NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** European Union  **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](mailto: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 [****],** **other:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Dimethoate (pesticide active substance) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Draft Commission Implementing Regulation concerning the non-renewal of approval of the active substance dimethoate, 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 (5 page(s), in English) |
| **6.** | **Description of content:** This draft Commission Implementing Regulation provides that the approval of the active substance dimethoate is not renewed in accordance with Regulation (EC) No 1107/2009. Existing authorised plant protection products containing dimethoate will be withdrawn from the market. The non-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 approved under Directive 91/414/ EEC.  This decision only concerns the placing on the market of this substance. Following non-approval and the expiry of all grace periods for stocks of products containing this substance, 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:** Protection of human health or safety; Protection of animal or plant life or health; Protection of the environment  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) which must be met to enable approval.  During the evaluation and peer-review of dimethoate, 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).  In particular, it was not possible to exclude exposure risk to consumers, operators, workers, bystanders and residents due to their exposure to residues of dimethoate (for which the genotoxic potential could not be excluded) and its main metabolite omethoate (which was concluded to be an in vivo mutagenic agent by the majority of experts in the peer review). Furthermore, the Authority concluded that a high risk to mammals and to non-target arthropods (for dimethoate) and to honeybees (for both dimethoate and omethoate) was concluded for all the assessed representative uses. In addition, the Authority concluded that the technical specification (either the current or the revised one) is not supported by the (eco) toxicological assessment.  These concerns mean that dimethoate does not meet the approval criteria as outlined in Regulation (EC) No 1107/2009 and cannot be approved currently.  Existing authorisations will need to be withdrawn; EU Member States must withdraw existing plant protection products containing dimethoate at the latest by 6 months from the date of entry into force. A period of grace in line with Article 46 of Regulation 1107/2009 is allowed for and shall expire at the latest 12 months from the entry into force (allowing for a final season of use). |
| **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 2011implementing 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 dimethoate. EFSA (European Food Safety Authority), 2018. l EFSA Journal 2018;16(10):5454. <https://www.efsa.europa.eu/en/efsajournal/pub/5454> |
| **9.** | **Proposed date of adoption:** 2nd quarter 2019  **Proposed date of entry into force:** 3 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](mailto: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/2019/TBT/EEC/19_1611_00_e.pdf> |