

Exceptional Authorization DPA 2012 Repeat Application

By way of background, an **Exceptional Authorization** is an instrument available to the Ministry of Agriculture of each Member State, which grants for a limited period of time (i.e. **120 days**) permission to the addressee to place on the market and use within the national territory an active ingredient (e.g. **Diphenylamine (DPA)**), which is not included in Annex1.

To that end, applications for Exceptional Authorizations for DPA have been submitted to several Member States, including **Portugal**. Farmers have already received a positive response from that country which **has granted the Exceptional Authorization on 15 July 2012**. Farmers have lodged similar requests in Ireland, UK, Italy, France and Spain and are awaiting a reply.

As regards Italy, the fact that another Member State such as Portugal has already granted the Exceptional Authorization will play an important role in the decision-making process. Indeed, with the Portuguese derogation, growers in Italy (and Spain) will be placed at a competitive disadvantage without any alleged benefit to public health, since Portuguese treated pome fruit will circulate across the European Union.

Within this context and given that the period solicited in those farmer associations' applications -**15 July 2012**- has now passed, we feel it crucial to reiterate the principal reasons for the current request.

The main reason for requesting this exceptional authorization is the impact on the Fruit Sector. Specifically, pome fruit produced in the south of EUROPE are highly susceptible to scalding; this is due to the climatic conditions of the geographic area.

Therefore, without DPA, it is impossible to sell total pome fruit production in the three to four month period following the harvest.



For instance in Spain, **500,000 tonnes of apples and pears would not be protected against scalding** in almost 400 refrigerated stores, ranging across more than ten provinces and eight autonomous communities in the country. Put differently, roughly 8,000 producers (35% of which are organized into cooperatives) will be adversely affected. This would translate not only to financial losses (estimated to be **400 million Euros** worth of fruit), but also in job losses in packing houses and on farms, as well as insurmountable debt payments on installations and plantations. Therefore, having the underlying effect of worsening the current economic situation even further.

Moreover, **the unrealistic time factors and financial costs associated with any hypothetical alternatives to DPA, in addition to their validity for varieties of pome fruit requiring conservation**, mean that an application for an adaptation period is needed.

Should Spain's silence vis-à-vis our request relates to the MRLs of DPA, it should be noted that irrespective of the European Commission's toxicological evaluation, **DPA's MRLs for pears of 10 ppm and 5 ppm for apples remain in force**. Moreover, according to the Ministry of Public Health, even if the process of reduction to the detection limit began now, it would not come into force till **after summer 2013**, which means any fruit treated in the current 2012 season, under any supposed Exceptional Authorization, would have already been sold.

This means that until the MRL varies, the importation tolerance would not be studied, thus in the current season, until summer 2013, fruit can continue to be imported from countries outside of the EU where DPA is authorized. Therefore, there is no "additional risk" in granting exceptional authorization in Spain for the 2012 season, particularly after over 30 years without any consumer health problems being detected.

In summary, the Exceptional Authorization of DPA in 2012 is vital for the continued viability of the Fruit Sector. It can be granted without infringing the law or, as claimed by some authorities, increasing risks to the consumer. To that end, we reiterate our request so, in the shortest possible time, **Diphenylamine**, can be granted exceptional authorization for use on apples and pears in the 2012 season while we as industry players continue searching for alternatives to deliver solutions to farmers.

European Diphenylamine Task Force

18 July, 2012

