

Dear M Markakis,

I thank you very much for coming back on these reports.

Information that was on both 'Conclusion of Workshop' and 'Report from breakout Group 3' has quite obviously gone astray or was rephrased in such a way that could be misleading and in one case even have completely the opposite meaning. Further, a statement claims unanimity on an issue that was vehemently opposed.

The latter is to be found in (4) *Mutual recognition (zone authorizations, harmonization of GAP's)* of 'Conclusion of Workshop'.

The report reads as follows:

*"There is no support for authorisations granted centrally by the European Food Safety Authority (EFSA) or by the Commission".*

AUDACE expressed its **unambiguous support for a centralised procedure of registration of plant protection products (ppps) more in line with the aims and objectives of the directive. This would restrict industry's propensity to market partitioning and selective distribution with differences in formulations between MS that have no objective motivations yet sometime unacceptable differences in safety levels.**

AUDACE **does not oppose the institution of zones per se but argues that the only relevant definition of a zone taking climatic and soil criteria into account is at the 'field' level since different veins of soil can run through a single farm.**

AUDACE expressed its support to **an unambiguous application of the principle of mutual recognition within as well as outside the directive.**

**Directive 91/414/CEE sets the essential requirements that reflects the legitimate interest relating to security and the protection of the environment to which all active substance (as) of plant protection products (ppp) must satisfy.**

**If the directive were to apply to ppps alike, the sector would be harmonised and free movement of goods assured.**

**In the alternative the principle of mutual recognition will apply.**

**In this case and where ppps (formulations) are deemed too different the safety net of Decision 3052 ensures that differences, unjustifiable following the principles of objectivity, necessity and proportionality, are reported to the Commission and dealt with in respect of the aims and objective of the directive as well as of the principal of free movement of goods.**

The misleading succession of statements comes in at point *DAY 1: Role of stakeholders/ Processes; ECPA presentation* of 'Report from breakout Group 3'

The report reads as follows:

*OPTION 1: Take out Article 13 from Directive. Leave to other Data Protection Legislation and DG Internal Market. Need to seek Legal advice.*

*Some support for deleting all reference to data protection, not supported by ECCA and ECPA*

*Main driver for Directive is safety, not competition. – but need an incentive to encourage submission of dossiers to keep compounds (important now)*

*AUDACE in favour of this option.*

AUDACE expressed clearly that **all aspects of Intellectual Property Right (IP) should be removed from the directive hence its agreement with the removal of article 13.**

AUDACE expressed also its **complete opposition to the postulation put forward by M W. Maier which tends to justify the principle of Data Protection as the carrot that the state (of Europe) must give the industry as incentive to produce the data which alone and completely fulfils the aims and objectives of the directive.**

If the British government changed its views three time on the privatisation of British Steel and Germany finally acknowledged the unacceptable level of risk posed by nuclear energy, one is allowed to question how long the wisdom will prevail that the aims and objectives of the directive 91/414 are best upheld by the industry which aims and objectives are quite legitimately the pursuit of profit.

Last but not least, AUDACE's much *self-constrained* statement on the free movement of goods (future parallel import of ppp regulation), the little phrase, the absence of which prompted my last objection at the very last minute of the last plenary :

**AUDACE supports the motion that the principle of free movement of goods be best left outside the realm of Directive 91/414.**

**However, should the principle of free movement of goods in respect of ppps be tackled within or outside the directive by DG SANCO, it would have to be done conforming to the principle of objectivity, necessity and proportionality and refusals like withdrawals (of parallel import registrations) would have to be objectively motivated.**

**AUDACE commented on the guidance document and stressed its lack of coherence with consistent ECJ rulings and Commission decisions.**

I thank you for your kind consideration of these points of correction and minor emendations.

Best regards,  
Stephane Delautre-Drouillon

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