

Ms Marie Toulemonde

Sent by email only:
ask+request-9306-aa0295da@asktheeu.org

Subject: Reply to your request for access to documents – Second batch

Reference: ATD/022/2021

Dear Ms Toulemonde,

I refer to your application for access to documents of 12 April 2021, registered on 14 April 2021 under reference ATD/022/2021.

On 17 June 2021, ECHA sent you a communication covering the information relating to 33 PIC export notifications falling within the scope of your request.

This reply covers a second batch of information falling within the scope of your request relating to 67 PIC export notifications concerning the following substances: "1,3-dichloropropene", "Arsenic compounds", "Carbendazim", "Chlorothalonil", "Chlorpropham", "Desmedipham", "Didecyldimethylammonium chloride", "Dimethoate", "Fipronil", "Glufosinate, including glufosinate-ammonium", "Iprodione", "Linuron", "Malathion", , "Methomyl", "Nonylphenol ethoxylates (C₂H₄O)_nC₁₅H₂₄O", "Permethrin", "Picoxystrobin", "Propiconazole", "Pymetrozine", "Thiocyclam" and "Thiram". The concerned export notifications originate from third parties which have been consulted pursuant to Article 4(4) of the ATD Regulation.

The processing of your request as regards the information concerning the remaining 32 export notifications is still pending. ECHA's decision in this respect will be communicated to you separately. In this respect, we would also like to inform you that 14 of the 146 export notifications originally identified as falling within the scope of your request have been subsequently set aside as, on the basis of a further assessment of the information submitted thereto, it appears that these concern a "clearly-non agricultural use" of the concerned substances. Therefore your request concerns in total 132 export notifications.

As regards the precise description of the scope of your request and the procedural history, I refer to ECHA's communication of 17 June 2021 mentioned above.

Decision

Based on Article 7(1) of the ATD Regulation¹

ECHA has decided to grant you full access to the requested document.

¹ Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to documents. According to Article 118(1) of the REACH Regulation ((EC) No 1907/2006), Regulation (EC) No 1049/2001 applies to documents held by ECHA.

Further observations

You are reminded that following Article 16 of the ATD Regulation, the document attached is subject to copyright protection.

Furthermore, we would like to highlight that the volumes reported in Section 3.2 of the export notifications ("Expected amount of the substance or mixture (kg/l per year)") are provided by exporters based on their best knowledge at the moment of submission of the export notification² or based on an approximation. The actual quantities exported may differ (i.e. be either higher or lower) from those declared in the notifications or the export may never even take place.

In particular, during the third party consultation, the company UPL Europe Ltd. reported that the two (2) exports of the chemical "Desmedipham" to the importing country Morocco did not take place.

Appeal/legal redress

You are entitled to make a confirmatory application requesting ECHA to review this position by writing to the Executive Director of ECHA (P.O Box 400, 00121 Helsinki, Finland or executive-director@echa.europa.eu). This needs to be done within 15 working days of receiving this letter.

Yours sincerely,

*e-signed*³

Tiago Pedrosa
Head of Unit
Submission and Processing Unit

- Encl.: A document containing the requested information from 67 export notifications for the substances "1,3-dichloropropene", "Arsenic compounds", "Carbendazim", "Chlorothalonil", "Chlorpropham", "Desmedipham", "Didecyldimethylammonium chloride", "Dimethoate", "Fipronil", "Glufosinate, including glufosinate-ammonium", "Iprodione", "Linuron", "Malathion", "Methomyl", "Nonylphenol ethoxylates (C₂H₄O)_nC₁₅H₂₄O", "Permethrin", "Picoxystrobin", "Propiconazole", "Pymetrozine", "Thiocyclam" and "Thiram".

² The intention to export a chemical listed in Annex I of the PIC Regulation must be notified to the designated national authority of the country from which the export will originate before the first yearly export takes place, as well as before the first export in each subsequent calendar year. More information on the PIC export notification procedure can be found via the following link: <https://echa.europa.eu/regulations/prior-informed-consent/export-notification-procedure>.

³ As this is an electronic document, it is not physically signed. This communication has been approved according to ECHA's internal decision-approval process.