



EUROPEAN COMMISSION

HEALTH & CONSUMERS DIRECTORATE-GENERAL

Brussels,
G ARES (2011)1409147

SUMMARY REPORT OF THE APPEAL COMMITTEE

Plant Protection Products (bitertanol, chloropicrin, acetochlor)

22 NOVEMBER 2011

President: Eric Poudelet

27 Member States were present.

Qualified majority: 255 votes and 14 Member States in favour.

1. Adoption of the agenda

Apologies were received from Ladislav Miko. The agenda was adopted without amendments.

- 2. Exchange of views and opinion of the appeal committee on a draft Commission Implementing Regulation approving the active substance bitertanol, 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 Implementing Regulation (EU) No 540/2011. (Doc. SANCO/12227/2011) (Legal Base: Article 13(2) of Regulation (EC) No 1107/2009) (Opinion of the appeal committee)**

The chair explained that the Commission has already explored all possibilities to amend the draft proposal at the level of the Standing Committee on the Food Chain and Animal Health (SCFCAH). This Committee delivered no opinion. Therefore, it was necessary to refer this draft to the appeal committee pursuant to Article 5(4) of the new Comitology Regulation (Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers).

Some Member States did not support the draft Commission proposal because they are of the opinion that substances, like bitertanol with a proposed classification as 'reproductive toxicant category 1B' ('Presumed human reproductive toxicant') should not be approved anymore.

The chair took note of the comments received and informed the committee that:

- The Commission is not in a position to propose a non approval, for consistency with other decisions it has taken in the past for other substances having a comparable risk profile.

Vote: No opinion by 211 votes in favour, 130 votes against, 4 abstentions.

Pursuant to Article 6(4) of the Comitology Regulation, where no opinion is delivered, the Commission may adopt the draft implementing act. The chair informed the appeal committee that the Commission services will be proposing to the College to proceed with the adoption of this draft act.

3. **Exchange of views and opinion of the appeal committee on a draft Commission Implementing Regulation concerning the non approval of the active substance chloropicrin, 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 Decision 2008/934/EC.** (Doc. SANCO/11441/2011) (Legal Base: Article 13(2) of Regulation (EC) No 1107/2009) (Opinion of the appeal committee)

An alternative proposal was presented by Italy asking for a longer phase-out period of 6 months until 30 June 2012 and a subsequent period of grace until 30 June 2013. Germany proposed an even shorter phase-out period of 3 months. A number of Member States were not in a position to express their opinion on these proposals. In addition, the Commission also needed to consider the legal consequences of the two proposals. It was therefore decided to postpone the vote on this draft measure to a later meeting.

4. **Exchange of views and opinion of the appeal committee on a draft Commission Implementing Regulation concerning the non approval of the active substance acetochlor, 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 Decision 2008/934/EC.** (Doc. SANCO/11673/2011) (Legal Base: Article 13(2) of Regulation (EC) No 1107/2009) (Opinion of the appeal committee)

An alternative proposal was presented by France asking for a longer phase-out period of 6 months until 30 June 2012 and a subsequent period of grace until 30 June 2013. Germany proposed an even shorter phase-out period of 3 months. A number of Member States were not in a position to express their opinion on these new proposals. In addition, the Commission needed to consider the legal consequences of the French and German proposals. It was therefore decided to postpone the vote on this draft measure to a later meeting.

Regarding points 3 and 4, it was decided to postpone the vote to a later meeting. The chair mentioned 5 December 2011 as a tentative date. No Member States objected.