NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** EUROPEAN UNION**If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** European Commission**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** European Commission,EU-TBT Enquiry Point,Fax: +(32) 2 299 80 43,E-mail: grow-eu-tbt@ec.europa.euWebsite: <http://ec.europa.eu/growth/tools-databases/tbt/en/> |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** triflusulfuron-methyl (pesticide active substance) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Draft Commission Implementing Regulation concerning the non-renewal of approval of the active substance triflusulfuron-methyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) No 540/2011; (5 page(s), in English) |
| **6.** | **Description of content:** This draft Commission Implementing Regulation provides that the approval of the active substance triflusulfuron-methyl is not renewed in accordance with Regulation (EC) No 1107/2009. Member States shall withdraw authorisations for plant protection products containing triflusulfuron-methyl 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 EU 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 may be taken on MRLs and a separate notification will be made in accordance with SPS procedures. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** In order for an active substance to be approved in accordance with Regulation (EC) No 1107/2009 (concerning the placing of plant protection products on the market), it must be demonstrated that the substance is not harmful to human health, animal health or the environment. Criteria are listed in Article 4 of the Regulation (and also detailed in Annex II thereto) which must be met to enable approval.During the evaluation and peer-review of triflusulfuron-methyl, a number of concerns and areas that could not be finalised were identified. These are detailed in the conclusion of the European Food Safety Authority (EFSA).EFSA identified a critical area of concern in relation to the contamination of groundwater by one toxicologically relevant metabolite of triflusulfuron-methyl, IN-JU122, which is predicted to occur above the parametric value of 0,1 μg/L in all geoclimatic conditions represented by the groundwater assessment scenarios for all proposed uses of triflusulfuron-methyl. Therefore, it cannot currently be established that the presence of metabolites of triflusulfuron-methyl in groundwater will not result in unacceptable effects on groundwater and in harmful effects on human health as required by Article 4(3)(b) of Regulation (EC) No 1107/2009.Furthermore, EFSA concluded that triflusulfuron-methyl has endocrine disrupting properties in humans in accordance with the criteria laid down in point 3.6.5 of Annex II to Regulation (EC) No 1107/2009, as amended by Commission Implementing Regulation 2018/605. Negligible exposure cannot be demonstrated for triflusulfuron-methyl since residues above the default value set in accordance with point (b) of Article 18(1) of Regulation (EC) No 396/2005 may be expected to occur in rotational crops. Therefore, the requirement set out in point 3.6.5 of Annex II to Regulation (EC) No 1107/2009 is not fulfilled.EFSA also concluded that the consumer dietary risk assessment could not be finalised as the livestock and fish exposure assessments could not be finalised.Derogation in accordance with Article 4(7) to Regulation (EC) No 1107/2009 does not apply for the reasons set out in the draft Regulation.These concerns mean that triflusulfuron-methyl does not meet the approval criteria as outlined in Regulation (EC) No 1107/2009.Existing authorisations will need to be withdrawn; Member States must withdraw existing plant protection products containing triflusulfuron-methyl at the latest by 3 months from the date of entry into force. A period of grace in line with Article 46 of Regulation 1107/2009 is allowed for and shall expire at the latest 9 months from the entry into force (allowing for a final season of use).Protection of human health or safety; Protection of animal or plant life or health; Protection of the environment |
| **8.** | **Relevant documents:** 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, 11.6.2011, 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 triflusulfuron-methyl.[Peer review of the pesticide risk assessment of the active substance triflusulfuron‐methyl | EFSA (europa.eu)](https://www.efsa.europa.eu/en/efsajournal/pub/7303) |
| **9.** | **Proposed date of adoption:** 4 quarter 2023**Proposed date of entry into force:** three days following publication in the Official Journal of the EU |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** European Commission,EU-TBT Enquiry Point,Fax: + (32) 2 299 80 43,E-mail: grow-eu-tbt@ec.europa.euThe text is available on the EU-TBT Website : <http://ec.europa.eu/growth/tools-databases/tbt/en/><https://members.wto.org/crnattachments/2023/TBT/EEC/23_10998_00_e.pdf> |