulation provides that the approval conditions of the active substance penflufen are amended in accordance with Regulation (EC) No 1107/2009 based on the absence of submission of the confirmatory data as requested in Commission Implementing Regulation (EU) No 1031/2013 of 24 October 2013, approving the active substance penflufen for use in the European Union. Existing authorized plant protection products containing penflufen will be reviewed in accordance with the restriction set in this act. This decision only concerns the placing on the market of this substance and plant protection products containing it. Following non-approval and the expiry of all grace periods for stocks of products containing this substance, separate action will likely be taken on MRLs and a separate notification will be made in accordance with SPS procedures. This draft Commission Implementing Regulation was also notified under the TBT Agreement in notice G/TBT/N/EU/890.
7. Objective and rationale: <input checked="" type="checkbox"/> food safety, <input checked="" type="checkbox"/> animal health, <input checked="" type="checkbox"/> plant protection, <input checked="" type="checkbox"/> protect humans from animal/plant pest or disease, <input checked="" type="checkbox"/> protect territory from other damage from pests.
8. Is there a relevant international standard? If so, identify the standard: <input type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): <input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):

<p><input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number):</p> <p><input checked="" type="checkbox"/> None</p> <p>Does this proposed regulation conform to the relevant international standard?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, describe, whenever possible, how and why it deviates from the international standard:</p>
<p>9. Other relevant documents and language(s) in which these are available:</p> <ul style="list-style-type: none"> - Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1107&qid=1437730988988&from=EN - Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11 June 2011, p. 1–186) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02011R0540-20220301&qid=1651582218896 - Regulation (EC) No 1272/2008 of the European Parliament and of the Council, of 16 December 2008, on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31 December 2008, p. 1) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008R1272&qid=1651597406251 - EFSA (European Food Safety Authority), 6 October 2016. Conclusion on the peer review of the pesticide risk assessment of the active substance penflufen. EFSA Journal 2016;14(11):4604 https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2016.4604 - Opinion of 15 October 2018 concerning 5-fluoro-1,3-dimethyl-N-[2-(4-ethylpentan-2-yl)phenyl]-1Hpyrazole-4-carboxamide; 2'-[(RS)-1,3-dimethylbutyl]-5-fluoro-1,3-dimethylpyrazole-4-carboxanilide; penflufen (CLH-O-0000001412-86-233/F) https://echa.europa.eu/documents/10162/9cc30b92-d86c-d75e-74b7-a92bad9e3379
<p>10. Proposed date of adoption (dd/mm/yy): 3rd quarter 2022</p> <p>Proposed date of publication (dd/mm/yy): 3rd quarter 2022</p>
<p>11. Proposed date of entry into force: <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): 20 days following publication in the Official Journal of the European Union.</p> <p><input type="checkbox"/> Trade facilitating measure</p>
<p>12. Final date for comments: <input type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): Not applicable. Comments are only welcomed on TBT related issues and to be addressed to the TBT Enquiry Point on notice G/TBT/N/EU/890.</p> <p>Agency or authority designated to handle comments: <input checked="" type="checkbox"/> National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>European Commission EU-TBT Enquiry Point Fax: +(32) 2 299 80 43 E-mail: grow-eu-tbt@ec.europa.eu</p>

13. Text(s) available from: National Notification Authority, National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

European Commission
EU-TBT Enquiry Point
Fax: +(32) 2 299 80 43
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