EUROPEAN COMMISSION

HEALTH AND FOOD SAFETY DIRECTORATE GENERAL

Brussels,
sante.ddg2.g.5(2019)3047473

SUMMARY RECORD OF THE APPEAL COMMITTEE

Genetically Modified Food and Feed
and
Phytopharmaceuticals - Pesticides Legislation

11 APRIL 2019

Chair: Sabine Jülicher

1. Adoption of the Agenda

The agenda was adopted without amendments.

2. Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation concerning the non-renewal of approval of the active substance chlorpropham, 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 chlorpropham 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 on 22 February 2019.

As the PAFF Committee had not delivered an opinion in its meeting on 22 February 2019 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.

The Chair explained that since the PAFF Committee on 22 February 2019, the applicants (the CIPC Task Force) had informed the Commission that they wished to withdraw support for all representative uses except for use on flower bulbs. The letter and several associated emails and their Annexes, containing an amended version of the draft review report written by the CIPC Task Force, had also been made available to Member States in advance of the Appeal Committee.

The Commission explained that despite this change, it maintained its proposal not to renew the approval of chlorpropham given that, in particular, for the use on flower bulbs the risk assessment for non-target arthropods could not be carried out and a risk could not be excluded, based on the data provided in the dossier and during the peer review by the applicants.

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

Taking into account the withdrawal of support for all uses expect for the use on flower bulbs, several Member States indicated that their position had changed compared to their vote in the PAFF Committee of 22 February. The Chair asked the Member States to consider a factual update in recital 11 of the legal text to reflect the change in the uses supported by the applicants, which was the reason for Member States' modified positions. Member States supported such an update to recital 11.

The draft was presented to the Committee for an opinion.

Vote taken: no opinion

Reasons for the negative vote or abstention:
- Consideration that a refined GAP/change of use could allow for an acceptable risk to consumers from the use on potatoes;
- Consideration that despite the data gaps and uncertainties identified an acceptable use for use as a herbicide could be concluded;
- Consideration that the risk assessment for non-target arthropods could be addressed at Member State level, taking into account new data that came available after the peer-review process;
- Support for a restricted renewal of approval for use on flower bulbs only;
- Consideration that a requirement to provide confirmatory information could address the data gaps and uncertainties identified.

The chair informed the members of the Committee that, in accordance with Regulation (EU) No 182/2011, it is now for the Commission to decide on this non-renewal of approval.

3. Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 (MON-87751-7), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council.

The Chair introduced the draft Commission Implementing Decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751, which was the same as that presented to the Standing Committee on 7 March 2019.

The Chair established whether any Member State had changed its position or whether Member States had any further comments. No Member State raised questions and therefore the draft was put up for vote.

Vote taken: no opinion

Reasons for the negative vote or abstention:
- No agreed national position
- Negative public opinion
- Political reasons
- Risk assessment deemed not sufficient

The chair informed the members of the Committee that, in accordance with Regulation (EU) No 182/2011, it is now for the Commission to decide on this authorisation.

4. Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize 1507 × NK603 (DAS-Ø15Ø7-1 × MON-ØØ6Ø3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council.

The Chair introduced the draft Commission Implementing Decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize 1507 × NK603, which was the same as that presented to the Standing Committee on 7 March 2019.

The Chair established whether any Member State had changed its position or whether Member States had any further comments. No Member State raised questions and therefore the draft was put up for vote.

Vote taken: no opinion

Reasons for the negative vote or abstention:
- No agreed national position
- Negative public opinion
- Political reasons
- Risk assessment deemed not sufficient

The chair informed the members of the Committee that, in accordance with Regulation (EU) No 182/2011, it is now for the Commission to decide on this authorisation.