NOTIFICATION

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| **1.** | **Notifying Member:** European Union  **If applicable, name of local government involved:** |
| **2.** | **Agency responsible:** European Commission, Health and Food Safety Directorate-General |
| **3.** | **Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):** Phosmet (pesticide active substance) |
| **4.** | **Regions or countries likely to be affected, to the extent relevant or practicable:**  **[****X]** **All trading partners**  **[ ]****Specific regions or countries:** |
| **5.** | **Title of the notified document:** Draft Commission Implementing Regulation concerning the non-renewal of approval of the active substance phosmet, 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.**Language(s):** English. **Number of pages:** 5  <https://members.wto.org/crnattachments/2021/SPS/EEC/21_3911_00_e.pdf> |
| **6.** | **Description of content:** This draft Commission Implementing Regulation provides that the approval of the active substance phosmet is not renewed in accordance with Regulation (EC) No 1107/2009. Member states shall withdraw authorisations for plant protection products containing phosmet as an active substance. The non-renewal of approval is based on the first evaluation of the substance for use as a pesticide active substance in the European Union under Regulation (EC) No 1107/2009. The substance was formerly assessed and approved under Directive 91/414/ EEC.  This decision only concerns the placing on the market of this substance and plant protection products containing it. Following non-approval and the expiry of all grace periods for stocks of products containing this substance, separate action will be taken on MRLs and a separate notification will be made in accordance with SPS procedures.  This draft Commission Implementing Regulation was also notified under the TBT Agreement in notice G/TBT/N/EU/790. |
| **7.** | **Objective and rationale: [****X]****food safety, [****X]****animal health, [****X]****plant protection, [ ]****protect humans from animal/plant pest or disease, [****X]****protect territory from other damage from pests.** |
| **8.** | **Is there a relevant international standard? If so, identify the standard:**  **[ ]****Codex Alimentarius Commission *(e.g. title or serial number of Codex standard or related text)*:**  **[ ]****World Organization for Animal Health (OIE) *(e.g. Terrestrial or Aquatic Animal Health Code, chapter number)*:**  **[ ]****International Plant Protection Convention *(e.g. ISPM number)*:**  **[****X]** **None**  **Does this proposed regulation conform to the relevant international standard?**  **[ ]****Yes [ ]****No**  **If no, describe, whenever possible, how and why it deviates from the international standard:** |
| **9.** | **Other relevant documents and language(s) in which these are available:**   * 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 June 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 phosmet (EFSA Journal 2021;19(3):6237)   <https://www.efsa.europa.eu/en/efsajournal/pub/6237> |
| **10.** | **Proposed date of adoption *(dd/mm/yy)*:** 2nd quarter 2021  **Proposed date of publication *(dd/mm/yy)*:** 2nd quarter 2021 |
| **11.** | **Proposed date of entry into force: [ ]****Six months from date of publication**, **and/or** ***(dd/mm/yy)*:** Seven days following publication in the Official Journal of the European Union.  **[ ]****Trade facilitating measure** |
| **12.** | **Final date for comments: [ ]****Sixty days from the date of circulation of the notification and/or *(dd/mm/yy)*:** Not applicable. Comments are only to be addressed to the TBT Enquiry Point on notice G/TBT/N/EU/790 and on TBT aspects of the notified draft legislation.  **Agency or authority designated to handle comments: [****X]****National Notification Authority, [****X]****National Enquiry Point.** **Address, fax number and e-mail address (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 |
| **13.** | **Text(s) available from: [****X]****National Notification Authority, [****X]****National Enquiry Point.** **Address, fax number and e-mail address (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 |