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):** Benthiavalicarb (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 the approval of the active substance Benthiavalicarb, 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.**Language(s):** English. **Number of pages:** 5  [https://members.wto.org/crnattachments/2023/SPS/EEC/23\_11316\_00\_e.pdf](https://members.wto.org/crnattachments/2023/SPS/EEC/23_11316_00_e.pdf" \t "_blank) |
| **6.** | **Description of content:** This draft Commission Implementing Regulation provides that the approval of the active substance Benthiavalicarb is not renewed in accordance with Regulation (EC) No 1107/2009. EU member States shall withdraw authorisations for plant protection products containing Benthiavalicarb 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 likely 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/997. |
| **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   <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009R1107>   * 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*)   <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011R0540>   * Commission Implementing Regulation (EU) 2015/408 of 11 March 2015 on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution (*OJ L 67, 12.3.2015, p. 18–22*)   <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32015R0408>   * EFSA (European Food Safety Authority), 2022. Peer review of the pesticide risk assessment of the active substance benthiavalicarb.   <https://doi.org/10.2903/j.efsa.2021.6833>  (available in English) |
| **10.** | **Proposed date of adoption *(dd/mm/yy)*:** 4th quarter 2023.  **Proposed date of publication *(dd/mm/yy)*:** 4th quarter 2023. |
| **11.** | **Proposed date of entry into force: [****]****Six months from date of publication**, **and/or** ***(dd/mm/yy)*:** 20 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 welcomed on TBT related issues and to be addressed to the TBT Enquiry Point on notice G/TBT/N/EU/997.  **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](mailto: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](mailto:grow-eu-tbt@ec.europa.eu) |