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**Guidance Document on the renewal of active substances included in Annex I
of Council Directive 91/414/EEC to be assessed in compliance with Regulation
1141/2010 (the renewal regulation)**

This document has been conceived as a working document of the Commission Services, which was elaborated in co-operation with the Member States. It does not intend to produce legally binding effects and by its nature does not prejudice any measure taken by a Member State within the implementation prerogatives under Annex II, III and VI of Council Directive 91/414/EEC, nor any case law developed with regard to this provision. This document also does not preclude the possibility that the European Court of Justice may give one or another provision direct effect in Member States.

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1. Background

According to the DGSANCO Strategy paper for the further renewal of active substances, an initial Regulation for the second set of substances requiring a renewal assessment will be made under Directive 91/414/EEC. However, the criteria in Regulation 1107/2009 will apply to decisions to be taken on the substances. It is therefore necessary to include certain elements in a guidance document to supplement the renewal regulation, and also to provide further details on the procedures to be followed.

This guidance document should be read in conjunction with the renewal regulation, Directive 91/414/EEC and Regulation (EC) 1107/2009.

2. Guidance on Application

2.1 General

Specific application provisions are included in the renewal regulation. According to those provisions, applicants should use the format described in Annex II of that Regulation and include an "Updating Statement" which is laid down in Appendix I of this Guidance document and below described in point 2.3.

The applicants should identify the new data they intend to submit already in this first phase, as any new data submitted need to be justified in terms of change of data requirements, changes to scientific and technical knowledge, development of guidance documents, necessity to amend and/or extend the inclusion restrictions or changes in the range of representative uses. They should also provide a timetable for any new or on-going studies. The finalised studies have to be submitted with the dossier of renewal.

They shall also identify all information (giving reasons) that should be kept confidential and keep it separately and submit any data protection claims.

In addition, studies involving vertebrates should be listed in a separate list to be able to easily identify them in order to facilitate the possible sharing of costs and results.

2.2 Application format

The format is given in Annex II of the renewal regulation.

2.3 Updating Statement

The "Updating Statement" referred to in the renewal regulation is intended to set out the state of the art (documentation, decisions and issues) and should be prepared in the format given in Appendix 1. In preparing the Updating Statement the Review Report from the original Annex I inclusion, including Background Documents A, B and C must be available to the potential applicants and Rapporteur Member State (RMS). It is considered that the RMS for the first inclusion should assist in the provision of these documents.

3. Guidance on pre-submission meetings

The objective of these meetings is to establish a common understanding between the applicant, RMS and Co-RMS regarding the dossier to be submitted. The discussion should be based upon the Updating Statement prepared by the applicant. It should be noted that the Member States authorities cannot be definitive on data requirements which are ultimately dependent on the full evaluation and peer review. The RMS may wish to discuss issues with the European Food Safety Authority (EFSA) and other Member States.

In particular the meeting should:

- clearly identify the preparations and range of uses to be supported;
- clearly identify the specifications and test materials used in the new studies;
- identify the current classification status of the active substance and any factors that may have an influence on classification;
- reach an understanding of the guidance that will or could apply to the submission;
- draw attention to the EFSA manuals where relevant;
- systematically consider the potential issues that may arise in the evaluation with respect to the criteria in Article 4 (discussion can only be very preliminary based on the information given by the applicant at that time, as the decision on the applicability of the cut-off criteria is result of the main evaluation of the dossier) and Annex II of Regulation 1107/2009 including point 4 of Annex II (candidates for substitution);
- consider if the substance is to be proposed by the applicant as a 'low risk' substance;
- take account of the documentation supporting first inclusion.

The following standard disclaimer should be used by Member States in all presubmission meetings:

This meeting is to assist the applicants in preparing their dossier. The advice given does not bind the Member States, EFSA or the European Commission and should not be seen to create any expectations on the part of the applicants concerned.

The following standard disclaimer should be used by Member States in all records and minutes of pre-submission meetings:

This is a record of pre-submission meeting held to assist the applicant in preparing their dossier. The advice given does not bind the Member States, EFSA or the European Commission and should not be seen to create any expectations on the part of the applicant concerned.

4. Guidance on Dossier Submission

Dossier content is specified in the Commission Regulation on renewal (SANCO/10055/2010).

4.1 Dossier format

The dossier should be submitted according to the dossier guideline SANCO/10518/2005 rev.5 which is available at http://ec.europa.eu/food/plant/protection/resources/publications_en.htm

pending development of any new formats that may be agreed by the Standing Committee.

Further details are specified in the renewal regulation including the need to demonstrate that the data submitted are necessary for renewal and the uses to be supported.

Any additional information required below should be submitted as a single supplement to the dossier.

It is expected that the dossier will be provided in CADDY-xml format and that word summaries will be included within the CADDY-xml submission as attachments. Further information on CADDY and the CADDY-xml format specification can be obtained from <http://caddy.ecpa.be>.

The numbers and formats of dossiers required by RMS are set out in http://ec.europa.eu/food/plant/protection/evaluation/eas_2010.pdf and http://ec.europa.eu/food/plant/protection/evaluation/nas_2010.pdf.

4.2 Application of technical guidance documents

The technical guidance to be applied should be that available at the time of entry into force of the Regulation xxxx/2010 (AIR2 Regulation).

4.3 Substance specification

The parts of the dossier related to the specification of the active substance always have to be submitted. The site(s) of manufacture must be clearly identified and changes to methods of analysis, starting materials and the age of the 5 batch analysis data must be considered as this will be subject to detailed scrutiny by the rapporteur (see 5.4 below).

4.4 Representative product and uses

The range of supported uses should reflect a representative use pattern and including whenever possible the uses evaluated for Annex I inclusion.

It has to be demonstrated that plant protection products containing the active substance will fulfil the requirements laid down in Article 4 of the new regulation 1107/2009.

It is preferable that the representative formulation contains only the active substance under review as the active ingredient. However, if no such product exists or is not selected as "representative" for other reasons, a representative formulation can be submitted containing one or more other substances.

Representative use should be on a widely grown crop, if not justification has to be submitted.

A full dossier is required for the representative formulation chosen.

The principal uses to be supported should be those required by Regulation 1107/2009, Article 8 (1) a – that is one or more representative uses on a widely grown crop in each

zone, where commercial authorisations are granted or considered for, of at least one plant protection product. However, for renewal Article 14 establishes that the approval criteria should be satisfied for one or more representative uses of at least one plant protection product. Therefore, the applicants may wish to consider whether they should include additionally uses which will facilitate the authorisation of products in Member States within the zones in subsequent stages, including application of the risk envelope approach set out in the zonal and interzonal worksharing guidance document SANCO 6896/2009 (*depending on the outcome of the final document on the risk envelope approach*).

4.5 Dossier for classification and labelling

Where it is considered that a significant change in classification is required (i.e. the revision of an existing classification based on new data/interpretation or a new proposal for classification) that potentially has a bearing on the approval criteria laid out in Annex II of Regulation 1107/2009 then the submission of a classification and labelling dossier (C & L dossier) to the European Chemicals Agency (ECHA) will be required.

The format and content of the C & L dossier, which requires the submission of structured IUCLID 5 files and word/pdf documentation, must be in accordance with the CLP Regulation and ECHA guidance.

Such a dossier may therefore be required for submission to ECHA at the same time that the Renewal Assessment Report is submitted to EFSA. Hence it should be noted that applicants may be required to compile or support the compilation of such a dossier during the period of Renewal Assessment Report finalisation. Applicants should therefore ensure that they liaise with the RMS on the need for such a submission and the input/timescales expected. This will allow ECHA to consider the proposal for classification and to examine the proposal in view of any possible request of derogation as described in point 4.7.1 and 5.3 below.

RMS will have to send in parallel to EFSA and ECHA the renewal assessment report and the proposal for classification.

4.6 Dossier for MRLs review

It is strongly recommended that applicants should submit all MRLs applications which they considered necessary for extension of uses or for possible amendment of existing MRLs (not only those relevant to the supported uses), in order to allow an efficient and comprehensive assessment for MRLs setting, including chronic exposure of consumers.

4.7 Additional dossier requirements

As the deadlines foreseen for the submission of the dossier will be beginning- mid 2012, considering the transition from Directive 91/414/EEC to Regulation 1107/2009, it is necessary to foresee the submission of documentation in the dossier in order to demonstrate compliance with the new criteria of approval established under the provisions of Regulation 1107/2009 which will repeal Directive 91/414/EEC from 14 June 2011.

4.7.1 *Substance approval criteria*

The dossier should include a statement and supporting analysis on whether the criteria for approval of an active substance under Regulation 1107/2009, Annex II are met.

The dossier should also state if it is proposed that the substance is a 'low risk' substance and if so specifically address the criteria in Annex II, Section 5 of Regulation 1107/2009.

Article 4(7) Regulation 1107/2009

If it is expected that the substance will not meet the requirements set out in 3.6.3, 3.6.4, 3.6.5 and 3.8.2 of Annex II and is not a carcinogen category 1A, 1B without a threshold or toxic to reproduction category 1A and is considered to be necessary to control a serious danger to plant health the following information should be included in the dossier:

- a statement of the uses and Member States where such a use is necessary.
- an analysis of alternative control measures including non chemical methods.
- an analysis of the impact of not authorising products containing the substance in question to justify that a 'serious danger' exists. Including pathogen damage assessment documentation.
- a statement and supporting analysis of the risk mitigation measures to ensure that exposure of humans and the environment is minimised.'

4.7.2 *Substance efficacy*

The dossier should include an overview of the efficacy information concerning representative and supported uses already authorised in Member States according to the format provided in Appendix II of this Guidance. The Table I of Appendix II will report a list of representative uses among which the supported ones with their current authorisation status.

Considering that the substance was included and authorisations of plant protection products containing the substance have already been evaluated according to the Uniform Principles of Annex VI of Directive 91/414/EEC, no other efficacy documentation is deemed to be necessary at this stage.

4.7.3 *Scientific peer-reviewed open literature*

To include peer-reviewed open literature the applicant should follow the recommendations included in the specific Guidance document under development from EFSA.

4.8 Claims for data protection

Claims for data protection should be included in the dossier. When making such claims the notifier should consider whether the provisions of Directive 91/414 apply through Article 80(2)c of Regulation 1107/2009 (substances for which Annex I inclusion expired by 24 November 2011) or whether the provisions of Regulation 1107/2009 will apply.

4.9 Submission of copy of the original dossier.

Where requested and the applicant has physical access to the dossier, relevant parts of the original dossier and any relevant updates should be provided to Member States and EFSA. Where the applicant does not have access to the original dossier (for example a new manufacturer is supporting the substance and the original one is not) then the relevant Member States and the Commission will agree how the relevant parts of the dossier can be provided to the Member States who require it or EFSA.

5. Guidance on the preparation of the Renewal Assessment Report

5.1 Renewal assessment report format

In principle the Renewal Assessment Report should follow the formatting guidelines for Draft Assessment Reports (DARs). Depending on the original DARs, the complexity of the peer review in the first Annex I inclusion process, extent and nature of the new data submitted and assessments required the RMS may choose to prepare a complete new Assessment Report or prepare addenda to the existing DAR. However, in all cases a fully updated Volume 1 should be prepared. Volume 1 should include the list of end points.

Member States should ensure that they take account of any addenda to the original DAR and evaluations/ conclusions presented, for example, in Discussion and Evaluation Tables.

The conclusion in the Renewal assessment report should address whether the requirements of Article 4 of Regulation 1107/2009 are satisfied. The report may also consider additional uses submitted according to point 4.4 of this document. The conclusion for these uses must be clearly distinct. The EFSA conclusion, where it is requested, may also consider the additional uses.

A complete and up to date list of studies relied upon should also be included in the report. This should be prepared in line with the principles in SANCO/10435/2004, Guidance document on preparation of lists of studies relied upon with a view to Annex I – inclusion of existing active substances.

5.2 RMS and Co-RMS cooperation

Arrangements for working between the RMS and Co-RMS are not prescribed but should be left flexible to accommodate alternative approaches within the legal requirements set out in the renewal regulation. Possibilities include the Co-RMS preparing directly parts of the assessment report or peer reviewing the work of the RMS.

5.3 First evaluation of approval criteria

As the deadlines foreseen for the submission of the dossier will be beginning -mid 2012, considering the transition from Directive 91/414/EEC to Regulation 1107/2009, it is necessary to underline that the assessment from the RMS will be carried out under the provisions of Regulation 1107/2009 which will repeal Directive 91/414/EEC from June 2011. Therefore, the RMS will start to examine the compliance to approval criteria as laid down in Article 4 (2) and when the criteria set out in points 3.6.2 to 3.6.4 and 3.7. of Annex II are not satisfied, the RMS shall limit the assessment report to that part (as laid down in Article 11(2) of Regulation 1107/2009).

The Renewal assessment report should be completed despite the possible non compliance with the approval criteria of Annex II points 3.6.3. to 3.6.5 and 3.8.2. in case the applicant submitted documentation to demonstrate that the derogation of Article 4(7) of Regulation 1107/2009) could be applied. Such documentation should be subject to an assessment included in a specific addendum to the Renewal Assessment Report.

5.4 Assessment of substance specification

In principle, the minimum purity and maximum contents of relevant impurities as originally set for the first inclusion of the active substance would be kept. However, in justified cases they would be amended as in case of safety concerns.

The rapporteur should evaluate the new data related to the substance identity (point 4.3) to assess whether the new data is in compliance with the reference specification or if it is equivalent according to SANCO/10597/2003. The result of this assessment may require an update of the reference specification. In particular the following should be considered:

- whether the age and quality of the supporting data (for example 5 batch/ Q.C. data, analytical methods) is such that the existing reference specification can no longer be considered applicable. This concerns e.g. the detection of previously undetected relevant impurities;
- whether the new proposed specification is covered by the batches used in the toxicological and ecotoxicological studies;
- whether the FAO specification is mentioned in the inclusion and whether this is still applicable;
- whether the current specification leads to reduced risks based on changes in purity and impurity profile which should be reflected in the reference specification.

The rapporteur should include in the Renewal assessment report a recommendation as to whether the reference specification for first Annex I inclusion requires updating or if the reference specification is still applicable. These considerations will be reflected in the EFSA conclusion, where one is requested, and by the Commission when making the decision for renewal of the substance.

Appendix I

“UPDATING STATEMENT”

The “Updating Statement” should describe the “state-of-the-art” prior to evaluation and preparation of the Renewal assessment report, with the purpose to:

- early in the process identify data gaps that need to be fulfilled at dossier submission, and
- identify areas on which the subsequent evaluation must be focussed.

1. BACKGROUND

[Brief overview with dates and decisions related to the 1st inclusion in Annex I including listing of any specific provisions stated in the inclusion decision; GAP included in the assessment for the 1st inclusion; listing of data gaps identified during the previous evaluation and the subsequent peer review; identification of Addenda or evaluations in other forms such as statements in the assessment report of the previous process; details of the application for renewal of Annex I inclusion. In addition the listing of end points agreed at the 1st inclusion should be provided with any changes proposed (being derived from the assessment of the new studies or revised risk assessments presented in the renewal) being clearly identified by adding to the endpoints table a column to report the changes whenever possible.]

2. THE ACTIVE SUBSTANCE AND THE PLANT PROTECTION PRODUCT

[Identification of additional data needed for the re-assessment, such as batch no. and purity of test substance used for (old and new) toxicological and ecotoxicological studies, and justification for deviations from the profile of the active substance of the application for renewal of Annex I inclusion; potential data requested in case the formulation of the representative product will change since the 1st inclusion.]

3. SPECIFIC CONCLUSIONS BASED ON PREVIOUS EVALUATION

[Brief overview, section by section, of data available for the 1st inclusion and the conclusions of the previous evaluation; identification of potential areas of concern; guidance on what will be expected from the re-submission, with a view on new test methods and development of guidance since the 1st inclusion.]

3.1. Identity, physical/chemical/technical properties and methods of analysis

[Subheadings to be added as appropriate.]

3.2. Mammalian toxicology

[Subheadings to be added as appropriate.]

3.3. Residues

[Subheadings to be added as appropriate – include information on current MRL status.]

3.4. Environmental fate and behaviour

[Subheadings to be added as appropriate.]

3.5. Ecotoxicology

[Subheadings to be added as appropriate.]

3.6. Definition of the residues

[Specification of matrices for which residue definition will be needed.]

3.7. Overview of compounds currently identified for the environmental compartments

[EFSA table format with metabolites identified in the previous evaluation, and studies currently available on them.]

3.8 Classification and Labelling

[Subheadings to be added as appropriate- – include information on current classification and labelling status]

4. LIST OF STUDIES TO BE GENERATED, STILL ONGOING BUT NOT EVALUATED AND/OR NOT PEER REVIEWED

[List of data gaps (identified in the previous sections 3.1-3.7) that need to be fulfilled at dossier submission or within the allowed time-frame thereafter; including studies made available during previous peer review but which were not subject to evaluation and reported in Addendum.]

5. IDENTIFIED AREAS FOR WHICH DETAILED RE-EVALUATION IS NEEDED IN DOSSIER FROM APPLICANT AND IN EVALUATION BY RMS/Co-RMS.

[A list of areas proposed to be addressed for which the previous assessment have identified potential concerns for human health or the environment, and/or for which there have been scientific and technical developments since the previous assessment.]

Appendix II

Efficacy Information

Active Substance: xx

Product Code A1234

XX g/L or g/kg

Applicant: Insert company name

Date: xx/xx/xxxx

Statement

<active substance> contained in product A1234 has been tested in field development trials which demonstrated efficacious activity.

<active substance> contained in product A1234 has been registered in many EU countries based on detailed national assessments of the efficacy package in compliance with Annex III data requirements of Directive 91/414/EEC and according to the Uniform Principles, with which Member States authorities were satisfied.

1. INTRODUCTION

This document summarises the information related to the efficacy of the <active substance(s)> which was included into (<insert directive number etc>) and for which a dossier is now submitted for Annex I Renewal.

2. FUNCTION

<active substance(s)> acts as a (*selective post-emergent dicot herbicide*).

3. FIELD OF USE

<active substance(s)> containing products are used in agriculture as post-emergent foliar sprays in wheat, triticale and rye for dicot weed control. The products are not recommended in barley. The active substance is always used together with the safener <substance>, which provides crop tolerance.

4. SUPPORTED USES

Table 1 identifies representative uses which have been selected to support renewing the approval of <active substance>:

These uses are representative because [*justify why they are representative, including foliage and soil applications, dose rates, frequency of application and time of application for representative products , such that a relevant risk envelope may be defined*].

Applicants are encouraged to include as representative uses examples of uses for the same target and crop where the recommended dose differs between Member States.

5. OVERVIEW OF Current Registrations

The active substance <Active substance> was discovered by <ai manufacturer>, in <year>. <active substance> was first developed for <use x, y, x> in < crop>. Later its use was extended to include a range of additional crops including <other crops>. <active substance in product A1234 > was first registered in < year>. It has since become widely registered in European countries including < country X , country y, country z>.

Registrations for a range of different formulation have been achieved in Europe. These include <formulation a, b, c>.

6. HARMFUL ORGANISMS CONTROLLED AND CROPS TREATED

<active substance(s)> containing products are used at rates as shown in Table 1 and control the most important (*dicot weed species like xxxxxx yyyyyyy, zzzzzzzzzz jjjjjjjjjjjj, aaaaaa spp., and bbbbbbbb spp.,*)

5. METHOD OF APPLICATION

[Brief details for example an herbicide] in low field crops... in vines....

6. MODE OF ACTION - EFFECTS ON HARMFUL ORGANISMS

[Brief details of Mode of Action for example an herbicide]

<active substance> is a <pesticide description> used in agriculture for control of (pest type, y, z) in a range of crops. <active substance> is a <contact /residual, systemic> <pesticide type>belonging to the group of the <pesticide group>)

<active substance > is taken up by the meristem tissues of the shoot and root. The principal effect is achieved by uptake via the hypocotyl.

Uptake of <active substance> into plants from pre-emergence application usually results in death of <target>at <application window>.The primary site of action is <site of action> which passes through the <pesticide type> containing soil layer before emergence at the soil surface. With post emergence applications <active substance> enters the plant through the foliage and moves towards the growing point. With both pre emergence and post emergence applications the meristem is killed quickly leading to plant death.

<active substance> is known to inhibit the production of long chain fatty acids in lipid synthesis resulting in alteration of cell membranes and disruption of cell processes e.g. cell division and hormone regulation. Although the specific site of action is not known, it is thought to affect more than one step in the lipid synthesis process. <active substance> is classified by HRAC in <HRAC GROUP>

Summary information on <active substance>

<A.I. >	
IUPAC name:	
Chemical group:	
Mode of action:	
Plant translocation:	Systemic/translaminar/contact etc
Biological action: Harmful organism, plant growth regulator, etc..	preventative/curative or foliar/residual?
Root-uptake, foliar-uptake, systemic etc..	

Table 1: Supported Representative uses for products containing [a.s.] and their current authorisation status

Crop	Representative Uses (for application details see <table 2..>.)				Existing Registrations								
	Target	Situation of use (e.g. indoor...)	AI content & Formulation Type	Application method	Country	Zone	Since	Reg. No.	Product	Product Application rate per treatment Min and Max	Active Substance Application rate per treatment Min and Max	Number of treatments per Season Min and Max	Active Substance Max total dose/ ha Min and Max
potatoes	potato blight	outdoor	240 EC	Foiliar spray	UK SE IT	C N S	1990 1991 1992						
cereals	septoria	outdoor	240 SC	ST	UK, DE	C	1992 1993 1993						
Vines	mildew	Protected & outdoor			IT FR	S	1997 1997						

