



EUROPEAN COMMISSION

HEALTH AND FOOD SAFETY DIRECTORATE GENERAL

SANTE E

sante.ddg2.g.5(2018)4629957

## APPEAL COMMITTEE

### Plant Protection Products - Legislation

12 July 2018

### SUMMARY REPORT

Chair: Céline Gauer

#### 1. Adoption of the Agenda

The agenda was adopted without amendments.

#### 2. Exchange of views and possible opinion of the Committee on Draft Commission Implementing Regulation concerning the non-renewal of approval of the active substance diquat, 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.

The Chair introduced the draft Commission Implementing Regulation concerning the non-renewal of the approval of diquat for use as an active substance in plant protection products, which was the same as that presented to the Standing Committee on Plants, Animals, Food and Feed (PAFF) on 25 May 2018.

As the PAFF Committee had not delivered an opinion in its meeting on 25 May the Commission had referred the same draft Regulation to the Appeal Committee pursuant to Article 5(4) of Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

No Member State raised questions or comments and therefore the draft was presented to the Committee for an opinion.

The Chair asked whether any Member State had changed its position compared to the vote in the PAFF. Several Member States changed their positions.

Vote taken: **no opinion**

Reasons for negative vote or abstention:

- Consideration that the calculation of the non-dietary risk with the German model can demonstrate acceptable risk for bystanders and residents;
- Consideration that risk mitigation measures can be applied to address the non-dietary risks identified;
- Consideration that the risk assessment is too conservative;
- Importance of diquat for local agriculture and the lack of alternatives, including for desiccation;
- Consideration that the risk to birds can be addressed at Member State level;

The Chair informed the members of the Committee that, in accordance with Regulation (EC) No 182/2011, the Commission would consider proceeding with the adoption of the measure, subject to confirmation.

**3. Exchange of views and possible opinion of the Committee on Draft Commission Implementing Regulation concerning the non-renewal of approval of the active substance pymetrozine, 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 Commission Implementing Regulation (EU) No 540/2011**

The Chair introduced the draft Commission Implementing Regulation concerning the non-renewal of the approval of pymetrozine for use as an active substance in plant protection products, which was the same as that presented to the Standing Committee on Plants, Animals, Food and Feed (PAFF) on 14 June 2018.

As the PAFF Committee had not delivered an opinion in its meeting on 14 June the Commission had referred the same draft Regulation to the Appeal Committee pursuant to Article 5(4) of Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

One Member States asked to postpone the vote until a later date to enable further discussions to take place. The Chair explained that there had already been lengthy discussions on this substance and that a further delay was not justifiable.

The Chair asked whether any Member State had changed its position compared to the vote in the PAFF. One Member State changed its position.

Vote taken: **no opinion**

Reasons for negative vote or abstention:

- Consideration that the use of pymetrozine on oilseed rape only every third year on the same field could be safe for groundwater;
- Consideration that the endocrine disrupting potential could be addressed by setting a request for confirmatory information;
- Importance of the substance for production of certain crops, including oilseed rape.

The Chair informed the members of the Committee that, in accordance with Regulation (EC) No 182/2011, the Commission would consider proceeding with the adoption of the measure, subject to confirmation.

**4. Exchange of views and possible opinion of the Committee on Draft Commission Implementing Regulation concerning the non-renewal of approval of the active substance thiram, and prohibiting the use and sale of seeds treated with plant protection products containing thiram, 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 Commission Implementing Regulation (EU) No 540/2011**

The Chair introduced the draft Commission Implementing Regulation concerning the non-renewal of the approval of thiram for use as an active substance in plant protection products, which was the same as that presented to the Standing Committee on Plants, Animals, Food and Feed (PAFF) on 14 June 2018.

As the PAFF Committee had not delivered an opinion in its meeting on 14 June the Commission had referred the same draft Regulation to the Appeal Committee pursuant to Article 5(4) of Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

No Member State raised questions or comments and therefore the draft was presented to the Committee for an opinion.

The Chair asked whether any Member State had changed its position compared to the vote in the PAFF. No Member State changed its position.

Vote taken: **no opinion**

*Reasons for negative vote or abstention:*

- Consideration that the risk to birds and mammals could be addressed at national level using mitigation measures and by new data that could be requested as confirmatory information, or taken into account during the assessment of products;
- Consideration that the approval could be renewed subject to a restriction for use as a seed treatment only;
- Importance of the substance for treatment of seeds and the lack of alternative fungicides.

The Chair informed the members of the Committee that, in accordance with Regulation (EC) No 182/2011, the Commission would consider proceeding with the adoption of the measure, subject to confirmation.

**5. Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Commission Implementing Regulation (EC) No 540/2011 as regards the conditions of approval of the active substance malathion**

The Chair introduced the draft Commission Implementing Regulation concerning the amendment to the conditions of the approval of thiram for use as an active substance in plant protection products, which was the same as that presented to the Standing Committee on Plants, Animals, Food and Feed (PAFF) on 14 June 2018.

As the PAFF Committee had not delivered an opinion in its meeting on 14 June, the Commission had referred the same draft Regulation to the Appeal Committee pursuant to Article 5(4) of Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

No Member State raised questions or comments and therefore the draft was presented to the Committee for an opinion.

The Chair asked whether any Member State had changed its position compared to the vote in the PAFF. One Member State changed its position.

Vote taken: **no opinion**

*Reasons for negative vote or abstention:*

- Desire for a withdrawal of approval due to concerns about the substance for human health;
- General objection to restricting approvals at Union level;
- Importance of the substance for agriculture.

The chair informed the members of the Committee that, in accordance with Regulation (EC) No 182/2011, the Commission would consider proceeding with the adoption of the measure, subject to confirmation.

N.B. The drafts on which the Committee expressed an opinion are subject to a defined procedure in relation to the formal adoption by the Commission.