Commission Implementing Decision (EU) 2020/152 of 3 February 2020 prohibiting Romania to repeat granting authorisations under Article 53(1) of Regulation (EC) No 1107/2009 for the plant protection products containing the active substance clothianidin or imidacloprid for use on Brassica napus against Phyllotreta spp. or Psylliodes spp. (notified under document C(2020) 458) (Only the Romanian text is authentic) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/152

of 3 February 2020

prohibiting Romania to repeat granting authorisations under Article 53(1) of Regulation (EC) No 1107/2009 for the plant protection products containing the active substance clothianidin or imidacloprid for use on *Brassica napus* against *Phyllotreta* spp. or *Psylliodes* spp.

(notified under document C(2020) 458)

(Only the Romanian text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to 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[(1)], and in particular Article 53(3)(a) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 485/2013[(2)] amended the conditions of approval of the active substances thiamethoxam, clothianidin and imidacloprid, belonging to the class of neonicotinoids. Article 2 of that Regulation prohibited the sale and use of seeds of certain crops treated with plant protection products containing these active substances, with the exception of seeds used in greenhouses. Accordingly, Member States had to amend or withdraw existing authorisations for plant protection products containing those active substances.

(2) Since 28 February 2014 Romania has repeatedly granted emergency authorisations covering the treatment of seeds, sale and sowing of seeds treated with plant protection products containing those active substances, based on the derogation provided for in Article 53(1) of Regulation (EC) No 1107/2009 for emergency situations. These emergency authorisations were duly notified to the Commission and to the other Member States.

(3) On 20 March 2017, Romania notified the Commission four emergency authorisations in force from 1 February 2017 until 16 May 2017 for plant protection products containing

the active substances imidacloprid (NUPRID AL 600 FS and Seedoprid 600 FS), thiamethoxam (Cruiser 350 FS) and clothianidin (PONCHO 600 FS) for use on both *Helianthus annuus* and *Zea mays* against *Agriotes* spp. and *Tanymecus dilaticollis*. On 13 September 2017, Romania notified the Commission two emergency authorisations in force from 21 July 2017 to 16 October 2017 for plant protection products containing the active substances imidacloprid (NUPRID AL 600 FS) and clothianidin (MODESTO 480 FS) for use on *Brassica napus* against *Phyllotreta* spp. and *Psylliodes* spp.

(4) On 15 September 2017, in accordance with Article 53(2) of Regulation (EC) No 1107/2009, the Commission asked the European Food Safety Authority ('the Authority') to assess several Member States', including Romania's, emergency authorisations for plant protection products containing the active substances clothianidin, imidacloprid and thiametoxam for uses no longer approved by Implementing Regulation (EU) No 485/2013, in the light of the conditions for emergency authorisations laid down in Article 53(1) of Regulation (EC) No 1107/2009.

(5) On 18 May 2018, Romania again notified emergency authorisations for plant protection products MODESTO 480 FS and NUPRID AL 600 FS, containing the active substances clothianidin and imidacloprid for seed treatment and sowing of treated seeds, for use on *Brassica napus* var. *napobrassica* against *Phyllotreta* spp. and *Psylliodes* spp.

(6) In respect of the three active substances concerned, Commission Implementing Regulations (EU) 2018/783[(3)], (EU) 2018/784[(4)] and (EU) 2018/785[(5)] confirmed the restrictions imposed by Implementing Regulation (EU) No 485/2013. They further restricted the use of plant protection products containing the active substances imidacloprid, clothianidin and thiamethoxam allowing only for authorisation of uses as insecticides in permanent greenhouses or for the treatment of seeds intended to be used only in permanent greenhouses. Furthermore, resulting crops must stay within permanent greenhouses during their entire life cycle.

(7) In the technical report prepared upon Commission's request referred to in recital 4 and published on 21 June 2018[(6)] regarding the six crop/pest combinations, for which the emergency authorisation were given by Romania, the Authority concluded that for three crop/pest combinations there was a product containing an alternative active substance authorised with the same mode of action, namely, *Brassica napus*/*Phyllotreta atra*., *Brassica napus*/*Psylliodes chrysocephala,* and *Zea mays/Tanymecus dilaticollis*. Yet, four products did not only cover *Zea mays/Tanymecus dilaticollis*, for which an alternative existed, but were used at the same time to cover other crop/pest combinations, namely *Zea mays*/*Agriotes* spp., *Helianthus annuus/Agriotes* spp. and *Helianthus annuus/Tanymecus dilaticollis*, for which no product containing an alternative substance was available.

(8) Therefore, based on the assessment by the Authority, the Commission considers that the conditions laid down in Article 53(1) of Regulation (EC) No 1107/2009 were not met in Romania in respect of authorisations for MODESTO 480 FS containing the active substance clothianidin and for NUPRID AL 600 FS containing the active substance imidacloprid for use for the crop/pest combinations *Brassica napus/Phyllotreta* spp. and *Brassica napus/Psylliodes* spp. as these emergency authorisations cover a crop/pest