



2024/1736

24.6.2024

COMMISSION IMPLEMENTING DECISION (EU) 2024/1736

of 21 June 2024

laying down the final import response on behalf of the Union concerning the future import of terbufos pursuant to Regulation (EU) No 649/2012 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals ⁽¹⁾, and in particular Article 13(1), second and third subparagraphs, thereof,

After consulting the Committee established by Article 133 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽²⁾,

Whereas:

- (1) The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ('the Convention') is implemented by Regulation (EU) No 649/2012. In accordance with that Regulation, the Commission is to provide the Secretariat of the Convention with final or interim import responses on behalf of the Union concerning the future import of all chemicals that are subject to the Prior Informed Consent procedure (the 'PIC procedure').
- (2) At its eleventh meeting, held in Geneva from 1 to 12 May 2023, the Conference of the Parties to the Convention agreed to list terbufos in Annex III to the Convention with the effect that terbufos became subject to the PIC procedure. A decision guidance document for the chemical was sent to the Commission on 20 October 2023 with a request for a decision regarding the future import of the chemical.
- (3) Terbufos has been added to Annex III to the Convention as a pesticide. The placing on the market and use of terbufos as an active substance of plant protection products is not approved under Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽³⁾. Furthermore, the placing on the market and use of terbufos as an active substance of biocidal products is not approved under Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽⁴⁾. Therefore, consent under the Rotterdam Convention should not be given to the future import of terbufos to the Union,

HAS DECIDED AS FOLLOWS:

Sole Article

The import response for terbufos is set out in the Annex to this Decision.

⁽¹⁾ OJ L 201, 27.7.2012, p. 60, ELI: <http://data.europa.eu/eli/reg/2012/649/oj>.

⁽²⁾ OJ L 396, 30.12.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1907/oj>.

⁽³⁾ 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 (OJ L 309, 24.11.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/1107/oj>).

⁽⁴⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/528/oj>).

Done at Brussels, 21 June 2024.

For the Commission
Virginijus SINKEVIČIUS
Member of the Commission

ANNEX



ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION
ON THE PRIOR INFORMED CONSENT PROCEDURE
FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES
IN INTERNATIONAL TRADE



FORM FOR IMPORT RESPONSE

Country:

European Union

Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.

SECTION 1

IDENTITY OF CHEMICAL

1.1 Common name

Terbufos

1.2 CAS number

13071-79-9

1.3 Category

☒ Pesticide☐ Industrial☐ Severely hazardous pesticide formulation

SECTION 2

INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

2.1

☒

This is a first time import response for this chemical in the country.

2.2

☐

This is a modification of a previous response.

Date of issue of the previous response:

SECTION 3

RESPONSE REGARDING FUTURE IMPORT

☒

Final decision (Fill in section 4 below) OR

☐

Interim response (Fill in section 5 below)

SECTION 4

FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

4.1

☒

No consent to import

Is the import of the chemical from all sources simultaneously prohibited?

☒ Yes☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited?

☒ Yes☐ No

4.2

☐

Consent to import

4.3

☐

Consent to import only subject to specified conditions

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

4.4 National legislative or administrative measure upon which the final decision is based

Description of the national legislative or administrative measure:

In the Union, it is prohibited to place on the market or use plant protection products containing terbufos, since that active substance has not been approved under 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 (OJ L 309, 24.11.2009, p. 1).

Furthermore, it is prohibited to make available on the market or use biocidal products containing terbufos, since that active substance has not been approved pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

SECTION 5		INTERIM RESPONSE	
5.1	☐	No consent to import	
		Is the import of the chemical from all sources simultaneously prohibited?	☐ Yes ☐ No
		Is domestic production of the chemical for domestic use simultaneously prohibited?	☐ Yes ☐ No
5.2	☐	Consent to import	
5.3	☐	Consent to import only subject to specified conditions	
		The specified conditions are:	
		Are the conditions for import of the chemical the same for all sources of import?	☐ Yes ☐ No
		Are the conditions for domestic production of the chemical for domestic use the same as for all imports?	☐ Yes ☐ No
5.4		Indication of active consideration in order to reach a final decision	
		Is a final decision under active consideration?	☐ Yes ☐ No
5.5		Information or assistance requested in order to reach a final decision	
		The following additional information is requested from the Secretariat:	
		The following additional information is requested from the country that notified the final regulatory action:	
		The following assistance is requested from the Secretariat in evaluating the chemical:	

SECTION 6	RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:	
Is this chemical currently registered in the country?	☐ Yes	☒ No
Is this chemical manufactured in the country?	☐ Yes	☒ No
If yes to either one of these questions:		
Is this intended for domestic use?	☐ Yes	☐ No
Is this intended for export?	☐ Yes	☐ No

Other remarks

In accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1), which implements the UN Globally Harmonised System of Classification and Labelling of Chemicals in the Union, terbufos is classified as:

Acute Toxicity 2* – H300 – Fatal if swallowed.

Acute Toxicity 1 – H310 – Fatal in contact with skin.

Aquatic Acute 1 – H 400 – Very toxic to aquatic life.

Aquatic Chronic 1 – H410 – Very toxic to aquatic life with long lasting effects.

(* = This classification is to be considered as a minimum classification)

SECTION 7	DESIGNATED NATIONAL AUTHORITY
Institution	European Commission, DG Environment
Address	Rue de la Loi 200, B-1049 Brussels, Belgium
Name of person in charge	Dr Juergen Helbig
Position of person in charge	Team Leader International Chemicals Policy
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Email address	Juergen.Helbig@ec.europa.eu

Date, signature of DNA and official seal: _____

PLEASE RETURN THE COMPLETED FORM TO:

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Viale delle Terme di Caracalla
I – 00100 Rome, Italy
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OR

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