



28 September 2022

(22-7273)

Page: 1/2

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>EUROPEAN UNION</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: European Commission 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: European Commission, EU-TBT Enquiry Point, Fax: +(32) 2 299 80 43, E-mail: grow-eu-tbt@ec.europa.eu Website: http://ec.europa.eu/growth/tools-databases/tbt/en/
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Captan (pesticide active substance)
5. Title, number of pages and language(s) of the notified document: Draft Commission Implementing Regulation renewing the approval of the active substance captan 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 the Annex to Commission Implementing Regulation (EU) No 540/2011; (4 page(s), in English), (3 page(s), in English)
6. Description of content: This draft Commission Implementing Regulation provides that the approval of the active substance captan is renewed with restriction to uses in greenhouses, in accordance with Regulation (EC) No 1107/2009. EU Member States shall amend/withdraw authorisations for plant protection products containing captan as an active substance. The restricted renewal of approval is based on the first evaluation of the substance for use as a pesticide active substance in the EU under Regulation (EC) No 1107/2009. The substance was formerly assessed and approved under Directive 91/414/EEC. This decision only concerns the placing on the market of this substance and plant protection products containing it. Separate action will likely be taken on MRLs and a separate notification will be made in accordance with SPS procedures.
7. Objective and rationale, including the nature of urgent problems where applicable: In order for an active substance to be approved in accordance with Regulation (EC) No 1107/2009 (concerning the placing of plant protection products on the market), it must be demonstrated that the substance is not harmful to human health,

animal health or the environment. Criteria are listed in Article 4 of the Regulation (and also detailed in Annex II thereto) which must be met to enable approval.

During the evaluation and peer-review of captan, a number of concerns and areas that could not be finalised were identified. These are detailed in the conclusion of the European Food Safety Authority (EFSA) and reported here after:

- Risk to wild non-target terrestrial vertebrates,
- Risk to wild non-target terrestrial organisms other than vertebrates,
- Risk to aquatic organisms.

These concerns and areas that could not be finalised mean that not all the uses of captan meet the approval criteria as outlined in Regulation (EC) No 1107/2009 and only uses restricted to greenhouses (with the obligation that they remain closed from the time of application until harvest) can be currently approved.

Existing authorisations will need to be amended or withdrawn in line with Article 43 of Regulation 1107/2009; Protection of human health or safety; Protection of animal or plant life or health; Protection of the environment

8. Relevant documents:

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: <http://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, 11.6.2011, p. 1-186*)

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1442928512004&uri=CELEX:32011R0540>

Conclusion on the peer review of the pesticide risk assessment of the active substance captan.

EFSA (European Food Safety Authority), 2020. Conclusion on the peer review of the pesticide risk assessment of the active substance captan. *EFSA Journal* 2020;18(8):6230.

9. Proposed date of adoption: 1st quarter 2023

Proposed date of entry into force: 20 days following publication in the Official Journal of the EU

10. Final date for comments: 60 days from notification

11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:

European Commission,
EU-TBT Enquiry Point,
Fax: + (32) 2 299 80 43,
E-mail: grow-eu-tbt@ec.europa.eu

The text is available on the EU-TBT Website : <http://ec.europa.eu/growth/tools-databases/tbt/en/>

https://members.wto.org/crnattachments/2022/TBT/EEC/22_6607_00_e.pdf

https://members.wto.org/crnattachments/2022/TBT/EEC/22_6607_01_e.pdf