COMMISSION DECISION

of 30 November 2009

adopting Community import decisions for certain chemicals pursuant to Regulation (EC) No 689/2008 of the European Parliament and of the Council

(2009/875/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals ([1]), and in particular the second subparagraph of Article 12(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) Under Regulation (EC) No 689/2008 the Commission is 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 Organisation (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 procedure for certain hazardous chemicals and pesticides in international trade, hereinafter 'the Rotterdam Convention', approved by the Community by Council Decision 2006/730/EC ([3]).

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

(4) The group of chemicals tributyltin compounds has been added to the PIC procedure, as pesticides, by decision RC.4/5 of the fourth meeting of the Conference of the Parties and for which the Commission has received information from the Secretariat of the Rotterdam Convention in the form of a decision guidance document. Tributyltin compounds fall within the scope of Regulation (EC) No 1907/2006 and belong to those organostannic compounds that are severely restricted for use as substances and constituents of preparations acting as biocides.

(5) The active substance bis(tributyltin) oxide falls within the scope of Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ([4]). Bis(tributyltin) oxide belongs to the group of tributyltin compounds and was used as wood preservative until this remaining use was banned by Commission Regulation (EC) No 1048/2005 of 13 June 2005 amending Regulation (EC) No 2032/2003 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market ([5]).

(6) Accordingly, a final import decision concerning tributyltin compounds should be taken,

HAS DECIDED AS FOLLOWS:

Sole Article

The final decision on the import of tributyltin compounds as set out in the form for import response in the Annex is adopted.

Done at Brussels, 30 November 2009.

For the Commission

Stavros DIMAS

Member of the Commission

([1]) OJ L 204, 31.7.2008, p. 1.
([2]) OJ L 396, 30.12.2006, p. 1.
([3]) OJ L 299, 28.10.2006, p. 23.
([4]) OJ L 123, 24.4.1998, p. 1.
([5]) OJ L 178, 9.7.2005, p. 1.

ANNEX

FORM FOR IMPORT RESPONSE

Country	European Community (Member States: Austria, Belgium, Bulgaria, 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)

SECTION 1 IDENTITY OF CHEMICAL

1.1	**Common name**	Tributyltin (TBT) compounds ([1]) including: tributyltin oxide; tributyltin benzoate; tributyltin chloride; tributyltin fluoride; tributyltin linoleate; tributyltin methacrylate; tributyltin naphthenate.
1.2	**CAS number**	Tributyltin oxide: 56-35-9 Tributyltin benzoate: 4342-36-3 Tributyltin chloride: 1461-22-9 Tributyltin fluoride: 1983-10-4 Tributyltin linoleate: 24124-25-2 Tributyltin methacrylate: 2155-70-6 Tributyltin naphthenate: 85409-17-2
1.3	**Category**	☒ Pesticide ☐ Industrial ☐ Severely hazardous pesticide formulation

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)

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

([1]) 'TBT' is used in the present document to represent all tributyltin derivatives (or compounds), as the active form is the same for all compounds.

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 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

4.4 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 or use plant protection products containing tributyltin compounds, since these active substances are not included in Annex I to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1) and in accordance with Commission Regulation (EC) No 2076/2002 of 20 November 2002 extending the time period referred to in Article 8(2) of Council Directive 91/414/EEC and concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisations for plant protection products containing these substances (OJ L 319, 23.11.2002, p. 3). It is prohibited to place on the market or use biocidal products containing tributyltin compounds since these active substances are not included in Annex I to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1) and in accordance with Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market (OJ L 325, 11.12.2007, p. 3). Furthermore, it is prohibited to place on the market or use all organostannic compounds for treatment of industrial waters in accordance with point 20 of Annex XVII to 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 (OJ L 396, 30.12.2006, p. 1).

SECTION 5 INTERIM RESPONSE

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 ☐ 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

5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

5.5 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:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country? ☐ Yes ☐ No

Is this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Ils this intended for domestic use? ☐ Yes ☐ No

Is this intended for export? ☐ Yes ☐ No

Other remarks

In accordance with Council Directive 67/548/EEC tributyltin compounds are classified as: T (toxic): R25 — toxic if swallowed; R48/23/25 — toxic, danger of serious damage to health by prolonged exposure through inhalation and if swallowed; N (dangerous for the environment): R50/53 — very toxic to aquatic organisms, may cause long-term adverse effect in the aquatic environment; Xn (harmful): R21 — harmful in contact with skin; Xi (irritant): R36/38 — irritating to eyes and skin.

SECTION 7	DESIGNATED NATIONAL AUTHORITY
Institution	European Commission, DG Environment
Address	BU 9 6/167, avenue de Beaulieu/de Beaulieulaan 9, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË
Name of person in charge	Mr Paul Speight
Position of person in charge	Deputy Head of Unit
Telephone	+32 22964135
Fax	+32 22967616
E-mail address	Paul.Speight@ec.europa.eu

Date, signature of DNA and official seal: .....

PLEASE RETURN THE COMPLETED FORM TO:

Secretariat for the Rotterdam Convention
Food and Agriculture Organisation
of the United Nations (FAO)
Viale delle Terme di Caracalla
00100 Rome, ITALY
Tel. (+ 39 06) 57053441
Fax (+ 39 06) 57056347

E-mail: pic@pic.int

OR

Secretariat for the Rotterdam Convention
United Nations Environment
Programme (UNEP)
11-13, Chemin des Anémones
1219 Châtelaine, Geneva, SWITZERLAND
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