



16 December 2013

(13-6895)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	<b>Notifying Member:</b> <u>EUROPEAN UNION</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
2.	<b>Agency responsible:</b> European Commission <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b>  European Commission EU-TBT Enquiry Point Fax: +(32) 2 299 80 43 E-mail: <a href="mailto:eu-tbt@ec.europa.eu">eu-tbt@ec.europa.eu</a> Website: <a href="http://ec.europa.eu/enterprise/tbt/">http://ec.europa.eu/enterprise/tbt/</a>
3.	<b>Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
4.	<b>Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Fenbutatin oxide (pesticide active substance)
5.	<b>Title, number of pages and language(s) of the notified document:</b> Draft Commission Implementing Regulation withdrawing the approval of the active substance fenbutatin oxide, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Implementing Regulation (EU) No 540/2011 (4 pages, in English).
6.	<b>Description of content:</b> The draft provides that fenbutatin oxide ceases to be included in the positive EU list of approved active substances and that Member States have to withdraw authorisations for plant protection products containing that substance. This draft Decision only concerns the placing on the market of this substance and does not affect the Community or national Maximum Residue Levels (MRLs) for residues of the concerned pesticide.
7.	<b>Objective and rationale, including the nature of urgent problems where applicable:</b> Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, sets up a harmonised framework for the authorisation and placing on the market of plant protection products in order to protect human health and the environment.  Fenbutatin oxide is a substance that has been approved through Commission Directive 2011/30/EU under the condition that the notifier submits, within defined deadlines, additional confirmatory information as regards the genotoxic potential and ecotoxicological relevance of impurities. In addition, information was requested as regards the characteristics of the formulated product.  That information failed to be submitted and, as a consequence, it is appropriate to

<p>withdraw the current approval.</p> <p>A grace period for placing on the market, disposal, storage and use of existing stocks of plant protection products containing fenbutatin oxide may be allowed by Member States, in accordance with the provisions of Article 46 of the Regulation, but shall not exceed 18 months, as from the entry into force of this draft Implementing Regulation.</p>	
<b>8.</b>	<p><b>Relevant documents:</b> 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, OJ L 309, 24.11.2009, p. 1.</p> <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:309:0001:0050:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:309:0001:0050:EN:PDF</a></p>
<b>9.</b>	<p><b>Proposed date of adoption:</b> April 2014</p> <p><b>Proposed date of entry into force:</b> The Regulation will enter into force 20 days after its publication. Member States have to withdraw all existing authorizations for plant protection products containing fenbutatin oxide 6 months after the date of entry into force.</p>
<b>10.</b>	<p><b>Final date for comments:</b> 60 days from notification</p>
<b>11.</b>	<p><b>Text available from: National enquiry point [X], or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body:</b></p> <p>European Commission  EU-TBT Enquiry Point  Fax: + (32) 2 299 80 43  E-mail: <a href="mailto:eu-tbt@ec.europa.eu">eu-tbt@ec.europa.eu</a></p> <p>The text is available on the EU-TBT Website: <a href="http://ec.europa.eu/enterprise/tbt/">http://ec.europa.eu/enterprise/tbt/</a>  <a href="http://members.wto.org/crnattachments/2013/tbt/EEC/13_4864_00_e.pdf">http://members.wto.org/crnattachments/2013/tbt/EEC/13_4864_00_e.pdf</a></p>