

Commission Implementing Decision (EU) 2020/2182 of 18 December 2020 laying down the final import response on behalf of the Union concerning the future import of certain chemicals pursuant to Regulation (EU) No 649/2012 of the European Parliament and of the Council and amending the Commission Implementing Decision of 15 May 2014 adopting Union import decisions for certain chemicals pursuant to that Regulation (notified under document C(2020) 8977)

COMMISSION IMPLEMENTING DECISION (EU) 2020/2182

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(notified under document C(2020) 8977)

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 the second and third subparagraphs of Article 13(1) 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 ninth meeting, held in Geneva from 29 April to 10 May 2019, the Conference of the Parties to the Convention agreed to list certain chemicals in Annex III to the Convention with the effect that they became subject to the PIC procedure. A decision guidance document for each chemical was sent to the Commission on 16 September 2019 with a request for a decision regarding future import of the chemical.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/2182. (See end of Document for details)

- (3) Phorate has been added to Annex III to the Convention as a pesticide. The placing on the market and use of phorate as a component of plant protection products is prohibited under Regulation (EC) No 1107/2009 of the European Parliament and of the Council⁽³⁾. Furthermore, the placing on the market and use of phorate as a component of biocidal products is prohibited 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 phorate to the Union.
- (4) Hexabromocyclododecane has been added to Annex III to the Convention as an industrial chemical. The manufacturing, placing on the market and use of hexabromocyclododecane are prohibited under Regulation (EU) 2019/1021 of the European Parliament and of the Council⁽⁵⁾. Therefore, consent under the Rotterdam Convention should not be given to the future import of hexabromocyclododecane to the Union.
- (5) Commercial pentabromodiphenyl ether (including tetra- and pentabromodiphenyl ether), commercial octabromodiphenyl ether (including hexa- and heptabromodiphenyl ether) and perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulfonamides and perfluorooctane sulfonyls were added to the PIC procedure as industrial chemicals at the sixth meeting of the Conference of the Parties to the Convention. Import responses for those chemicals have been adopted in the Commission Implementing Decision of 15 May 2014 adopting Union import decisions for certain chemicals pursuant to Regulation (EU) No 649/2012 of the European Parliament and of the Council⁽⁶⁾.
- (6) The manufacturing, placing on the market and use of commercial pentabromodiphenyl ether (including tetra- and pentabromodiphenyl ether) and commercial octabromodiphenyl ether (including hexa- and heptabromodiphenyl ether) are, subject to certain exemptions, prohibited under Regulation (EU) 2019/1021. Therefore, consent under the Rotterdam Convention should only be given to the future import of pentabromodiphenyl ether and commercial octabromodiphenyl ether to the Union, if certain conditions are met.
- (7) The manufacturing, placing on the market and use of perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulfonamides and perfluorooctane sulfonyls (PFOS) are, subject to certain exemptions, prohibited under Regulation (EU) 2019/1021. Therefore, consent under the Rotterdam Convention should only be given to the future import of PFOS to the Union, if certain conditions are met.
- (8) Since the regulatory developments in the Union brought about by Regulation (EU) 2019/1021 have taken place after the adoption of the Implementing Decision of 15 May 2014, that Decision should be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The import responses for phorate and hexabromocyclododecane are set out in Annex I.

Changes to legislation: There are currently no known outstanding effects for the
Commission Implementing Decision (EU) 2020/2182. (See end of Document for details)

Article 2

Annex II to the Implementing Decision of 15 May 2014 adopting Union import decisions for certain chemicals pursuant to Regulation (EU) No 649/2012 is replaced by Annex II to this Decision.

Done at Brussels, 18 December 2020.

For the Commission

Virginijus SINKEVIČIUS

Member of the Commission

Changes to legislation: There are currently no known outstanding effects for the
Commission Implementing Decision (EU) 2020/2182. (See end of Document for details)

ANNEX I

Import response for phorate



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:	<p>European Union Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden. United Kingdom - The United Kingdom withdrew from the European Union as of 1 February 2020. During the transition period, which ends on 31 December 2020, unless extended, Union law, with a few limited exceptions, continues to be applicable to and in the United Kingdom and any reference to Member States in Union law shall be understood as including the United Kingdom.</p>
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SECTION 1

IDENTITY OF CHEMICAL

1.1	Common name	Phorate
1.2	CAS number	298-02-2
1.3	Category	# Pesticide # Industrial # Severely hazardous pesticide formulation

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/2182. (See end of Document for details)

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)
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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	# Yes	# No