Dangerous chemicals: export and import, Rotterdam Convention provisions

2002/0026(COD) - 07/07/2003 - Implementing legislative act

LEGISLATIVE ACT: Commission Decision 2003/508/EC adopting Community import decisions for certain chemicals pursuant to Regulation 304/2003/EC of the European Parliament and of the Council and amending Decisions 2000/657/EC and 2001/852/EC.

CONTENT: Under Regulation 304/2003/EC, the Commission is to decide on behalf of the Community whether or not to permit the import into the Community of each chemical subject to the prior informed consent (PIC) procedure. The Commission is required to forward decisions on chemicals to the Secretariat of the interim PIC procedure ('the interim Secretariat') on behalf of the Community and its Member States. The interim Secretariat has requested that participants in the PIC procedure use the special Importing Country Response form when reporting their import decisions.

The chemical monocrotophos has been added to the list of chemicals subject to the interim PIC procedure, as a pesticide, for which the Commission has received information from the interim Secretariat in the form of a Decision Guidance Document. Monocrotophos is already subject to the interim PIC procedure to the extent that certain severely hazardous pesticide formulations containing monocrotophos are listed in Annex III to the Rotterdam Convention. Pending a Community evaluation of monocrotophos within the framework of Council Directive 91/414/EEC concerning the placing of plant protection products on the market, as last amended by Regulation 806/2003/EC, an interim response concerning those pesticide formulations was given in Commission Decision 2000/657/EC adopting Community import decisions for certain chemicals pursuant to Council Regulation 2455/92/EEC concerning the export and import of certain dangerous chemicals, as amended by Decision 2001/852/EC.

Pursuant to Commission Regulation 2076/2002/EC extending the time period referred to in Article 8(2) of Council Directive 91/414/EEC and concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisation for plant protection products containing these substances, monocrotophos was excluded from Annex I to Directive 91/414/EEC and authorisations for plant protection products containing it were to be withdrawn by 25 July 2003. The interim response set out in Decision 2000/ 657/EC has therefore been replaced by a final import decision.

The chemicals 2,4,5-T, chlorobenzilate and phosphamidon fall within the scope of Directive 91/414/EEC, which provides for a transitional period during which Member States may, pending a Community decision, take a decision on substances and products falling within the scope of that Directive. By Regulation 2076/ 2002/EC, those substances were excluded from Annex I to Directive 91/414/EEC and authorisations for plant protection products containing the substances were to be withdrawn by 25 July 2003.

The import decisions for the pesticide formulations 2,4,5-T, chlorobenzilate and phosphamidon set out in Decision 2000/657/EC, which were submitted as interim responses pending a Community decision, have therefore been replaced by final decisions.

The chemicals parathion and methyl parathion also fall within the scope of Directive 91/414/EEC. By Commission Decision 2001/520/EC concerning the non-inclusion of parathion in Annex I to Council Directive 91/414/EEC and the withdrawal of authorizations for plant protection products containing this active substance and Commission Decision 2003/166/EC concerning the non-inclusion of methyl parathion in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant

protection products containing this active substance, those substances have now been excluded from Annex I to Directive 91/414/EEC and authorisations for plant protection products containing them have been withdrawn. Consequently, the import decisions for the pesticide formulations parathion and methyl parathion, as set out in Commission Decision 2001/852/EC on adopting Community import decisions pursuant to Council Regulation 2455/92/EEC concerning the export and import of certain dangerous chemicals and amending Decision 2000/657/EC and Decision 2000/657/EC, respectively, which were submitted as interim responses pending a Community decision, are replaced by final decisions.

The chemical ethylene oxide is covered by Council Directive 79/117/EEC prohibiting the placing on the market and use of plant protection products containing certain active substances, as last amended by Regulation (EC) No 807/2003. This was reflected in a final decision on import contained in Decision 2001 /852/EC. However, ethylene oxide has recently been notified under the Community programme for the evaluation of existing substances under Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market, which provides for a transitional period during which Member States may, pending a Community decision, take a decision on substances and products falling within its scope. The import decision set out in Decision 2001/852/EC has therefore been replaced.

The chemicals polybrominated biphenyls (PBBs) were made subject to severe restrictions at Community level by Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations, as last amended by Directive 2003/11/EC of the European Parliament and of the Council. This was reflected in a Community import decision that was published in PIC Circular V reporting the situation as at 30 June 1995. However, that Decision did not take into account a complete ban on PBBs in Austria dating from 1993. It has therefore been necessary to replace that import Decision.

The interim responses on the import of the chemicals 2,4,5-T, chlorobenzilate, methyl parathion, monocrotophos and phosphamidon, as set out in the Annex to Decision 2000/657/EEC, are replaced by the import response forms set out in Annex I to this Decision.

The final decision on the import of ethylene oxide and the interim response on the import of parathion, as set out in the Annex to Decision 2001/852/EC, are replaced by the import response forms set out in Annex II to this Decision.