

COMMISSION IMPLEMENTING REGULATION (EU) 2022/740
of 13 May 2022

concerning the non-approval of the active substance 1,3-dichloropropene, 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

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 (¹), and in particular Article 13(2) thereof,

Whereas:

- (1) On 2 March 2015, Dow AgroSciences and Kanesho Soil Treatment SPRL/BVBA submitted to Spain ('the rapporteur Member State') an application for the approval of the active substance 1,3-dichloropropene pursuant to Article 7(1) of Regulation (EC) No 1107/2009.
- (2) Pursuant to Article 9(3) of Regulation (EC) No 1107/2009, the rapporteur Member State notified the applicants, the other Member States, the Commission and the European Food Safety Authority ('the Authority') of the admissibility of the application on 7 July 2015.
- (3) For that active substance, the effects on human and animal health and the environment have been assessed, pursuant to Article 11(2) and (3) of Regulation (EC) No 1107/2009, for the use proposed by the applicants. The rapporteur Member State submitted a draft assessment report to the Commission and to the Authority on 17 March 2017.
- (4) Pursuant to Article 12(1) of Regulation (EC) No 1107/2009, the Authority circulated the draft assessment report received from the rapporteur Member State to the applicant and the other Member States and organised a public consultation on it.
- (5) Pursuant to Article 12(3) of Regulation (EC) No 1107/2009, the Authority requested that the applicants supply additional information to the Member States, the Commission and the Authority.
- (6) The assessment of the additional information by the rapporteur Member State was submitted to the Authority in the form of an updated draft assessment report.
- (7) The draft assessment report was reviewed by the Member States and the Authority. The Authority presented to the Commission its conclusion (²) on the risk assessment of the active substance 1,3-dichloropropene on 8 October 2018.
- (8) In its conclusion, the Authority indicated that based on the available information presented in the dossier it could not finalise the risk assessment for consumers, operators, workers, bystanders and residents and identified potential concerns for groundwater, non-target arthropods (including bees), birds and mammals, and soil organisms for all representative uses.

(¹) OJ L 309, 24.11.2009, p. 1.

(²) EFSA Journal 2018;16(11):5464, Conclusion on the peer review of the pesticide risk assessment of the active substance (EZ)-1,3-Dichloropropene. doi:10.2903/j.efsa.2018.5464.

- (9) The Commission invited the applicants to submit their comments on the conclusion of the Authority and, in accordance with Article 13(1) of Regulation (EC) No 1107/2009, on the draft review report. The applicants submitted their comments, which have been carefully examined.
- (10) The Commission presented its review report and a draft of this Regulation regarding the non-approval of the active substance 1,3-dichloropropene to the Standing Committee on Plants, Animals, Food and Feed on 22 October 2021. The Commission observed that concerns identified by the Authority could not be eliminated and that consequently it could not be concluded that the approval criteria are satisfied.
- (11) By letter of 19 January 2022, the applicants withdrew their application for the approval of 1,3-dichloropropene. Therefore, 1,3-dichloropropene should not be approved.
- (12) This Regulation does not prevent the submission of a further application for the approval of 1,3-dichloropropene pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Non-approval of the active substance

The active substance 1,3-dichloropropene is not approved.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 May 2022.

For the Commission

The President

Ursula VON DER LEYEN