COMMISSION IMPLEMENTING DECISION
of 11 February 2016

(2016/C 61/06)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (1), and in particular the second subparagraph of Article 13(1) thereof,


Whereas:

(1) In accordance with Regulation (EU) No 649/2012 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 Organization (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 ('the Rotterdam Convention'), approved 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 ('the Secretariat'), on behalf of the Union and its Member States.

(4) The chemical methamidophos has been added to Annex III to the Rotterdam Convention, as a pesticide, by Decision RC 7/4 of the seventh meeting of the Conference of the Parties. This requires each Party to submit an import response to the Secretariat for the listing of methamidophos as a pesticide. The existing listing of severely hazardous pesticide formulations (soluble liquid formulations that exceed 600 g active ingredient/l) containing methamidophos in Annex III will be deleted, including the import responses submitted for that entry. The Commission has received information thereof in the form of a decision guidance document from the Secretariat. The placing on the market and use of methamidophos as a component of mixtures acting as plant protection products is banned by Regulation (EC) No 1107/2009 of the European Parliament and of the Council (4).

(5) It is necessary to amend previous import decisions in relation to the chemicals DDT and ethylene oxide in order to reflect the enlargement of the Union on 1 July 2013 as well as to take account of regulatory developments in the Union since those decisions were adopted.

(6) The making available on the market and use of ethylene oxide under Regulation (EU) No 528/2012 of the European Parliament and of the Council (5) is restricted to one specific area pursuant to Commission Delegated Regulation (EU) No 1062/2014 (6). Consequently, imports are only allowed for that specific use. Member States can decide whether they authorise that use allowed under Regulation (EU) No 528/2012 in their territory.

(1) OJ L 201, 27.7.2012, p. 60.
The production, placing on the market and use of DDT, whether on its own, in preparations or as a constituent of articles, is prohibited in the European Union pursuant to Regulation (EC) No 850/2004 of the European Parliament and of the Council (1).

The import decision concerning methamidophos should be adopted and Commission Decisions 2005/416/EC (2) and 2009/966/EC (3) should be amended accordingly.

HAS DECIDED AS FOLLOWS:

Article 1

The decision on the import of methamidophos set out in the form for import response in Annex I is adopted.

Article 2

The decision on the import of ethylene oxide set out in Annex II to Decision 2009/966/EC is replaced by the import decision for ethylene oxide set out in the form for import response in Annex II to this Decision.

Article 3

The decision on the import of DDT set out in Annex I to Decision 2005/416/EC is replaced by the import decision for DDT set out in the form for import response in Annex III to this Decision.

Done at Brussels, 11 February 2016.

For the Commission

Karmenu VELLA

Member of the Commission


ANNEX I

Import decision for methamidophos

FORM FOR IMPORT RESPONSE

Country: European Union
(Member States: Austria, Belgium, Bulgaria, Croatia, 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 CHEMICAL

1.1 Common name
Methamidophos

1.2 CAS number
10265-92-6

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:


Furthermore, it is prohibited to make available on the market or use biocidal products containing methamidophos, since no biocidal products containing that active substance are authorised pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

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, methamidophos is classified as:
Acute Tox. 2* – H 300 — Fatal if swallowed.
Acute Tox. 2* – H 330 — Fatal if inhaled.
Acute Tox. 3* – H 311 — Toxic in contact with skin.
Aquatic Acute 1 – H 400 — Very toxic to aquatic life.
(* = This classification shall be considered as a minimum classification)

SECTION 7 DESIGNATED NATIONAL AUTHORITY

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Name of person in charge Dr Juergen Helbig
Position of person in charge Principal Policy Officer
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Telefax +32 22967616
Email address Juergen.Helbig@ec.europa.eu

Date, signature of DNA and official seal: ............................................

PLEASE RETURN THE COMPLETED FORM TO:

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OR

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ANNEX II

Revised import decision for ethylene oxide

FORM FOR IMPORT RESPONSE

Country: European Union
(Member States: Austria, Belgium, Bulgaria, Croatia, 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)

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<td>Common name</td>
</tr>
<tr>
<td></td>
<td>Ethylene oxide</td>
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<tr>
<td>1.2</td>
<td>CAS number</td>
</tr>
<tr>
<td></td>
<td>75-21-8</td>
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<tr>
<td>1.3</td>
<td>Category</td>
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<tr>
<td></td>
<td>☒ Pesticide</td>
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<td></td>
<td>☐ Industrial</td>
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<td></td>
<td>☐ Severely hazardous pesticide formulation</td>
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<tr>
<th>SECTION 2</th>
<th>INDICATION REGARDING PREVIOUS RESPONSE, IF ANY</th>
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<tbody>
<tr>
<td>2.1</td>
<td>☐ This is a first time import response for this chemical in the country.</td>
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</tbody>
</table>
| 2.2       | ☒ This is a modification of a previous response.  
|           | Date of issue of the previous response: 01/2010 ............................................ |

<table>
<thead>
<tr>
<th>SECTION 3</th>
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<td>☐ Final decision (Fill in section 4 below) OR ☒ Interim response (Fill in section 5 below)</td>
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<tr>
<th>SECTION 4</th>
<th>FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES</th>
</tr>
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<tbody>
<tr>
<td>4.1</td>
<td>☐ No consent to import</td>
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<tr>
<td></td>
<td>Is the import of the chemical from all sources simultaneously prohibited?</td>
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<td></td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td></td>
<td>Is domestic production of the chemical for domestic use simultaneously prohibited?</td>
</tr>
<tr>
<td></td>
<td>☐ Yes ☐ No</td>
</tr>
</tbody>
</table>
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:

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:

For plant protection products

For biocidal products
In accordance with Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1), this substance is listed in Annex II only allowing placing on the market for uses in PT2 (disinfectants and algacides not intended for direct application to humans or animals). Responses of individual Member States of the European Union for the only allowed uses of ethylene oxide in biocidal products in PT2 (disinfectants and algacides not intended for direct application to humans or animals) are as follows:

Member States that consent to import, subject to any national restrictions that may apply: Denmark, France, Germany, Estonia, Ireland, Latvia, Luxembourg, Sweden, UK.

Member States that consent to import (for import prior written authorisation is required): Austria, Belgium, Croatia, Finland, Hungary, Italy, Lithuania, Netherlands, Poland, Portugal, Slovenia.

Member States that consent to import only for sterilisation of surgical tools in accordance with Directive 93/42/EC (for import prior written authorisation is required): Bulgaria, Cyprus, Greece, Slovakia, Spain, Romania.

Member States that do not consent to import: Czech Republic, Malta.

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, ethylene oxide is classified as:
Press. Gas
Skin Irrit. 2 – H 315 – Causes skin irritation.
Eye Irrit. 2 – H 319 – Causes serious eye irritation.
Acute Tox. 3* – H 331 – Toxic if inhaled.
STOT SE 3 – H 335 – May cause respiratory irritation.
Muta. 1B – H 340 – May cause genetic defects.
Carc. 1B – H 350 – May cause cancer.
(* = This classification shall be considered as a minimum classification)

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  Principal Policy Officer
Telephone  +32 22988521
Telefax  +32 22967616
Email address  Juergen.Helbig@ec.europa.eu

Date, signature of DNA and official seal: ..........................................................
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ANNEX III

Revised import decision for DDT

FORM FOR IMPORT RESPONSE

Country: European Union
(Member States: Austria, Belgium, Bulgaria, Croatia, 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 CHEMICAL

1.1 Common name
DDT (dichlorodiphenyltrichloroethane)

1.2 CAS number
50-29-3

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: 06/2005 ...........................................................

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:


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:
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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, DDT is classified as:
  Acute Tox. 3° – H 301 — Toxic if swallowed.
  Carc. 2 – H 351 – Suspected of causing cancer.
  Stot. RE 1 – H 372 – Causes damage to organs through prolonged or repeated exposure.
  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)

SECTION 7 DESIGNATED NATIONAL AUTHORITY

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Position of person in charge  Principal Policy Officer
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Email address  Juergen.Helbig@ec.europa.eu

Date, signature of DNA and official seal: ...........................................

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