



MINISTRY OF AGRICULTURE, LIVESTOCK AND FOOD SUPPLY  
Secretariat of Agribusiness International Relations

**BRAZIL'S COMMENTS ON THE TBT/WTO NOTIFICATION G/TBT/N/EU/521  
ON THE COMMISSION REGULATION (EU) 1272/2008 RELATED TO  
CLASSIFICATION, LABELLING AND PACKAGING OF SUBSTANCES AND  
MIXTURES AND CORRECTING COMMISSION REGULATION (EU) 2017/776 (AND  
ITS ACCOMPANYING ANNEX).**

1. The Ministry of Agriculture, Livestock and Food Supply of Brazil -MAPA appreciates and would like to thank the opportunity to comment on TBT/WTO Notification **G/TBT/N/EU/521** to the Committee on Technical Barriers to Trade that notifies the Regulation (EC) No 1272/2008 of European Parliament and of the Council on classification, labelling and packaging of substances and mixtures.
2. One of the most important ways of protecting agricultural products against harmful organisms as well as improving agricultural yield is the use of plant protection products.
3. Plant protection product regulation is very important to international trade. Therefore the regulation should be established according to scientific principles and taking into account scientific evidence and risk assessment. On the contrary, the regulation could create unnecessary trade restrictions, not to mention other harmful consequences, such as reduction in the availability of food and food waste. Each government should be aware of these regulatory trade disruptive effects both at the national and international level.
4. In the case of propiconazole, the substance contained in the above mentioned notification, it is a well-established agricultural triazole fungicide, it has been globally registered for over 30 years. The first registry was obtained in 1981 and currently is registered in 77 countries. It is also important to mention that active ingredient propiconazole has the maximum residue levels (MRLs) established by the Codex Alimentarius.
5. The intention expressed by EU is to set all EU MRLs to 0.01 mg/kg for substances that are classified for reprotoxicity R1b or carcinogenicity C1b. includes the triazole fungicides. We would like to know the scientific basis for the decision. In our understanding of the process, the risk assessment conducted by one of the EU Member States does not give enough information in order to restrict the propiconazole to this limit. The Regulatory Fitness Check report on non-REACH Chemicals legislation, the European Commission has recognized there is a regulatory incoherence problem due to the interaction of the classification, labelling and packaging rules, plant protection products rules and biocides rules. In this instance it is clear that the regulatory incoherence leads to trade barriers.
6. The TBT Agreement establishes that a Member, when preparing, adopting or applying a technical regulation which may have a significant effect on trade of other Members shall, upon the request of another Member, explain the justification for that technical regulation in terms of the provisions of paragraphs 2 to 4 of article 2 of that Agreement.
7. Nevertheless, Brazil would like to express this notification does not pertain to the realm of the TBT Agreement. In our understanding, the approval or not of a pesticide is a measure to plant life or human health within the territory of the Member from risks arising from the entry or establishment or spread of pests. Therefore it perfectly fits on the definitions agreed by all Members on the SPS Agreement. The SPS Agreement, on its side, sets rules to establish that kind of measure. Therefore we understand that TBT committee is not the appropriate forum to notify and discuss this issue.

8. Brazil would like to request that these arguments be considered in EU final decision and answered in writing. We also appreciate be advised for any public discussion about this specific issue that we can attend.

9. Finally, Brazil thank once more the opportunity to present its comments on such an importante issue.