



22 January 2021

(21-0667)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>EUROPEAN UNION</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
<b>2. Agency responsible:</b> European Commission <b>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:</b>  European Commission EU-TBT Enquiry Point Fax: +(32) 2 299 80 43 E-mail: <a href="mailto:grow-eu-tbt@ec.europa.eu">grow-eu-tbt@ec.europa.eu</a> Website: <a href="http://ec.europa.eu/growth/tools-databases/tbt/en/">http://ec.europa.eu/growth/tools-databases/tbt/en/</a>
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Alpha-cypermethrin (pesticide active substance); Pesticides and other agrochemicals (ICS 65.100)
<b>5. Title, number of pages and language(s) of the notified document:</b> Draft Commission Implementing Regulation withdrawing the approval of the active substance alpha-cypermethrin 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 (4 page(s), in English)
<b>6. Description of content:</b> This draft Commission Implementing Regulation provides that the approval of the active substance alpha-cypermethrin is withdrawn in accordance with Regulation (EC) No 1107/2009. EU Member States shall withdraw authorisations for plant protection products containing alpha-cypermethrin as an active substance.  This decision only concerns the placing on the market of this substance and plant protection products containing it. Following withdrawal 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.
<b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> 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. Commission Implementing Regulation (EU) 2019/1690 renewed the approval of the active substance alpha-cypermethrin as candidate for substitution under the conditions that the applicant

shall submit to the Commission, the EU Member States and the Authority confirmatory information as regards the toxicological profile of certain metabolites by 30 October 2020. In addition, confirmatory information had been required for three other points by other deadlines. On 14 October 2020, the applicant informed the Commission, the rapporteur Member State and EFSA that it would not submit any confirmatory data, therefore, as the information required in accordance with Article 6(f) was not submitted, the approval for alpha-cypermethrin has to be withdrawn according to Article 21(3) of Regulation (EC) No 1107/2009. Existing authorisations will need to be withdrawn; EU Member States must withdraw existing plant protection products containing alpha-cypermethrin 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); 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 alpha-cypermethrin.  
<https://www.efsa.europa.eu/en/efsajournal/pub/5403>
- Commission Implementing Regulation (EU) 2019/1690 of 9 October 2019 renewing the approval of the active substance alpha-cypermethrin, as a candidate for substitution, 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  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1570712208665&uri=CELEX:32019R1690>

**9. Proposed date of adoption:** 2<sup>nd</sup> quarter 2021

**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](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/2021/TBT/EEC/21\\_0620\\_00\\_e.pdf](https://members.wto.org/crnattachments/2021/TBT/EEC/21_0620_00_e.pdf)