



14 September 2020

(20-6133)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>DENMARK</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
<b>2. Agency responsible:</b> Ministry of Food and Environment Webaddress: Mfvm.dk Slotsholmsgade 12 1216 København K Tel: +45 38 14 21 42 Email: <a href="mailto:mfvm@mfvm.dk">mfvm@mfvm.dk</a> <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> Ministry of Food and Environment Webaddress: Mfvm.dk Slotsholmsgade 12 1216 København K Tel: +45 38 14 21 42 Email: <a href="mailto:mfvm@mfvm.dk">mfvm@mfvm.dk</a>
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> No particular product-code, as the rules cover a multitude of pesticides and biocides.
<b>5. Title, number of pages and language(s) of the notified document:</b> Bekendtgørelse om bekæmpelsesmidler
<b>6. Description of content:</b> A ban on selling concentrated pesticides and biocides to private individuals is introduced. In future, non-professionals may only use pesticides that are sold as ready-to-use or are low-risk agents. The amendment replaces a requirement that concentrated pesticides must be stored behind locks. The storage regulations, which currently regulate toxic and highly toxic pesticides as well as pesticides with safety phrase P 405, are extended to pesticides with serious long-term effects, which are pesticides with CMR substances. The rules that toxic and highly toxic pesticides must not be used in private gardens and in other outdoor areas that are publicly available or for the treatment of plantings in public roads or in private gardens are extended to pesticides and biocides with serious long-term effects, meaning they contain CMR substances. The rules have been like this before, so they are changed back to how it was in 2011, as the subsequent changes in the definition have created uncertainty about the rules.

A new section 45 on the publication of harmonized risk indicators and a new reference for the establishment of harmonized risk indicators is inserted in the EU note at the bottom of the notice.

The exertion of rat control is punishable, without an authorization. It is not new. The revision is done solely to ensure that the Danish authorities can now use the proper referral when enforcing.

The fee rates for applications received by 15 January 2020 have been updated. There are not expected to be any consequences for either the public or the business community, because these are price and wage adjustments based on the calculations of tariffs.

**7. Objective and rationale, including the nature of urgent problems where applicable:** The proposal will have positive effects on the environment and health. When prohibiting the sale of concentrated pesticides, users do not risk wastage and misdosing, and there is thus a less environmental risk associated with the private users' use of pesticides. Therefore, it is considered positive, that in future private individuals may only buy and use pesticides sold as ready-to-use or low-risk agents.

Removing the requirement for storing concentrated pesticides behind the counter will help the stores. They will still have the same or higher earnings on ready-to-own funds.

Private citizens will still be able to use ready-to-use pesticides and certain concentrated agents, so they will still have the opportunity to fight weeds and more.

It is considered to be positive for health that pesticides with serious long-term effects are maintained and expanded. These types of agents contain substances that can cause cancer, damage inheritance or cause damage to the fetus and/or human fertility (CMR) and are considered particularly problematic. They meet the exclusion criteria of the Biocidal and Pesticide Regulations; Other

**8. Relevant documents:**

- Bekendtgørelse om bekæmpelsesmidler
- Kemikalieloven
- Directive 2009/128/EC of the European parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides

**9. Proposed date of adoption:** 28 October 2020

**Proposed date of entry into force:** 1 November 2020

**10. Final date for comments:** 21 October 2020

**11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

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