



# निर्यात निरीक्षण परिषद्

(आई एस ओ 9001 : 2015 प्रमाणित संस्थान)

(वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार)

## EXPORT INSPECTION COUNCIL

(An ISO 9001:2015 Certified Organisation)

(Ministry of Commerce & Industry, Govt. of India)

EIC/D (Q/C)/T-297/2017-18/

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### E-MAIL

To

European Commission

EU-TBT Enquiry Point

Fax: +(32) 2 299 80 43

E-mail: [grow-eu-tbt@ec.europa.eu](mailto:grow-eu-tbt@ec.europa.eu)

**Subject: TBT Notification no. G/TBT/N/EU/508 dated 12<sup>th</sup> September 2017 concerning the pesticide active substance – Bifenthrin.**

Sir/Madam,

The Government of India acknowledges and appreciates the European Union's TBT Notification no. G/TBT/N/EU/508 dated 12<sup>th</sup> September 2017 concerning the pesticide active substance- Bifenthrin. India would like to thank the EU authorities for the opportunity to provide comments on this notification.

As per the notification, the European Commission (EC) has proposed Commission Implementing Regulation amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance bifenthrin. India reads that the use of bifenthrin has been restricted for use and authorised for use only in greenhouses with a permanent structure. We find that such action has been taken in the context of possibility of bioaccumulation and bio magnification of this substance in the aquatic and terrestrial environment. However, India finds the proposal laying down the conditions for use of bifenthrin to be restrictive in nature. Hence, we would like to submit the following comments.

- India finds that the EC has based its decision due to 'insufficient' information on bioaccumulation and bio magnification in the aquatic and terrestrial environment. We observe that this decision has resulted from the technical report submitted by the European Food Safety Authority (EFSA). In the report, the EFSA has stated that due to mitigation measures used during the study, the assessment of risk has indicated very low on aquatic organisms. However, we also noted the explanation of the Rapporteur Member State in its assessment on the changes in the monitoring study which led to the conditions of the study. Given this context, we would like to seek your attention to the 'mitigation measures' implemented in the study which has limited the entry of bifenthrin into water bodies.
- In this regard, India is of the view that the inclusion of 'mitigation measures' as directions on use of this substance would address the concerns of risks due to the use of this substance on non-target organisms. Hence, we would like to know whether the EU may consider looking at any additional 'mitigation measures' on the use of this substance rather than proposing restrictions on its use to greenhouses with permanent structure.

Further, India would like to suggest the EC to consider directing the registrant of this substance to conduct further monitoring study and submit the required information within a time period. If not, India is of the view that it may pose a trade barrier on agricultural products on which bifenthrin is used.

In this regard, India would like to rely on Article 2.2 of the WTO – TBT Agreement which states as follows:

*Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-fulfilment would create. Such legitimate objectives are, inter alia: national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment. In assessing such risks, relevant elements of consideration are, inter alia: available scientific and technical information, related processing technology or intended end-uses of products.*

India would be grateful, if these comments could be taken into account. The above mentioned comments are without prejudice to any stand which India may adopt on this issue at a later stage.

It may kindly be noted that Export Inspection Council (EIC) has been assigned by the Ministry of Commerce & Industry, the National Notification Authority, to review the TBT Notifications made by the member countries.

Early response in this regard would be highly appreciated.

Yours faithfully,

  
(Parmod Siwach)  
Assistant Director (T)