



4 March 2010

**STATUS ACTIVE SUBSTANCE DPA (Diphenylamine)**

Dear member,

The WAPA secretariat recently received several queries with regard to the status of the active substance Diphenylamine (DPA) in the EU and the likely impacts on international apple and pear trade. Since WAPA took the initiative to back the substance during last year's discussions on the inclusion in Annex I of Council Directive 91/414/EEC, we have been in touch with both the manufacturer and the EU Commission to clarify outstanding issues.

As most of you may know the non-inclusion of DPA in Annex I of Council Directive 91/414/EEC was published in the EU Official Journal on 30 November 2009. As a result of this decision, in the European Union, the products containing the active substance can be sold until 30 May 2010 and farmers will be able to use these products until 30 May 2011.

At the time the decision came as a surprise since the Rapporteur Member State (Ireland) had issued a positive recommendation. The only issues raised by the evaluators came at a very late stage of the process when it was no longer possible for the Task Force responsible for the submission of the DPA dossier to address them in a timely manner that would have led to a more favorable decision. Following the publication the Task Force has immediately taken the necessary steps to commission the studies that will address the issues that have been raised by the evaluating authorities. Indeed the Task Force intends to re-submit the DPA dossier under the accelerated procedure in order to provide answers as soon as possible. Meanwhile, given the importance of DPA for certain varieties in certain EU growing regions, the possibility of emergency uses is being investigated. This legal provision would allow the continued use of DPA on a Member State level for a maximum of three seasons pending the finalisation of the resubmission process. Moreover, the Task Force has also lodged a legal action seeking the suspension (interim relief) and the annulment of the non-inclusion measure to secure the continued and uninterrupted availability of DPA.

With regard to the MRL-situation and the use in 3<sup>rd</sup> countries, Regulation (EC) Nr 396/2005 provides Maximum Residue Levels for DPA of 5 ppm for apples and 10 ppm for pears. These levels will be maintained at least until the end of the EU 2010-2011 apple and pear marketing season. While the MRLs will be re-assessed by the evaluation authorities, new elements included in the re-submission dossier are normally taken into account. However, if MRLs would change, a transition period of at least 6 months will apply, allowing operators to adjust their practices well in time.

Yours sincerely,

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