

COMMISSION IMPLEMENTING REGULATION (EU) 2022/751**of 16 May 2022****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****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) On 21 December 2014, European Chloropicrin Group (ECG) submitted to the United Kingdom (‘the rapporteur Member State’) an application for the approval of the active substance chloropicrin pursuant to Article 7(1) of Regulation (EC) No 1107/2009.
- (2) Pursuant to Article 9(3) of Regulation (EC) No 1107/2009, the rapporteur Member State notified the applicant, the other Member States, the Commission and the European Food Safety Authority (‘the Authority’) of the admissibility of the application on 18 June 2014.
- (3) For that active substance, the effects on human and animal health and the environment have been assessed, pursuant to Article 11(2) and (3) of Regulation (EC) No 1107/2009, for the use proposed by the applicant. The rapporteur Member State submitted a draft assessment report to the Commission and the Authority on 12 December 2017.
- (4) Pursuant to Article 12(1) of that Regulation, the Authority circulated the draft assessment report received from the rapporteur Member State to the applicant and the other Member States and organised a public consultation on it.
- (5) Pursuant to Article 12(3) of Regulation (EC) No 1107/2009, the Authority requested that the applicant supply additional information to the Member States, the Commission and the Authority.
- (6) During the peer review process, following the United Kingdom’s notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union, Italy took over the responsibility for this active substance as the rapporteur Member State in June 2019.
- (7) The assessment of the additional information by the rapporteur Member State was submitted to the Authority in the form of an updated draft assessment report.
- (8) The draft assessment report was reviewed by the Member States and the Authority. The Authority presented to the Commission its conclusion ⁽²⁾ on the risk assessment of the active substance chloropicrin on 30 January 2020.
- (9) In its conclusion, the Authority indicated that, based on the available information, it could not finalise the risk assessment for consumers, operators, workers, bystanders and residents and identified potential concerns for groundwater, soil macro-organisms and micro-organisms and soil dwelling non-target arthropods.
- (10) In addition, the assessment of the risks to aquatic organisms, to bees, to foliar-dwelling non-target arthropods, to earthworms and non-target terrestrial plants could not be finalised.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ EFSA Journal 2020;18(3):6028, Conclusion on the peer review of the pesticide risk assessment of the active substance chloropicrin. doi:10.2903/j.efsa.2020.6028.

- (11) The Commission invited the applicant to submit its comments on the conclusion of the Authority and, in accordance with Article 13(1) of Regulation (EC) No 1107/2009, on the draft review report. The applicant submitted its comments, which have been carefully examined.
- (12) The Commission presented a review report and a draft Regulation regarding the non-approval of the active substance chloropicrin to the Standing Committee on Plants, Animals, Food and Feed on 22 October 2021. The Commission observed that concerns identified by the Authority could not be eliminated and that consequently it could not be concluded that the approval criteria are satisfied.
- (13) By letter of 18 January 2022, the applicant withdrew its application for the approval of chloropicrin. Therefore, chloropicrin should not be approved.
- (14) This Regulation does not prevent the submission of a further application for the approval of chloropicrin pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Non-approval of the active substance

The active substance chloropicrin is not approved.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 May 2022.

For the Commission
The President
Ursula VON DER LEYEN
