



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food and feed safety, innovation
Director

Brussels,
SANTE/E4/WR/np (2016)3334810

Dear Mr Muilerman,

Subject: Derogation for pesticides

I would like to thank you for your letter of 2 June which was addressed to Commissioner Andriukaitis, who asked me to reply on his behalf, as plant protection products falls into the competency of my directorate. I would also like to apologise for the delay in replying.

In your letter you provide comments concerning the procedure for dealing with applications under Article 4(7) of Regulation (EC) No 1107/2009. I note that your letter is overlapping with a letter sent in January and I would like to refer to the reply sent in early February with the reference ARES(2016)626752.

This procedure you are referring to is currently discussed amongst the Commission, EFSA and Member States in order to allow a prompt processing of applications according to Article 4(7) for a number of active substances. These substances are expected to fulfil the criteria for non-approval as set out in points 3.6.3 – 3.6.5 and 3.8.2 of Annex II of that Regulation, and at the same time applicants claim that these substances may be necessary to control one or several serious dangers to plant health which cannot be contained by other available means. This step, which is a part of the legal procedure, should be taken without unnecessary delays and therefore the Commission started to discuss with experts from Member States and EFSA appropriate guidance and a suitable procedure for the review of information submitted in the framework of Article 4(7).

This discussion did not yet reach out to stakeholders, and a formal stakeholder consultation is still to follow in due course. I take note of your comments and I have asked my services to consider them as a part of the formal stakeholder consultation as soon as that has been launched.

Mr Hans Muilerman
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On a different subject from your letter, notably your allegations concerning different types of authorisations granted by Member States, I reject your claims that these provisions would be used manifestly unlawfully or applied in an intransparent way.

Following the provisions of Article 57 of Regulation (EC) No 1107/2009 Member States shall keep electronically available to the public information about plant protection products authorised. Following Article 29, Member States shall assure that all authorisations comply with the requirements and standards of that Regulation. The Commission regularly carries out audits in Member States in order to monitor whether Member States comply with the provisions of that Regulation and publishes their outcome on the internet.

I invite you to also consult the pertinent databases published by Member States if you wish to find out more about authorisations granted according to the articles quoted in your letter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Sabine Jülicher', written in a cursive style.

Sabine Jülicher