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Commissioner John Dalli  
European Commission  
B-1049 Brussels  
Belgium

Friedhelm Schmider  
Director General  
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Dear Commissioner

We would like to draw your attention to an issue – the repackaging of plant protection products, (PPPs) – which has potentially significant implications for public confidence in the protection of human and environmental health. This issue can be easily solved by prohibiting the breaking of the manufacturer's seal (as opening a bottle or a canister) when carrying out repackaging activity.

The issue arises from a tension between the goal of protecting public health through the regulatory framework governing the placing on the market of plant protection products, and the need to allow the free movement of goods across the European Union.

We would like to make clear that we support the principle of the free movement of goods and services across the EU, which is rightly one of the founding pillars of the Union. However, we need to find a pragmatic way to ensure that this principle is upheld without undermining the protection of human and environmental health.

The practice of repackaging plant protection products and making them available for parallel trade within the EU has become commonplace. While this does not always provide cause for concern, the breaking of the manufacturer's seal does potentially compromise the integrity of the product. It can and does lead to examples of mixing with other substances which result in a parallel traded product which is quite different from the one which is legally registered.

ECPA has been involved in the discussion on the guidance document concerning the parallel trade of plant protection products under Regulation 1107/2009, which we understand will be agreed by the Standing Committee on the Food Chain and Animal Health before the end of the year. We recognize that society is concerned by the handling and application of these products and we endeavour to ensure proper traceability and product stewardship.

As you know, the current registration process for plant protection products ensures that both the content and its container are evaluated as one thereby guaranteeing the integrity of the product, its proper use and safe handling. However, once the manufacturer's seal is broken this guarantee is potentially compromised.

As stakeholders involved in the discussion on this guidance document, we believe it is important to draw your attention to this issue and ask you to consider measures that enable the parallel trade of legitimate plant protection products whilst upholding the protection of human health and the environment.

The breaking of the manufacturer's seal, which guarantees the integrity of the product, should therefore be prohibited. The prohibition of removal of holograms and other security devices should also be considered. While exceptions may arise, they should only be permitted under strict conditions specified by the Member State authorities. Member States should also have the possibility to follow the precautionary principle and request the Commission's approval to restrict or ban any repackaging of plant protection products where they believe that human health or environmental safety is at risk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'F. Schmider', written in a cursive style.

Friedhelm Schmider  
Director General

Cc: Mrs P Testori Coggi  
Mr L Miko  
Mr H Kandolf  
Mr M Flüh  
Ms F Arena