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Answer given by Ms Kyriakides
on behalf of the European Commission
(2.5.2022)

Neither 1,3-dichloropropene nor chloropicrin are approved as active substances for placing on the market and use in the EU. Applications for approval were submitted several times but did not demonstrate that use of the substances complies with the protection goals laid down in Regulation (EC) No 1107/2009¹, due to their harmful effects on human health and unacceptable effects on the environment.

Article 53 of the Regulation allows Member States, in special circumstances, to authorise the placing on the market of plant protection products – including products containing non-approved active substances - for a period not exceeding 120 days, for limited and controlled use. Such emergency authorisations must be duly justified and can only be granted to combat to dangers to plant health that cannot be contained by any other reasonable means. Consumer safety must be safeguarded.

Member States' competent authorities are fully responsible for granting emergency authorisations and can refuse the request for emergency authorisation if they consider that adequate justification has not been provided. This comprises consideration of the availability of alternative control measures, including non-chemical methods, or for any other reasons related to the risks that such emergency uses may cause and the competent authority may find unacceptable. Further details on the points and principles that Member States should consider when deciding whether to grant emergency authorisations can be found in guidance prepared by the Commission and Member States².

¹ 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.

² https://ec.europa.eu/food/document/download/1b2f26fc-59bd-465d-976e-0f1c366bafc8_en?filename=pesticides_aas_guidance_wd_emergency_authorisations_article53_post-210301.pdf