



27 September 2011

**STATUS ACTIVE SUBSTANCE DPA (Diphenylamine)**

Dear member,

The WAPA secretariat recently received several queries with regard to the present status of the active substance Diphenylamine (DPA) in the EU and the likely impacts on international apple and pear trade. In this light, 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 could be sold until 30 May 2010 and farmers were able to use these products until 30 May 2011. The legislation provides however the possibility to grant emergency uses for a period of 120 days during which a non-included active substance may still be used. Applications for emergency uses have been filed in different EU Member States and were granted in France, Ireland, Italy, Portugal, Spain and the United Kingdom. Producers in these countries thus have the option to use DPA for the 2011-2012 season, bearing in mind that all products need to be treated before the end of October (cfr. 120 days).

With regard to the MRL, EFSA reviewed the dossier following the non-inclusion of DPA. Based on present data, it suggests to revise the MRL from 5ppm for apples and 10ppm for pears, to 0,05 ppm for both apples and pears. This revision is however not taking into account a currently ongoing resubmission procedure for approval of diphenylamine under Regulation (EC) No 1107/2009. EFSA is expected to deliver its assessment on the resubmitted dossier by the end of the year, after which the EU Commission will have a period of 6 months to put forward a proposal to Member States. If the resubmission procedure for diphenylamine would result in the approval of the active substance, EFSA will revise its position and MRLs will be adjusted in accordance with Article 12 of Regulation (EC) No 396/2005.

In any case, it is worth noting that despite EFSA's suggestion, at this moment no formal proposal to revise the DPA MRLs has been put forward by the Commission services. Considering the time for notification to the WTO, adoption procedure (including parliamentary scrutiny period of 3 months) and a standard transition period of 6 months, we consider it unlikely that the 2011-2012 Northern Hemisphere season or the 2012 Southern Hemisphere season would be affected.

Developments will be closely monitored by the WAPA-secretariat in order to ensure that any MRL-change does not cause interruptions in the ongoing season.

Yours sincerely,

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