COMMISSION DECISION

of 18 November 2005

adopting Community import decisions for certain chemicals pursuant to Regulation (EC) No 304/2003 of the European Parliament and of the Council and amending Decision 2000/657/EC

(Text with EEA relevance)

(2005/814/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 304/2003 of the European Parliament and of the Council of 28 January 2003 concerning the export and import of dangerous chemicals [1], and in particular the first subparagraph of Article 12(1) thereof,

After consulting the Committee established by Article 29 of Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances [2],

Whereas:

(1) Under Regulation (EC) No 304/2003 the Commission is required to decide on behalf of the Community, whether or not to permit the import into the Community of each chemical subject to the Prior Informed Consent (PIC) procedure.

(2) The United Nations Environment Programme (UNEP) and the Food and Agriculture Organization (FAO) have been appointed to provide secretariat services for the operation of the PIC procedure established by the Rotterdam Convention on the Prior Informed Consent (PIC) procedure for certain hazardous chemicals and pesticides in international trade; the Convention was approved, on behalf of the Community, by Council Decision 2003/106/EC [3].

(3) The Commission, acting as common designated authority, is required to forward decisions on chemicals to the Secretariat of the Convention, on behalf of the Community and its Member States.

(4) The chemicals tetraethyl lead and tetramethyl lead have been added to the PIC procedure, as industrial chemicals. The Commission has received information about both chemicals in the form of a single decision guidance document. Both chemicals are severely restricted at Community level since their use as anti-knock agents in petrol is effectively banned, subject to minor exemptions, by Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC [4]. An import decision should therefore be taken accordingly.

(5) The chemical parathion has also been added to the PIC procedure, as a pesticide, for which the Commission has received information from the Secretariat in the form of a decision guidance document.

(6) Parathion falls within the scope of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market [5]. By Commission Decision 2001/520/EC of 9 July 2001 concerning the non-inclusion of parathion in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance [6], parathion was excluded from Annex I to Directive 91/414/EEC and authorisations for plant protection products containing it had to be withdrawn by 8 January 2002. Parathion had previously been included in the interim PIC procedure to the extent that certain severely hazardous pesticide formulations containing parathion were listed in Annex III to the Convention, which was reflected in the response form set out in the Annex to Commission Decision 2000/657/EC of 16 October 2000 adopting Community import decisions for certain chemicals pursuant to Council Regulation (EEC) No 2455/92 concerning the export and import of certain dangerous chemicals [7]. The entry for parathion in Annex III to the Convention needs to be replaced by an entry covering parathion in all its forms. A new import decision should therefore be taken.

[1] OJ L 63, 6.3.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 775/2004 (OJ L 123, 27.4.2004, p. 27).
[2] OJ 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 2004/73/EC (OJ L 152, 30.4.2004, p. 1).
[3] OJ L 63, 6.3.2003, p. 27.
[4] OJ L 350, 28.12.1998, p. 58. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).
[5] OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2005/34/EC (OJ L 125, 18.5.2005, p. 5).
[6] OJ L 187, 10.7.2001, p. 47.
[7] OJ L 275, 27.10.2000, p. 44. Decision as last amended by Decision 2005/416/EC (OJ L 147, 10.6.2005, p. 1).

(7) Decision 2000/657/EC should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

1. The decision on the import of the chemical tetraethyl lead, as set out on the form for importing country responses in Annex I, is adopted.

2. The decision on the import of the chemical tetramethyl lead, as set out on the form for importing country responses in Annex II, is adopted.

Article 2

The decision on the import of parathion as set out in the Annex to Decision 2000/657/EC is replaced by the import decision set out on the form for importing country responses in Annex III to this Decision.

Done at Brussels, 18 November 2005.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX I

IMPORT DECISION FOR THE CHEMICAL SUBSTANCE TETRAETHYL LEAD

Secretariat for the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

UNEP

FORM FOR IMPORTING COUNTRY RESPONSE

IMPORTANT: See instructions before filling in the form

COUNTRY: European Community

(Member States: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1. IDENTITY OF CHEMICAL		
1.1.	Common name	Tetraethyl lead
1.2.	CAS number	78-00-2
1.3.	Type of formulation and content of active ingredient	

SECTION 2. THE IMPORT RESPONSE PROVIDED IN THIS FORM APPLIES TO THE FOLLOWING CATEGORY OR CATEGORIES

❑ Pesticide

X Industrial

❑ Severely hazardous pesticide formulation

SECTION 3. INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

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

3.2. ❑ This is a modification of a previous response.

The previous response was a final decision. ❑ Yes ❑ No

The previous response was an interim response. ❑ Yes ❑ No

Date of issue of the previous response:

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SECTION 4. RESPONSE REGARDING FUTURE IMPORT

X Final decision ***(Fill in section 5, page 2)*** **OR** ❑ **Interim response** ***(Fill in section 6, page 3-4)***

SECTION 5. FINAL DECISION, pursuant to national legislative or administrative measures

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. **X Consent to import only subject to specified conditions**

The specified conditions are:

The use of the chemical as an anti-knock compound in leaded petrol for vehicles is banned since it is prohibited to place on the market leaded petrol for vehicles. However, Member States may allow a derogation for small quantities of leaded petrol containing not more than 0.15g lead/L, up to a maximum of 0.5 % of total sales, for collectors' old cars.

Are the conditions for import of the chemical the same for all sources of import? **X** Yes ❑ No

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

5.4.	**National legislative or administrative measure upon which the final decision is based**			
	Description of the national legislative or administrative measure: It is prohibited to place on the market leaded petrol for vehicles pursuant to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (*Official Journal of the European Communities* L 350 of 28.12.1998, p. 58). The complete name and address of the institution/authority responsible for issuing this national legislative or administrative measure: European Community and its Member States (see address in section 8).			
5.5.	**Remarks** See under point 5.3 and 5.4			
	Has there ever been a request of registration of this chemical in the country?		❑ Yes	❑ No
	Is this chemical currently registered in the country?		❑ Yes	❑ No
	Is this chemical manufactured in the country?		❑ Yes	❑ No
	Is this chemical formulated in the country?		❑ Yes	❑ No
	If yes to either one of these last two questions:	Is this intended for domestic use?	❑ Yes	❑ No
		Is this intended for export?	❑ Yes	❑ No
	Other remarks			
SECTION 6. INTERIM RESPONSE				
6.1.	❑ **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
6.2.	❑ **Consent to import**			
6.3.	❑ **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

6.4.	**Indication of active consideration in order to reach a final decision**		
	Is a final decision under active consideration?	❑ **Yes**	❑ **No**
	Approximate time needed before a final decision can be reached:		
	The complete name and address of the responsible institution/authority actively considering a final decision:		
6.5.	**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:		
6.6.	**Remarks**		
	Has there ever been a request of registration of this chemical in the country?	❑ Yes	❑ No
	Is this chemical currently registered in the country?	❑ Yes	❑ No
	Is this chemical manufactured in the country?	❑ Yes	❑ No
	Is this chemical formulated in the country?	❑ Yes	❑ No
	If yes to either one of these last two questions: Is this intended for domestic use?	❑ Yes	❑ No
	If yes to either one of these last two questions: Is this intended for export?	❑ Yes	❑ No
	Other remarks		

SECTION 7. RELEVANT ADDITIONAL INFORMATION

Tetraethyl lead is classified under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p.1) as: T+; R26/27/28; R33 (Very Toxic; Very toxic by inhalation, in contact with skin and if swallowed; Danger of cumulative effects) — Repr Cat.1; R61 (Toxic to reproduction Category 1; May cause harm to the unborn child) — Repr. Cat.3; R62 (Toxic to reproduction Category 3; Possible risk of impaired fertility) — N; R50/53 (Dangerous to the environment; Very Toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment).

SECTION 8. DESIGNATED NATIONAL AUTHORITY

Institution	European Commission DG Environment
Address	Rue de la Loi 200 B-1049 Brussels Belgium

ANNEX II

IMPORT DECISION FOR THE CHEMICAL SUBSTANCE TETRAMETHYL LEAD

Secretariat for the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

UNEP

FORM FOR IMPORTING COUNTRY RESPONSE

IMPORTANT: See instructions before filling in the form

COUNTRY: European Community

(Member States: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1. IDENTITY OF CHEMICAL		
1.1.	Common name	Tetramethyl lead
1.2.	CAS number	75-74-1
1.3.	Type of formulation and content of active ingredient	

SECTION 2. THE IMPORT RESPONSE PROVIDED IN THIS FORM APPLIES TO THE FOLLOWING CATEGORY OR CATEGORIES

❑ Pesticide

X Industrial

❑ Severely hazardous pesticide formulation

SECTION 3. INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

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

3.2. ❑ This is a modification of a previous response.

The previous response was a final decision. ❑ Yes ❑ No

The previous response was an interim response. ❑ Yes ❑ No

Date of issue of the previous response:

_____

SECTION 4. RESPONSE REGARDING FUTURE IMPORT

X Final decision ***(Fill in section 5, page 2)*** **OR** ❑ **Interim response** ***(Fill in section 6, page 3-4)***

SECTION 5. FINAL DECISION, pursuant to national legislative or administrative measures

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. **X Consent to import only subject to specified conditions**

The specified conditions are:

The use of the chemical as an anti-knock compound in leaded petrol for vehicles is banned since it is prohibited to place on the market leaded petrol for vehicles. However, Member States may allow a derogation for small quantities of leaded petrol containing not more than 0.15g lead/L, up to a maximum of 0,5 % of total sales, for collectors' old cars.

Are the conditions for import of the chemical the same for all sources of import? **X** Yes ❑ No

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

5.4.	**National legislative or administrative measure upon which the final decision is based**			
	Description of the national legislative or administrative measure: It is prohibited to place on the market leaded petrol for vehicles pursuant to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (*Official Journal of the European Communities* L 350 of 28.12.1998, p. 58). The complete name and address of the institution/authority responsible for issuing this national legislative or administrative measure: European Community and its Member States (see address in section 8).			
5.5.	**Remarks** See under point 5.3. and 5.4.			
	Has there ever been a request of registration of this chemical in the country?		❑ Yes	❑ No
	Is this chemical currently registered in the country?		❑ Yes	❑ No
	Is this chemical manufactured in the country?		❑ Yes	❑ No
	Is this chemical formulated in the country?		❑ Yes	❑ No
	If yes to either one of these last two questions:	Is this intended for domestic use?	❑ Yes	❑ No
		Is this intended for export?	❑ Yes	❑ No
	Other remarks			
SECTION 6. INTERIM RESPONSE				
6.1.	❑ **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
6.2.	❑ **Consent to import**			
6.3.	❑ **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

6.4.	**Indication of active consideration in order to reach a final decision**		
	Is a final decision under active consideration?	❑ **Yes**	❑ **No**
	Approximate time needed before a final decision can be reached:		
	The complete name and address of the responsible institution/authority actively considering a final decision:		
6.5.	**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:		
6.6.	**Remarks**		
	Has there ever been a request of registration of this chemical in the country?	❑ Yes	❑ No
	Is this chemical currently registered in the country?	❑ Yes	❑ No
	Is this chemical manufactured in the country?	❑ Yes	❑ No
	Is this chemical formulated in the country?	❑ Yes	❑ No
	If yes to either one of these last two questions: Is this intended for domestic use?	❑ Yes	❑ No
	If yes to either one of these last two questions: Is this intended for export?	❑ Yes	❑ No
	Other remarks		

SECTION 7. RELEVANT ADDITIONAL INFORMATION

Tetramethyl lead is classified under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p.1) as: T+; R26/27/28; R33 (Very Toxic; Very toxic by inhalation, in contact with skin and if swallowed; Danger of cumulative effects) — Repr. Cat.1; R61 (Toxic to reproduction Category 1; May cause harm to the unborn child) — Repr. Cat.3; R62 (Toxic to reproduction Category 3; Possible risk of impaired fertility) — N; R50/53 (Dangerous to the environment; Very Toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment).

SECTION 8. DESIGNATED NATIONAL AUTHORITY

Institution	European Commission DG Environment
Address	Rue de la Loi 200 B-1049 Brussels Belgium

ANNEX III

IMPORT DECISION FOR THE CHEMICAL SUBSTANCE PARATHION

Secretariat for the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

UNEP

FORM FOR IMPORTING COUNTRY RESPONSE

IMPORTANT: See instructions before filling in the form

COUNTRY: European Community

(Member States: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom)

SECTION 1. IDENTITY OF CHEMICAL		
1.1.	Common name	Parathion
1.2.	CAS number	56-38-2
1.3.	Type of formulation and content of active ingredient	All formulations

SECTION 2. THE IMPORT RESPONSE PROVIDED IN THIS FORM APPLIES TO THE FOLLOWING CATEGORY OR CATEGORIES

X Pesticide

❑ Industrial

X Severely hazardous pesticide formulation

SECTION 3. INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

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

3.2. **X** This is a modification of a previous response.

The previous response was a final decision. **X** Yes ❑ No

The previous response was an interim response. ❑ Yes **X** No

Date of issue of the previous response:

24.7.2003

SECTION 4. RESPONSE REGARDING FUTURE IMPORT

X Final decision ***(Fill in section 5, page 2)*** **OR** ❑ **Interim response** ***(Fill in section 6, page 3-4)***

SECTION 5. FINAL DECISION, pursuant to national legislative or administrative measures

5.1. **X No consent to import**

Is the import of the chemical from all sources simultaneously prohibited? **X** Yes ❑ No

Is domestic production of the chemical for domestic use simultaneously prohibited? **X** Yes ❑ No

5.2. ❑ **Consent to import**

5.3. ❑ **Consent to import only subject to specified conditions**

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.	**National legislative or administrative measure upon which the final decision is based**			
	Description of the national legislative or administrative measure: It is prohibited to use or place on the market all plant protection products containing parathion. Parathion was excluded from Annex I to Council Directive 91/414/EEC and thus authorisations for plant-protection products containing this active substance have been withdrawn. (Commission Decision 2001/520/EC of 9 July 2001, OJ L187, 10.7.2001, p.47). The complete name and address of the institution/authority responsible for issuing this national legislative or administrative measure: European Community and its Member States (see address in section 8).			
5.5.	**Remarks** See under point 5.3 and 5.4			
	Has there ever been a request of registration of this chemical in the country?		❑ Yes	❑ No
	Is this chemical currently registered in the country?		❑ Yes	❑ No
	Is this chemical manufactured in the country?		❑ Yes	❑ No
	Is this chemical formulated in the country?		❑ Yes	❑ No
	If yes to either one of these last two questions:	Is this intended for domestic use?	❑ Yes	❑ No
		Is this intended for export?	❑ Yes	❑ No
	Other remarks			
SECTION 6. INTERIM RESPONSE				
6.1.	❑ **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
6.2.	❑ **Consent to import**			
6.3.	❑ **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

6.4.	**Indication of active consideration in order to reach a final decision**			
	Is a final decision under active consideration?		❑ **Yes**	❑ **No**
	Approximate time needed before a final decision can be reached: _____			
	The complete name and address of the responsible institution/authority actively considering a final decision:			
6.5.	**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:			
6.6.	**Remarks**			
	Has there ever been a request of registration of this chemical in the country?		❑ Yes	❑ No
	Is this chemical currently registered in the country?		❑ Yes	❑ No
	Is this chemical manufactured in the country?		❑ Yes	❑ No
	Is this chemical formulated in the country?		❑ Yes	❑ No
	If yes to either one of these last two questions:	Is this intended for domestic use?	❑ Yes	❑ No
		Is this intended for export?	❑ Yes	❑ No
	Other remarks			

SECTION 7. RELEVANT ADDITIONAL INFORMATION

Parathion is classified under Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1) as: T+; R26/28 (Very Toxic; Very toxic by inhalation and if swallowed.) — T; R24, R48/25 (Toxic; Toxic in contact with skin; Toxic: danger of serious damage to health by prolonged exposure if swallowed) — N; R50/53 (Dangerous to the environment; Very Toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment).

SECTION 8. DESIGNATED NATIONAL AUTHORITY

Institution	European Commission DG Environment
Address	Rue de la Loi 200 B-1049 Brussels Belgium