



24.7.2019

## NOTICE TO MEMBERS

**Subject: Petition No 1087/2018 by M. K. (German) on prohibiting the sale of the pesticide chlorpyrifos in the European Union**

### 1. Summary of petition

The petition calls for the total ban on the sale of a pesticide known chemically as chlorpyrifos, in all forms and under all brand names, across the European Union. The petitioner states that the pesticide has been banned in Germany due to significant adverse side effects on human health and the environment. The petitioner refers in particular to the alleged side effect of hermaphrodite-related birth deformations spanning a period of 50 years.

### 2. Admissibility

Declared admissible on 26 February 2019. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 24 July 2019

#### The Commission's observations

EU legislation on pesticides (Regulation (EC) No 1107/2009<sup>1</sup>) distinguishes between active substances, such as chlorpyrifos, and plant protection products. Active substances are approved at EU level whereas plant protection products are authorised (for placing on the market and use) by national authorities in each Member State taking into account their agricultural and environmental conditions.

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<sup>1</sup> 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, OJ L 309, 24.11.2009, p. 1.

Chlorpyrifos<sup>2</sup> was approved<sup>3</sup> for the first time in the EU in 2006 following a scientific assessment carried out at the Union level. It was subject to a further review of its toxicological properties in 2013-2014<sup>4</sup>.

Active substances are periodically re-evaluated to ensure that the latest scientific and technical knowledge is taken into account and to ensure the highest level of protection for human and animal health and the environment. The assessment takes into account all available information, including guideline regulatory studies, epidemiological data and scientific peer-reviewed literature.

Chlorpyrifos is currently undergoing such re-evaluation to determine whether its approval can be renewed, or not, in the European Union. Following a comprehensive assessment by the rapporteur Member State, Spain, a peer review of the rapporteur's assessment by the European Food Safety Authority (EFSA) and the other Member States is now ongoing. The Commission is aware that concerns for human health have emerged during the peer review of chlorpyrifos and has requested EFSA to provide a statement on the outcome of the human health assessment by 31 July 2019. Should EFSA confirm that concerns exist and that the approval criteria laid down in the EU pesticides legislation are not fulfilled, the Commission will not hesitate to propose non-renewal of the approval of the substance.

Plant protection products containing chlorpyrifos are authorised by Member States, not at Union level. Products may only be authorised following an assessment to determine their safety for human and animal health and the environment.

Following a decision on whether chlorpyrifos can be renewed or not in the EU, Member States will need to review, amend or withdraw individual authorisations for plant protection products accordingly.

## Conclusion

The EU legislation on pesticides (Regulation (EC) No 1107/2009) lays down the framework for the evaluation of active substances and plant protection products. Active substances and products containing them can only be approved and authorised respectively if it has been demonstrated that they will have no harmful effects on human and animal health and no unacceptable effects on the environment. Active substances are approved at EU level whereas plant protection products are authorised by national authorities in each Member State.

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<sup>2</sup> The active substance chlorpyrifos-methyl is also approved at EU level. A separate review to determine whether its approval can be renewed or not is ongoing for this substance following the same timeframe as for chlorpyrifos.

<sup>3</sup> Commission Directive 2005/72/EC of 21 October 2005 amending Council Directive 91/414/EEC to include chlorpyrifos, chlorpyrifos-methyl, mancozeb, maneb, and metiram as active substances

<sup>4</sup> EFSA (European Food Safety Authority), 2014. Conclusion on the peer review of the pesticide human health risk assessment of the active substance chlorpyrifos. EFSA Journal 2014;12(4):3640, 34 pp. doi:10.2903/j.efsa.2014.3640.

A review of the available information on chlorpyrifos is ongoing at EU level. EFSA will publish a statement on the available outcomes of the human health assessment in the coming month. If concerns are identified, the Commission will not hesitate to propose non-renewal of the approval of the substance. In case the approval is not renewed, Member States will be obliged to withdraw authorisations for plant protection products containing chlorpyrifos.