

COMMISSION IMPLEMENTING DECISION

of 15 June 2012

adopting Union import decisions for certain chemicals pursuant to Regulation (EC) No 689/2008 of the European Parliament and of the Council

(2012/C 177/05)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals ⁽¹⁾, and in particular the second subparagraph of Article 12(1) thereof,After consulting the Committee established by Article 133 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽²⁾,

Whereas:

- (1) Under Regulation (EC) No 689/2008 the Commission is to decide on behalf of the Union whether or not to permit the import into the Union of each chemical subject to the prior informed consent (PIC) procedure.
- (2) The United Nations Environment Programme (UNEP) and the Food and Agriculture Organisation (FAO) have been appointed to provide secretariat services for the operation of the PIC procedure established by the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade, hereinafter 'the Rotterdam Convention', approved by the Community by Council Decision 2006/730/EC ⁽³⁾.
- (3) The Commission, acting as common designated authority, is required to forward import decisions on chemicals subject to the PIC procedure to the Secretariat of the Rotterdam Convention, on behalf of the Union and its Member States.
- (4) The chemicals alachlor and aldicarb have been added to the PIC procedure, as pesticides, by decisions RC 5/3 and RC 5/4 of the fifth meeting of the Conference of the

Parties and for which the Commission has received information from the Secretariat of the Rotterdam Convention in the form of decision guidance documents. Alachlor and aldicarb fall within the scope of 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 ⁽⁴⁾ and are not allowed to be placed on the market as constituents of preparations acting as plant protection products.

- (5) The chemical endosulfan has been added to the PIC procedure, as pesticide, by decision RC 5/5 of the fifth meeting of the Conference of the Parties and for which the Commission has received information from the Secretariat of the Rotterdam Convention in the form of a decision guidance document. Endosulfan falls within the scope of Regulation (EC) No 1107/2009 and of Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽⁵⁾ and is not allowed to be placed on the market as constituent of preparations acting as plant protection products or as biocides, respectively.
- (6) Accordingly, a final import decision concerning alachlor, aldicarb and endosulfan should be taken,

HAS DECIDED AS FOLLOWS:

Sole Article

The final decision on the import of alachlor, aldicarb and endosulfan as set out in the form for import response in the Annex is adopted.

Done at Brussels, 15 June 2012.

For the Commission
Janez POTOČNIK
Member of the Commission

⁽¹⁾ OJ L 204, 31.7.2008, p. 1.

⁽²⁾ OJ L 396, 30.12.2006, p. 1.

⁽³⁾ OJ L 299, 28.10.2006, p. 23.

⁽⁴⁾ OJ L 309, 24.11.2009, p. 1.

⁽⁵⁾ OJ L 123, 24.4.1998, p. 1.

ANNEX

'FORM FOR IMPORT RESPONSE**Country:**

European Union
 (Member States: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1 IDENTITY OF CHEMICAL1.1. **Common name**

Alachlor

1.2. **CAS number**

15972-60-8

1.3. **Category** Pesticide Industrial Severely hazardous pesticide formulation**SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY**2.1. This is a first time import response for this chemical in the country.2.2. This is a modification of a previous response.

Date of issue of the previous response:

SECTION 3 RESPONSE REGARDING FUTURE IMPORT Final decision (Fill in section 4 below) OR Interim response (Fill in section 5 below)**SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES**4.1. No consent to import

Is the import of the chemical from all sources simultaneously prohibited?

 Yes No

Is domestic production of the chemical for domestic use simultaneously prohibited?

 Yes No4.2. Consent to import4.3. Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import?

 Yes No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports?

 Yes No

4.4. National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to place on the market or use plant protection products containing alachlor, since this active substance is not approved under 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 (OJ L 309, 24.11.2009, p. 1), pursuant to Commission Decision 2006/966/EC of 18 December 2006 concerning the non-inclusion of alachlor in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance (OJ L 397, 30.12.2006, p. 28).

SECTION 5 INTERIM RESPONSE

5.1. No consent to import

Is the import of the chemical from all sources simultaneously prohibited? Yes No

Is domestic production of the chemical for domestic use simultaneously prohibited? Yes No

5.2. Consent to import

5.3. Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? Yes No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? Yes No

5.4. Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? Yes No

5.5. Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country? Yes No

Is this chemical manufactured in the country? Yes No

If yes to either one of these questions:

Is this intended for domestic use? Yes No

Is this intended for export? Yes No

Other remarks

In accordance with Regulation (EC) No 1272/2008, which implements the UN Globally Harmonised System of Classification and Labelling of Chemicals in the EU, alachlor is classified as:
 Carc. 2 — H 351 — Suspected of causing cancer.
 Acute Tox. 4* — H 302 — Harmful if swallowed.
 Skin Sens. 1 — H 317 — May cause an allergic skin reaction.
 Aquatic Acute 1 — H 400 — Very toxic to aquatic life.
 Aquatic Chronic 1 — H 410 — Very toxic to aquatic life with long lasting effects.
 (* = This classification shall be considered as a minimum classification)

In accordance with Council Directive 67/548/EEC alachlor is classified as:
 Carc. Cat 3; R40 — Limited evidence of a carcinogenic effect.
 Xn; R22 — Harmful if swallowed.
 R43 — May cause sensitization by skin contact.
 N (dangerous for the environment); R50/53 — Very toxic to aquatic organisms, may cause long-term adverse effect in the aquatic environment.

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution	European Commission, DG Environment
Address	Rue de la Loi 200, 1049 Brussels, Belgium
Name of person in charge	Dr. Juergen Helbig
Position of person in charge	Policy Officer
Telephone	+32 22988521
Telefax	+32 22967616
E-mail address	Juergen.Helbig@ec.europa.eu

Date, signature of DNA and official seal:

PLEASE RETURN THE COMPLETED FORM TO:

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 Food and Agriculture Organization
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 Viale delle Terme di Caracalla
 00100 Roma RM
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'FORM FOR IMPORT RESPONSE**Country:**

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SECTION 1 IDENTITY OF CHEMICAL1.1. **Common name**

Aldicarb

1.2. **CAS number**

116-06-3

1.3. **Category** Pesticide Industrial Severely hazardous pesticide formulation**SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY**2.1. This is a first time import response for this chemical in the country.2.2. This is a modification of a previous response.

Date of issue of the previous response:

SECTION 3 RESPONSE REGARDING FUTURE IMPORT Final decision (Fill in section 4 below) OR Interim response (Fill in section 5 below)**SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES**4.1. No consent to importIs the import of the chemical from all sources simultaneously prohibited? Yes NoIs domestic production of the chemical for domestic use simultaneously prohibited? Yes No4.2. Consent to import4.3. Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? Yes NoAre the conditions for domestic production of the chemical for domestic use the same as for all imports? Yes No

4.4. National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to place on the market or use plant protection products containing aldicarb, since this active substance is not approved under 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 (OJ L 309, 24.11.2009, p. 1), pursuant to Council Decision 2003/199/EC of 18 March 2003 concerning the non-inclusion of aldicarb in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance (OJ L 76, 22.3.2003, p. 21).

SECTION 5 INTERIM RESPONSE

5.1. No consent to import

Is the import of the chemical from all sources simultaneously prohibited? Yes No

Is domestic production of the chemical for domestic use simultaneously prohibited? Yes No

5.2. Consent to import

5.3. Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? Yes No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? Yes No

5.4. Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? Yes No

5.5. Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country? Yes No

Is this chemical manufactured in the country? Yes No

If yes to either one of these questions:

Is this intended for domestic use? Yes No

Is this intended for export? Yes No

Other remarks

In accordance with Regulation (EC) No 1272/2008, which implements the UN Globally Harmonised System of Classification and Labelling of Chemicals in the EU, aldicarb is classified as:
 Acute Tox. 2* — H 330 — Fatal if inhaled.
 Acute Tox. 2* — H 300 — Fatal if swallowed.
 Acute Tox. 3* — H 311 — Toxic in contact with skin.
 Aquatic Acute 1 — H 400 — Very toxic to aquatic life.
 Aquatic Chronic 1 — H 410 — Very toxic to aquatic life with long lasting effects.
 (* = This classification shall be considered as a minimum classification)

In accordance with Council Directive 67/548/EEC aldicarb is classified as:
 T+; R26/28 — Very toxic by inhalation and if swallowed.
 T; R24 — Toxic in contact with skin.
 N (dangerous for the environment); R50/53 — Very toxic to aquatic organisms, may cause long-term adverse effect in the aquatic environment.

SECTION 7 DESIGNATED NATIONAL AUTHORITY

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Date, signature of DNA and official seal:

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SECTION 1 IDENTITY OF CHEMICAL

- 1.1. **Common name**
- 1.2. **CAS number**
- 1.3. **Category**
- Pesticide
- Industrial
- Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

- 2.1. This is a first time import response for this chemical in the country.
- 2.2. This is a modification of a previous response.
 Date of issue of the previous response:

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

- Final decision (Fill in section 4 below) OR Interim response (Fill in section 5 below)

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

- 4.1. No consent to import
- Is the import of the chemical from all sources simultaneously prohibited? Yes No
- Is domestic production of the chemical for domestic use simultaneously prohibited? Yes No

- 4.2. Consent to import

- 4.3. Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? Yes No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? Yes No

- 4.4. National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

It is prohibited to place on the market or use plant protection products containing endosulfan, since this active substance is not approved under 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 (OJ L 309, 24.11.2009, p. 1), pursuant to Commission Decision 2005/864/EC of 2 December 2005 concerning the non-inclusion of endosulfan in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance (OJ L 317, 3.12.2005, p. 25).

Furthermore, it is prohibited to place on the market or use biocidal products containing endosulfan since this active substance is not authorized under Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1), pursuant to Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 325, 11.12.2007, p. 3).

SECTION 5 INTERIM RESPONSE

- 5.1. No consent to import

Is the import of the chemical from all sources simultaneously prohibited? Yes No

Is domestic production of the chemical for domestic use simultaneously prohibited? Yes No

- 5.2. Consent to import

- 5.3. Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? Yes No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? Yes No

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SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country? Yes No

Is this chemical manufactured in the country? Yes No

If yes to either one of these questions:

Is this intended for domestic use? Yes No

Is this intended for export? Yes No

Other remarks

In accordance with Regulation (EC) No 1272/2008, which implements the UN Globally Harmonised System of Classification and Labelling of Chemicals in the EU, endosulfan is classified as:
 Acute Tox. 2* — H 330 — Fatal if inhaled.
 Acute Tox. 2* — H 300 — Fatal if swallowed.
 Acute Tox. 4* — H 312 — Harmful in contact with skin.
 Aquatic Acute 1 — H 400 — Very toxic to aquatic life.
 Aquatic Chronic 1 — H 410 — Very toxic to aquatic life with long lasting effects.
 (* = This classification shall be considered as a minimum classification)

In accordance with Council Directive 67/548/EEC endosulfan is classified as:
 T+; R26/28 — Very toxic by inhalation and if swallowed.
 Xn; R21 — Harmful in contact with skin.
 N (dangerous for the environment); R50/53 — Very toxic to aquatic organisms, may cause long-term adverse effect in the aquatic environment.

SECTION 7 DESIGNATED NATIONAL AUTHORITY

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