

**COMMISSION IMPLEMENTING DECISION****of 15 May 2014****adopting Union import decisions for certain chemicals pursuant to Regulation (EU)  
No 649/2012 of the European Parliament and of the Council**

(2014/C 152/02)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals<sup>(1)</sup>, and in particular the second subparagraph of Article 13(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<sup>(2)</sup>,

Whereas:

- (1) In accordance with Regulation (EU) No 649/2012 the Commission is to decide on behalf of the Union whether or not to permit the import into the Union 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 Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter 'the Rotterdam Convention'), approved by Council Decision 2006/730/EC<sup>(3)</sup>.
- (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 Union and its Member States.
- (4) The chemical azinphos-methyl has been added to the PIC procedure, as a pesticide, by Decision RC 6/4 of the sixth meeting of the Conference of the Parties to the Rotterdam Convention. The Commission has received information thereof from the Secretariat of the Rotterdam Convention in the form of a decision guidance document. The placing on the market and use of azinphos-methyl as constituent of mixtures acting as plant protection products is banned by Regulation (EC) No 1107/2009 of the European Parliament and of the Council<sup>(4)</sup>.
- (5) The chemical commercial pentabromodiphenyl ether, which includes tetrabromodiphenyl ether and pentabromodiphenyl ether, has been added to the PIC procedure, as an industrial chemical, by Decision RC 6/5 of the sixth meeting of the Conference of the Parties to the Rotterdam Convention. The Commission has received information thereof from the Secretariat of the Rotterdam Convention in the form of a decision guidance document. The production, placing on the market and use of tetrabromodiphenyl ether and pentabromodiphenyl ether are banned, subject to specific exemptions, by Regulation (EC) No 850/2004 of the European Parliament and of the Council<sup>(5)</sup>.

<sup>(1)</sup> OJ L 201, 27.7.2012, p. 60.

<sup>(2)</sup> OJ L 396, 30.12.2006, p. 1.

<sup>(3)</sup> Council Decision 2006/730/EC of 25 September 2006 on the conclusion, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade (OJ L 299, 28.10.2006, p. 23).

<sup>(4)</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).

<sup>(5)</sup> Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7).

- (6) The chemical commercial octabromodiphenyl ether, which includes hexabromodiphenyl ether and heptabromodiphenyl ether, has been added to the PIC procedure, as an industrial chemical, by Decision RC 6/6 of the sixth meeting of the Conference of the Parties to the Rotterdam Convention. The Commission has received information thereof from the Secretariat of the Rotterdam Convention in the form of a decision guidance document. The production, placing on the market and use of hexabromodiphenyl ether and heptabromodiphenyl ether are banned, subject to specific exemptions, by Regulation (EC) No 850/2004.
- (7) The chemicals perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulfonamides and perfluorooctane sulfonyls have been added to the PIC procedure, as industrial chemicals, by Decision RC 6/7 of the sixth meeting of the Conference of the Parties to the Rotterdam Convention. The Commission has received information thereof from the Secretariat of the Rotterdam Convention in the form of a decision guidance document. The production, placing on the market and use of perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulfonamides and perfluorooctane sulfonyls are banned, subject to a number of specific exemptions, by Regulation (EC) No 850/2004.
- (8) A final import decision concerning azinphos-methyl, commercial pentabromodiphenyl ether, commercial octabromodiphenyl ether, perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulfonamides and perfluorooctane sulfonyls should be adopted,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The final decision on the import of azinphos-methyl, commercial pentabromodiphenyl ether, commercial octabromodiphenyl ether, perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulfonamides and perfluorooctane sulfonyls as set out in the forms for import response in the Annex is adopted.

Done at Brussels, 15 May 2014.

*For the Commission*

Janez POTOČNIK

*Member of the Commission*

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## ANNEX



## ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION  
ON THE PRIOR INFORMED CONSENT PROCEDURE  
FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES  
IN INTERNATIONAL TRADE



### FORM FOR IMPORT RESPONSE

**Country:**

European Union  
(Member States: Austria, Belgium, Bulgaria, Croatia, 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**
- 1.2 **CAS number**
- 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
- 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 azinphos-methyl, since this active substance is not approved under 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).

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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:

Is this intended for domestic use?  Yes  No

Is this intended for export?  Yes  No

Other remarks

In accordance with Regulation (EC) No 1272/2008, which implements the UN Globally Harmonised System of Classification and Labelling of Chemicals in the EU, azinphos-methyl is classified as:  
 Acute Tox. 2\* – H 300 - Fatal if swallowed.  
 Acute Tox. 2\* – H 330 - Fatal if inhaled.  
 Acute Tox. 3\* – H 311 – Toxic in contact with skin.  
 Skin Sens. 1 – H 317 - May cause an allergic skin reaction.  
 Aquatic Acute 1 – H 400 - Very toxic to aquatic life.  
 Aquatic Chronic 1 – H 410 - Very toxic to aquatic life with long lasting effects.  
 (\* = This classification shall be considered as a minimum classification)

In accordance with Council Directive 67/548/EEC azinphos-methyl is classified as:  
 T+; R26/28 – Very toxic by inhalation and if swallowed.  
 T; R24 - Toxic in contact with skin.  
 R43 - May cause sensitization by skin contact.  
 N (dangerous for the environment); R50/53 - Very toxic to aquatic organisms, may cause long-term adverse effect in the aquatic environment.

## SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution European Commission, DG Environment  
 Address Rue de la Loi 200, 1049 Brussels, Belgium  
 Name of person in charge Dr. Juergen Helbig  
 Position of person in charge Principal Policy Officer  
 Telephone +32 22988521  
 Telefax +32 22967616  
 E-mail address Juergen.Helbig@ec.europa.eu

Date, signature of DNA and official seal: \_\_\_\_\_

PLEASE RETURN THE COMPLETED FORM TO:

Secretariat for the Rotterdam Convention  
 Food and Agriculture Organization  
 of the United Nations (FAO)  
 Viale delle Terme di Caracalla  
 00100 Rome  
 ITALIA  
 Tel. +39 657053441  
 Fax +39 657056347  
 E-mail: pic@pic.int

OR

Secretariat for the Rotterdam Convention  
 United Nations Environment  
 Programme (UNEP)  
 11-13, Chemin des Anémones  
 CH - 1219 Châtelaine, Geneva  
 SWITZERLAND  
 Tel. +41 229178177  
 Fax +41 229178082  
 E-mail: pic@pic.int



## ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION  
ON THE PRIOR INFORMED CONSENT PROCEDURE  
FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES  
IN INTERNATIONAL TRADE



### FORM FOR IMPORT RESPONSE

**Country:**

European Union  
(Member States: Austria, Belgium, Bulgaria, Croatia, 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**

Commercial octabromodiphenyl ether including:  
- Hexabromodiphenyl ether  
- Heptabromodiphenyl ether

1.2 **CAS number**

36483-60-0 - Hexabromodiphenyl ether  
68928-80-3 - Heptabromodiphenyl ether

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

4.2  Consent to import

- 4.3  Consent to import only subject to specified conditions

The specified conditions are:

Imports of hexabromodiphenyl ether and heptabromodiphenyl ether must be in compliance with Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7). The requirements of Regulation (EC) No 850/2004 are as follows:

1. The production, placing on the market and use of hexabromodiphenyl ether and heptabromodiphenyl ether, whether on their own, in preparations or as constituents of articles, shall be prohibited.

2. The prohibition shall not apply to hexabromodiphenyl ether and heptabromodiphenyl ether occurring as an unintentional trace contaminant in substances, preparations or articles, provided that concentrations of hexabromodiphenyl ether or heptabromodiphenyl ether are equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances, preparations, articles or as constituents of the flame-retarded parts of articles.

3. The production, placing on the market and use of preparations containing concentrations below 0,1 % of hexabromodiphenyl ether or heptabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use is allowed.

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 produce, place on the market and use hexabromodiphenyl ether and heptabromodiphenyl ether pursuant to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7). The regulatory measure allows for specific exemptions, which are outlined in section 4.3.

## 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:

Is this intended for domestic use?  Yes  No

Is this intended for export?  Yes  No

Other remarks

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution European Commission, DG Environment

Address Rue de la Loi 200, 1049 Brussels, Belgium

Name of person in charge Dr. Juergen Helbig

Position of person in charge Principal Policy Officer

Telephone +32 22988521

Telefax +32 22967616

E-mail address Juergen.Helbig@ec.europa.eu

Date, signature of DNA and official seal: \_\_\_\_\_

PLEASE RETURN THE COMPLETED FORM TO:

Secretariat for the Rotterdam Convention  
Food and Agriculture Organization  
of the United Nations (FAO)  
Viale delle Terme di Caracalla  
00100 Rome  
ITALIA

OR

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

Tel. +39 657053441  
Fax +39 657056347  
E-mail: pic@pic.int

Tel. +41 229178177  
Fax +41 229178082  
E-mail: pic@pic.int





## ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION  
ON THE PRIOR INFORMED CONSENT PROCEDURE  
FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES  
IN INTERNATIONAL TRADE



### FORM FOR IMPORT RESPONSE

**Country:**

European Union  
(Member States: Austria, Belgium, Bulgaria, Croatia, 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**

Perfluorooctane sulfonic acid, perfluorooctane sulfonates, perfluorooctane sulfonamides and perfluorooctane sulfonyls

1.2 **CAS number**

Relevant CAS numbers are:  
1763-23-1 - Perfluorooctane sulfonic acid  
2795-39-3 - Potassium perfluorooctane sulfonate  
29457-72-5 - Lithium perfluorooctane sulfonate  
29081-56-9 - Ammonium perfluorooctane sulfonate  
70225-14-8 - Diethanolammonium perfluorooctane sulfonate  
56773-42-3 - Tetraethylammonium perfluorooctane sulfonate  
251099-16-8 - Didecyldimethylammonium perfluorooctane sulfonate  
4151-50-2 - N-Ethylperfluorooctane sulfonamide  
31506-32-8 - N-Methylperfluorooctane sulfonamide  
1691-99-2 - N-Ethyl-N-(2-hydroxyethyl) perfluorooctane sulfonamide  
24448-09-7 - N-(2-hydroxyethyl)-N-methylperfluorooctane sulfonamide  
307-35-7 - Perfluorooctane sulfonyl fluoride  
and others

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

4.2  Consent to import

4.3  Consent to import only subject to specified conditions

The specified conditions are:

Imports of perfluorooctane sulfonic acid and its derivatives (PFOS) must be in compliance with Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7). The requirements of Regulation (EC) No 850/2004 are as follows:

1. The production, placing on the market and use of PFOS, whether on their own, in preparations or as constituents of articles, shall be prohibited.

2. The prohibition shall not apply to PFOS occurring as an unintentional trace contaminant in substances, preparations or articles, provided that

(a) concentrations of PFOS are equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances or in preparations or

(b) concentrations of PFOS in semi-finished products or articles, or parts thereof, are lower than 0,1 % by weight calculated with reference to the mass of structurally or micro-structurally distinct parts that contain PFOS or, for textiles or other coated materials, if the amount of PFOS is lower than 1 µg/m<sup>2</sup> of the coated material.

3. If the quantity of PFOS released into the environment is minimised, production and placing on the market is allowed for the following specific uses provided that Member States report to the Commission every four years on progress made to eliminate PFOS:

(a) until 26 August 2015, wetting agents for use in controlled electroplating systems;

(b) photoresists or anti-reflective coatings for photolithography processes;

(c) photographic coatings applied to films, papers, or printing plates;

(d) mist suppressants for non-decorative hard chromium (VI) plating in closed loop systems;

(e) hydraulic fluids for aviation.

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 produce, place on the market and use perfluorooctane sulfonic acid and its derivatives (PFOS) pursuant to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7). The regulatory measure allows for specific exemptions, which are outlined in section 4.3.

## 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:



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**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:

Is this intended for domestic use?  Yes  No

Is this intended for export?  Yes  No

Other remarks



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**SECTION 7 DESIGNATED NATIONAL AUTHORITY**

Institution	European Commission, DG Environment
Address	Rue de la Loi 200, 1049 Brussels, Belgium
Name of person in charge	Dr. Juergen Helbig
Position of person in charge	Principal Policy Officer
Telephone	+32 22988521
Telefax	+32 22967616
E-mail address	Juergen.Helbig@ec.europa.eu

Date, signature of DNA and official seal: \_\_\_\_\_

PLEASE RETURN THE COMPLETED FORM TO:

Secretariat for the Rotterdam Convention  
Food and Agriculture Organization  
of the United Nations (FAO)  
Viale delle Terme di Caracalla  
00100 Rome  
ITALIA  
Tel. +39 657053441  
Fax +39 657056347  
E-mail: pic@pic.int

OR

Secretariat for the Rotterdam Convention  
United Nations Environment  
Programme (UNEP)  
11-13, Chemin des Anémones  
CH - 1219 Châtelaîne, Geneva  
SWITZERLAND  
Tel. +41 229178177  
Fax +41 229178082  
E-mail: pic@pic.int



## ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION  
ON THE PRIOR INFORMED CONSENT PROCEDURE  
FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES  
IN INTERNATIONAL TRADE



### FORM FOR IMPORT RESPONSE

**Country:**

European Union  
(Member States: Austria, Belgium, Bulgaria, Croatia, 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**

Commercial pentabromodiphenyl ether including:  
- Tetrabromodiphenyl ether  
- Pentabromodiphenyl ether

1.2. **CAS number**

40088-47-9 - Tetrabromodiphenyl ether  
32534-81-9 - Pentabromodiphenyl ether

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

4.2. Consent to import

- 4.3.  Consent to import only subject to specified conditions

The specified conditions are:

Imports of tetrabromodiphenyl ether and pentabromodiphenyl ether must be in compliance with Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7). The requirements of Regulation (EC) No 850/2004 are as follows:

1. The production, placing on the market and use of tetrabromodiphenyl ether and pentabromodiphenyl ether, whether on their own, in preparations or as constituents of articles, shall be prohibited.
2. The prohibition shall not apply to tetrabromodiphenyl ether and pentabromodiphenyl ether occurring as an unintentional trace contaminant in substances, preparations or articles, provided that concentrations of tetrabromodiphenyl ether or pentabromodiphenyl ether are equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances, preparations, articles or as constituents of the flame-retarded parts of articles.
3. The production, placing on the market and use of preparations containing concentrations below 0,1 % of tetrabromodiphenyl ether or pentabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use is allowed.

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 produce, place on the market and use tetrabromodiphenyl ether and pentabromodiphenyl ether pursuant to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7). The regulatory measure allows for specific exemptions, which are outlined in section 4.3.

## 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:

Is this intended for domestic use?  Yes  No

Is this intended for export?  Yes  No

Other remarks

In accordance with Regulation (EC) No 1272/2008, which implements the UN Globally Harmonised System of Classification and Labelling of Chemicals in the EU, pentabromodiphenyl ether is classified as:  
 Lact. – H 362 – May cause harm to breast-fed children.  
 STOT RE 2 \* – H 373 - May cause damage to organs through prolonged or repeated exposure.  
 Aquatic Acute 1 – H 400 - Very toxic to aquatic life.  
 Aquatic Chronic 1 – H 410 - Very toxic to aquatic life with long lasting effects.  
 (\* = This classification shall be considered as a minimum classification)

In accordance with Council Directive 67/548/EEC pentabromodiphenyl ether is classified as:  
 Xn; R48/21/22 – Harmful: danger of serious damage to health by prolonged exposure in contact with skin and if swallowed.  
 R64 - May cause harm to breastfed babies.  
 N (dangerous for the environment); R50/53 - Very toxic to aquatic organisms, may cause long-term adverse effect in the aquatic environment.

**SECTION 7 DESIGNATED NATIONAL AUTHORITY**

Institution	European Commission, DG Environment
Address	Rue de la Loi 200, 1049 Brussels, Belgium
Name of person in charge	Dr. Juergen Helbig
Position of person in charge	Principal Policy Officer
Telephone	+32 22988521
Telefax	+32 22967616
E-mail address	Juergen.Helbig@ec.europa.eu

Date, signature of DNA and official seal: \_\_\_\_\_

PLEASE RETURN THE COMPLETED FORM TO:

Secretariat for the Rotterdam Convention  
 Food and Agriculture Organization  
 of the United Nations (FAO)  
 Viale delle Terme di Caracalla  
 00100 Rome  
 ITALIA

Tel. +39 657053441  
 Fax +39 657056347  
 E-mail: pic@pic.int

OR

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

Tel. +41 229178177  
 Fax +41 229178082  
 E-mail: pic@pic.int