Commission Delegated Regulation (EU) No 1078/2014 of 7 August 2014 amending Annex I to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) No 1078/2014

of 7 August 2014

amending Annex I to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals

(Text with EEA relevance)

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 23(4) thereof,

Whereas:

(1) Regulation (EU) No 649/2012 implements the Rotterdam Convention on the Prior Informed Consent Procedure (PIC procedure) for certain hazardous chemicals and pesticides in international trade, signed on 11 September 1998 and approved, on behalf of the Community, by Council Decision 2003/106/EC[(2)].

(2) It is appropriate that regulatory action in respect of certain chemicals taken pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council[(3)], Regulation (EC) No 1107/2009 of the European Parliament and of the Council[(4)], and Regulation (EU) No 528/2012 of the European Parliament and of the Council[(5)] be taken into account.

(3) The approval of the substance bitertanol has been withdrawn in accordance with Regulation (EC) No 1107/2009, with the effect that bitertanol is banned for use as pesticide and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.

(4) The substances cyhexatin and azocyclotin have not been approved as active substances in accordance with Regulation (EC) No 1107/2009, with the effect that those substances are banned for pesticide use and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.

(5) The substances cinidon-ethyl, cyclanilide, ethoxysulfuron and oxadiargyl are no longer approved as active substances in accordance with Regulation (EC) No 1107/2009, with the effect that those substances are banned for pesticide use and thus should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 1078/2014. (See end of Document for details)*

(6) The substance rotenone has not been approved as an active substance in accordance with Regulation (EC) No 1107/2009, with the effect that rotenone is severely restricted for pesticide use because virtually all use is prohibited despite the fact that rotenone has been identified and notified for evaluation under Regulation (EU) No 528/2012 for product type 17 and may thus continue to be authorised by Member States until a decision under that Regulation is taken. Therefore, rotenone should be added to the lists of chemicals contained in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012.

(7) The approval of the substance didecyldimethylammonium chloride has been withdrawn in accordance with Regulation (EC) No 1107/2009, with the effect that didecyldimethylammonium chloride is banned for use as pesticide in the group of plant protection products and thus should be added to the list of chemicals contained in Part 1 of Annex I to Regulation (EU) No 649/2012.

(8) The substances warfarin and cyfluthrin are no longer approved as active substances in accordance with Regulation (EC) No 1107/2009, with the effect that those substances are banned for use as pesticide in the group of plant protection products and thus should be added to the list of chemicals contained in Part 1 of Annex I to Regulation (EU) No 649/2012.

(9) At its sixth meeting held from 28 April to 10 May 2013, the Conference of the Parties to the Rotterdam Convention decided to include azinphos-methyl, perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulfonamides and perfluorooctane sulfonyls in Annex III to that Convention, with the effect that those chemicals became subject to the PIC procedure under that Convention. Those chemicals should thus be removed from the list of chemicals contained in Part 2 of Annex I to Regulation (EU) No 649/2012 and added to the list of chemicals contained in Part 3 of that Annex.

(10) The Conference of the Parties to the Rotterdam Convention also decided to include commercial pentabromodiphenyl ether, including tetra- and pentabromodiphenyl ether, as well as commercial octabromodiphenyl ether, including hexa- and heptabromodiphenyl ether, in Annex III to that Convention, with the effect that those chemicals became subject to the PIC procedure under that Convention. Since tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether are already listed in Annex V to Regulation (EU) No 649/2012 and are therefore subject to an export ban, those chemicals are not added to the list of chemicals contained in Part 3 of Annex I to Regulation (EU) No 649/2012.

(11) The entry for chlorate in Parts 1 and 2 of Annex I to Regulation (EU) No 649/2012 should be amended in order to provide more clarity as to the substances covered by that entry.

(12) Regulation (EU) No 649/2012 should therefore be amended accordingly.

(13) In order to allow enough time for all interested parties to take the measures necessary to comply with this Regulation and for Member States to take the measures necessary for its implementation, its application should be deferred,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 649/2012 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 December 2014.

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

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 1078/2014. (See end of Document for details)*

ANNEX

Annex I to Regulation (EU) No 649/2012 is amended as follows:

1. Part 1 is amended as follows:

(a) the entries for azinphos-methyl and perfluorooctane sulfonates are replaced by the following:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Azinphos-methyl (#)	86-50-0	201-676-1	2933 99 80	p(1)	b	
Perfluorooctane sulfonates (PFOS) $C_8F_{17}SO_2X$ (X = OH, Metal salt (O-M+), halide, amide, and other derivatives including polymers) (+)/(#)	1763-23-1 2795-39-3 70225-14-8 56773-42-3 4151-50-2 57589-85-2 68081-83-4 and others	217-179-8 220-527-1 274-460-8 260-375-3 223-980-3 260-837-4 268-357-7	2904 90 95 2904 90 95 2922 12 00 2923 90 00 2935 00 90 2924 29 98 3824 90 97	i(1)	sr'	

(b) the entry for chlorate is replaced by the following:

Chemical	CAS No	Einecs No	CN code	Subcategory (*)	Use limitation (**)	Countries for which no notification is required
'Chlorate (+)	7775-09-9 10137-74-3 7783-92-8 and others	231-887-4 233-378-2 232-034-9	2829 11 00 2829 19 00 2843 29 00	p(1)	b'	