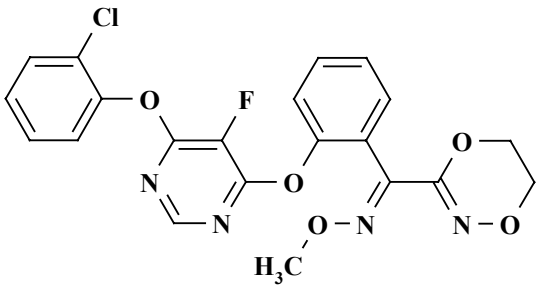
TABLE OF CONTENTS

1. Physical/Chemical Properties; Details of Uses and Further Information; Methods of Analysis

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(1)	Vol. 3, , B.1.1.5 CAS, EEC and CIPAC number Adjustments needed also in: Vol. 1, Level 1, 1.3.5; Vol. 1, Level 2, 2.1.1; Vol. 1, Appendix 1.2, List of end points	BCS: PSD has in agreement with BCS defined the E-isomer of Fluoxastrobin as active ingredient, therefore the correct CAS number is 361377-29-9. The Z-isomer should be declared as an impurity. The CIPAC number is 746.	Agreed. The list of end points has been amended.	Addressed
1(2)	Vol 1. General.	EFSA: Identity of the active substance should be clarified in Vol 1. It is not clear whether Z-isomer should be considered also active component of Fluoxastrobin or an impurity. Also purity should be clarified. Vol 1.3.3 IUPAC and CA name given only for the E isomer. Vol 1.3.5-1.3.6 CAS number and structural formula given for both isomers. Furthermore in Residues (Vol 1 2.4) parent is referred as sum of isomers whereas in Fate & Behaviour Vol 1. 2.5.2 it seems to be assumed that Z-isomer is mainly a transformation product. However, for residue definition in the environment it is not clear if Z isomer is	The Z-isomer is regarded as an impurity.	Addressed

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(2)	*continued* Vol 1. General.	included under “active substance fluoxastrobin”. It should be stated whether minimum purity is based on E isomer alone or on the sum of isomers. Second sentence in Vol 1. 2.1.1 is confusing since it may lead to believe that minimum purity is 980 g / Kg (based on E-isomer) whereas in other parts of the DAR it is stated that minimum purity is 910 g / Kg.		
1(3)	Vol. 3, , B.1.1.6 Molecular and structural formulae, molecular mass Adjustments needed also in: Vol. 1, Level 1, 1.3.6; Vol. 1, Appendix 1.2, List of end points	BCS: Molecular formula is incorrect, reflecting the E- and Z-isomer ! Correct structural formula is as follows: 	Agreed. The list of end points has been amended.	Addressed
1(4)	B1 (Vol 1. Level 4.2.1)	EFSA: Data requirement for revised technical specifications supported by 5 batch analysis when full scale manufacturing is in progress is confirmed.	Data have been submitted. The evaluation of these data is presented in Fluoxastrobin-DAR addendum 2 (Confidential information). A revised	Open point 1.1 The list of endpoints should be updated (minimum purity 940 g/kg

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(4)	*continued* B1 (Vol 1. Level 4.2.1)		technical specification is proposed. The revised minimum purity is 940 g/kg (HEC5725 E-isomer). The list of end points has been amended.	instead of 910 g/kg). RMS to distribute (to EFSA and MSs) addendum 2 containing the new specification for discussion in the expert meeting Evaluation Meeting (26.05.2004): RMS to amend the list of end points. Open point needs to be discussed in an expert meeting. Open point still open.
1(5)	B1 (Vol 1. Level 4.2.1)	EFSA: Data requirement for validation of methods employed on the analysis of 5 representative batches when full scale manufacturing is in progress will be confirmed if different to the methods already reported. This data requirement should be under Level 4.2.5 if confirmed.	Data have been submitted. The evaluation of these data is presented in Fluoxastrobin-DAR addendum 2 (Confidential information).	refer to 1(4)

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(6)	Vol 1. General.	EFSA: GAP needs to be clarified. A seed use previous to the foliar one is referred all thorough the DAR but is not collected in the Summary of intended uses.	An Annex III dossier for a representative seed treatment containing fluoxastrobin was submitted and evaluated. However, owing to issues relating to the other active substances present in the formulation, it was not possible to complete overall the risk assessment. Therefore, the evaluation of data specific to the seed treatment has not been presented in the DAR and seed treatment uses could not be included in a list of uses supported by data.	Open point 1.2

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(7)	Vol. 3, B.2, general	NL: No indications which studies are under GLP and which not.	For fluoxastrobin, all studies were performed in accordance with GLP. However, the Atkinson calculation (IIA, 2.10) and the case submitted to address potential oxidisng properties (IIA, 2.1.5) were non-GLP. For the formulation HEC 5725 EC100, all studies were performed in accordance with GLP with the exception of the storage stability studies (IIIA, 2.7). The case submitted to address potential oxidising properties (IIIA, 2.2) was non-GLP.	Addressed However, for transparency and better comprehensibility, it would be helpful to include this information in Volume 3. Either in the references relied on or at the individual study description.
1(8)	B2. General	EFSA: Acceptability and GLP of the studies should be stated in the DAR.	See comment for point 7 above.	refer to1 (7)
1(9)	Vol. 1, list of endpoints	NL: *purity should be stated of melting point, boiling point, appearance and relative density	The list of end points has been amended.	Addressed
1(10)	Vol1, 1.3.5 and Vol. 3, B.1.1.5, CAS, EEC and CIPAC numbers	NL: CIPAC number of Fluoxastrobin is 746 (also in list of endpoints)	The list of end points has been amended.	Addressed
1(11)	Vol. 3, B.2.1.2, boiling point	NL: Purity is not stated (also in list of endpoints)	Pure fluoxastrobin (99.5%) decomposes above 230 °C. Therefore, boiling point has to estimated.	Addressed

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(12)	Vol. 3, B.2.1.7/8/9, appearance	NL: Studies should be carried out with technical material (96 %)	The mean technical purity of six batches from a full scale manufacturing plant was 97%. Therefore, as a technical material used in this study was 98% no further data are required.	Addressed In general, this argumentation could be accepted, provided that the purity of the technical material is very high, but on the other hand the proposed minimum purity is just 940 g/kg [refer also to 1(4)]. However, for this certain Annex point further action seems not to be necessary. Evaluation Meeting (26.05.2004): No further action is necessary. Open point closed.
1(13)	Vol. 3, B.2.1.13, partition co-efficient	NL: pH should be mentioned (also in list of endpoints)	As fluoxastrobin does not dissociate at pH values between 4 and 9, it is not necessary to state the precise pH value at which the partition coefficient was determined.	Addressed

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(14)	Vol. 3, B.2.1.15, hydrolysis rate	NL: EPA guideline 161-**1**	The error is noted.	Addressed
1(15)	Vol. 3, B.2.2.12, viscosity	NL: The shear rate should be mentioned in the case of the dynamic viscosity	The shear rate is $100s^{-1}$	Addressed However, it seems to be that this information is not necessary because EC is regarded as a newtonian liquid.
1(16)	Vol. 3, B.2.15 Physical/chemical properties	BCS: Shelf life study was submitted to the Rapporteur in August 2003. The respective reports (Study reports MO-03-007195 + MO-03-007196)..	HEC 5725 EC 100 an emulsifiable concentrate containing 100g fluoxastrobin /l was stored for two years at ambient temperature in HDPE and COEX / EVAL commercial packaging. There were no significant changes in active substance content, appearance, pH and emulsion stability. The data submitted indicated that the formulation was chemically and physically stable for 2 years at ambient temperatures.	Open point MS to discuss in the evaluation meeting the need for further discussion of the data (shelf life study) presented in addendum 1. Evaluation Meeting (26.05.2004): The RMS states that a further discussion is not necessary. The Meeting agrees on the proposal of the RMS. No further action required.

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(16)	*continued* Vol. 3, B.2.15 Physical/chemical properties			Open point closed.
1(17)	B2.2.2.15 (IIIA 2.7) (Vol 1. Level 4.2.2)	EFSA: Data requirement for stability after two year storage is confirmed.	See comment at point 16	refer to 1(16)
1(18)	B2.2.17 (IIIA 2.8) (Vol 1. Level 4.2.2)	EFSA: Data requirement for the antifoam agent effectiveness is confirmed.	The comment is noted.	AIIIA 2.8.2 Data requirement Data concerning the effectivity of commercially available anti-foaming agent. Evaluation Meeting (26.05.2004): The notifier states that the information has already been sent to the RMS. The RMS will check whether the new data fully address this point. Data requirement still open.

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(19)	B2. References.	EFSA: References should be found at the end of the chapter.	The comment is noted.	Addressed RMS to consider in a revised DAR [refer also to 1(7)]
1(20)	B3. References.	EFSA: References should be found at the end of the chapter.	The comment is noted.	Addressed RMS to consider in a revised DAR
1(21)	Vol.3, B5.1.1 and B5.1.3	NL: The methods of analysis for the active substance in the technical active substance and the ppp should be discussed in Vol. 3 as this is not confidential	The comment is noted. The method for determining the active substance in the plant protection product is now also presented in Fluoxastrobin DAR Addendum 1.	Addressed
1(22)	B.5.1.1 / B.5.1.3	EFSA: Method for the analysis of pure active substance in technical material and plant protection product can not be confidential.	See comment at point 21	refer to1(21)
1(23)	Vol.3, B5.2/3/4	NL: - The linearity of the methods is missing -It is not clear what the temperature and humidity are of the air used for the validation. -The specificity of the residue method for air	The comments are noted. Linearity data were submitted and were acceptable. The temperature and humidity of the air were 34-35ºC and 79-81%. Acceptable validation data were submitted for the air method and as part of this	Addressed for fluoxastrobin However, this should be discussed generally in an expert meeting as according to SANCO/825/00 it does

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(23)	*continued* Vol.3, B5.2/3/4 Table B.5.2	is missing -Soil source and types are not specified -It would be more clear to use the term limit of quantification (LOQ) instead of limit of determination	specificity would have been addressed. The soils used were German and UK.	not seem necessary to provided detailed information on the soil characteristics like it is required for surface water Open point The need for provision of detailed data concerning the soil characteristics (used in validation of enforcement methods) should to be discussed in an expert meeting. <u>Evaluation Meeting (26.05.2004):</u> Open point needs to be discussed in an expert meeting. This was already discussed at EPCO 06, the meeting agreed that a statement (incl. the sample site) should be

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(23)	*continued* Vol.3, B5.2/3/4 Table B.5.2			provided. Open point RMS to clarify whether a representative soil of crop growing was used for the validation or not.
1(24)	B5. General.	EFSA: Linearity is not reported in the DAR for any of the analytical methods.	See comment at point 23 above.	Addressed for fluoxastrobin Refer to 1(23)
1(25)	Vol. 3, , B.5.2 Method of analysis Validation	BCS: Table B.5.2 Precision – repeatability (CV)%: [0]Statistically, the values we cite in the reports were not calculated as CV (coefficient of variation) but at standard deviation (SD), or relative standard deviation (RSD) Fortification levels: The assignment of the fortification levels for the isomers for this method is not consistent with the way the fortification levels were assigned for the other methods and for the wheat matrices for this methods (see next page). To achieve consistency, the values would have to be changed as noted.	%CV and relative standard deviation are considered to be the same. The comment is noted. The RMS considers that this is a point of clarification and that no changes needed to be made to the DAR.	Addressed For transparency and better comprehensibility, this information should be considered in a revised DAR.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(25)	*continued* Vol. 3, , B.5.2 Method of analysis Validation	Leaving the values as they are (i.e. all three values for fluoxastrobin and the 2 isomers at the same level) is not necessarily wrong, it should only be kept in mind that in this case the give fortification level refers always to fluoxastrobin and not to the isomers (i.e. we did not fortify 0.02 mg/kg Z-isomer but 0.002. For details see attached document (changes marked in blue and green) (200312_fluoxa strobin_ comment_vol3_B5_methods.doc).		

General comment concerning Methods of Analysis

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(26)	Vol.1 App. 1.2, Listing of endpoints- Methods of Analysis	EFSA: the LOQ should be reported clearly for each single compound in relation to the analysed matrices RMS to revise the list of endpoints. Depending from the matrix analytical methods are validated for parent compounds and several metabolites. Reporting of a general range is not sufficient	The Guidance in EPCO Manual E4 is not very precise on this point. However, the RMS notes that if all these data were included in the endpoints, the resulting table would be very large (See Section B.5, Table B.5.2 in the DAR)	Addressed

Volume 4: confidential section

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(27)	Vol. 4, C1.4.3 impurities	NL: The identity of the impurities only relied on the retention time. This is not acceptable (see Sanco/825/00) the identity should be confirmed or a confirmatory method should be available, the specificity is missing. How is the recovery determined? If not	The identity of the impurities was confirmed by comparison of retention times with those for certified standards. In addition, UV traces for each impurity were compared with those of reference standards. The recovery is determined by the addition of the impurity reference standard to a batch	Addressed for fluoxastrobin However, this issue should generally be discussed in an expert meting as SANCO/825/00 covers only enforcement methods

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(27)	*continued* Vol. 4, C1.4.3 impurities	with standard addition this is still required.	of the impurity reference standard to a batch of technical material.	only enforcement methods and not data generation methods. Open point The need of a confirmatory will be discussed in an expert meeting. Evaluation Meeting (26.05.2004): Open point needs to be discussed in an expert meeting. Open point still open.

The following comments were inserted additional for consideration in the evaluation meeting

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(28)	Updated list of endpoints, p. 9, Plant and animal residue definition	EFSA: In the proposed residue definitions is mentioned that fluoxastrobin is the sum of the *E* and *Z* isomer. This is incorrect. The ISO common name belongs only to the *E*-Isomer.	--	Open point 1.4 RMS to amend plant and animal residue definition in list of endpoints Evaluation Meeting (26.05.2004): RMS to amend the list of end points. Open point still open.

rapporteur: UK.

section 1 - Physical/Chemical Properties; Details of Uses and Further Information; Methods of Analysis

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
1(29)	Updated list of endpoints, p. 18, Definition of the residues	EFSA: It should be stated, whether the phrase “parent” belongs to fluoxastrobin (the *E*-isomer) or to the mixture of *E* and *Z* isomer.	--	Open point 1.5 RMS to amend residue definition relevant to the environment in list of endpoints Evaluation Meeting (26.05.2004): RMS to amend the list of end points. Open point still open.

2. Mammalian toxicology

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(1)	Vol 1. General. End Points table. Toxicologically significant compounds (animal, plants and environment).	EFSA: It should be clarified which metabolites are considered toxicologically relevant.	RMS: **Parent compound and metabolites** is an appropriate statement for this endpoint. According to the EPCO manual, this is the wording to use when specific studies of metabolite toxicity are not available and it can be concluded that toxicity is as much due to the metabolites as to the parent. In this case, the only available study on a metabolite is an Ames test with M48. This study is not helpful in establishing if toxic effects seen following exposure to the parent were due to this metabolite.	Addressed
2(2)	Vol 1, Appendix 1.2 List of end points Adsorption, distribution, excretion and metabolism in animals, page 62	BCS: Under item *Toxicologically significant compounds* delete and metabolites. The parent compound only is toxicologically significant as none of the non-common metabolites in crops and animal tissues are considered to be of sufficient toxicological concern to be of relevance for consumer risk assessment under the proposed condition of use. For metabolites M40 and M48 identified in	RMS disagrees with applicant because: a) The only submitted toxicology study on a specific metabolite is an Ames study (negative) with M48. **Hence there are not adequate data to ascertain whether the observed toxicity following exposure to fluoxastrobin was due to a.s. and/or metabolites** (see EPCO manual and also evaluation by RMS at point 1 above).	Addressed

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(2)	*continued* Vol 1, Appendix 1.2 List of end points Adsorption, distribution, excretion and metabolism in animals, page 62	environmental fate studies applies the same, see also Vol 3, B 6.8.	b) The commentary quoted by the applicant on non-common metabolites is from the DAR. However it is based on a limited toxicological assessment (in particular structural similarity to parent and/or rat metabolites) and on the low levels present in crops and tissues of farm animals. **This is not an adequate basis to ascertain whether the observed toxicity in laboratory animals following exposure to fluoxastrobin was due to a.s. and/or metabolites.**	
2(3)	Volume 1, level 4, 4.1.6 Toxicology and metabolism, page 42	DE: The data requirement (In vitro genotoxicity on M 48) mentioned in Volume 1, level 4, 4.1.6. Toxicology and metabolism is supported. The results of these studies are needed before a decision on possible inclusion in Annex I can be taken.	RMS: The result of an Ames test conducted on M48 was negative. The study has been evaluated and reported in Fluoxastrobin DAR Addendum 1. The list of endpoints has been amended.	Addressed
2(4)	Volume 1, level 2, 2.3.1. page 18, "Need for further toxicological information" and Volume 1, level 4, 4.2.6 Toxicology and metabolism, page 43	DE: The data requirements mentioned in Volume 1, level 4, 4.2.6. are considered to be essential for the Annex-I inclusion, since only high purity (>98 %) batches have been tested for mutagenicity in bacteria and for skin sensitisation so far. Therefore, these data requirements	RMS: the applicant has now provided data which adequately addresses the data requirements relating to the potential genotoxicity and skin sensitisation of impurities (see Fluoxastrobin DAR Addendum 1).	Addressed, Data requirement of Vol. 1, level 4 fulfilled. Evaluation Meeting (26.05.2004):

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(4)	*continued* Volume 1, level 2, 2.3.1. page 18, "Need for further toxicological information" and Volume 1, level 4, 4.2.6 Toxicology and metabolism, page 43	should be moved to Volume 1, level 4, 4.1.6. Toxicology and metabolism. In vol. 1, level 2 chapter 2.3.1 a further Ames test with the final production batch of fluoxastrobin and the evaluation of the toxicological significance of impurities in fluoxastrobin for skin sensitisation are proposed. These requirements were considered to be **not** essential for the Annex-I inclusion by the RMS and therefore included in Volume 1, level 4, 4.2.6. Toxicology and metabolism (Data which should be required and evaluated at MS level). However, the above mentioned studies should be repeated using the technical active substance with the proposed specification (minimum purity ≥ 910 g/kg) and evaluated by the RMS before Annex I inclusion.	The additional studies, together with other information, indicate that impurities (at the maximum levels proposed in the new technical specification) present no concerns for genotoxicity or skin sensitisation. The list of endpoints has been amended.	See also 2(5), 2(6) and 2(12) One MS will submit further comments on these points in written form. These will be discussed in an expert meeting. Open point open.
2(5)	Vol 3. Annex B.6 B.6.2.7	EFSA: fully support the need to perform the skin sensitization assay with batches of similar quality than the final production ones	RMS: see evaluation of RMS at point 4 above.	Addressed, Data requirement of Vol. 1, level 4 fulfilled. <u>Evaluation Meeting (26.05.2004):</u>

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(5)	*continued* Vol 3. Annex B.6 B.6.2.7			See also 2(4), 2(6) and 2(12) One MS will submit further comments on these points in written form. These will be discussed in an expert meeting. Open point open.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(6)	Vol.1, level 2, 2.3.1"Need for further toxicology information"	SE: We agree with the comment from DE (1 and 2) that the genotoxic properties of the impurities from the technical active substance have to be investigated before an Annex 1 inclusion.	RMS: see evaluation of RMS at point 4 above.	Addressed, Data requirement of Vol. 1, level 4 fulfilled. Evaluation Meeting (26.05.2004): See also 2(4), 2(5) and 2(12) One MS will submit further comments on these points in written form. These will be discussed in an expert meeting. Open point open.
2(7)	Vol 3. Annex B.6 B.6.3.4	EFSA: in the 4 weeks dermal study in rats, fluoxastrobin was moistened with water; this is not representative of the intended final formulation.	RMS agrees. This fact is clearly stated in the DAR (at B.6.3.6, B6.10) and is one of the reasons why no short-term dermal AOEL was proposed by the RMS for fluoxastrobin.	Addressed

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(8)	Vol 3. Annex B.6 B.6.4	EFSA: Most of the test were performed with purity grade higher than the one intended for the final formulation. A special attention should be paid to the fact that not only the purity of the test agent must be taken into account for the expression of genotoxic and/or mutagenic potential ; the nature and levels of impurities are also of relevance for these studies.	RMS: see evaluation of RMS at point 4 above.	Addressed
2(9)	Vol 3. Annex B.6 B.6.4.1 P 130	EFSA : The following phrasing is proposed for the second part of the conclusions "however it should be noted that although this study complied with OECD guidelines, this type of study with CHO cells is now considered by some bodies to be insufficiently sensitive (predominantly on statistical grounds) and the mouse lymphoma assay is preferred, see Committee on Mutagenicity (2000)." "however it should be noted that although this study complied with OECD guidelines, the gene mutation assay at the thymidine kinase locus (TK) in L5178Y mouse lymphoma cells is considered by some bodies to be a preferable choice (predominantly on	RMS: The proposal is noted. This is only a very slight change to the wording of the conclusion of this study. It does not affect the overall assessment of the genotoxic potential of fluoxastrobin. Hence the RMS does not intend to amend the conclusion in the DAR.	Addressed

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(9)	*continued* Vol 3. Annex B.6 B.6.4.1 P 130	statistical grounds) than the HPRT gene mutation assay on either chinese hamster ovary (CHO) or V79 chinese hamster lung cells, see Committee on Mutagenicity (2000)."		
2(10)	Vol 3. Annex B.6 B.6.4.1 P 132	EFSA : The following phrasing is proposed for the cecond part of the conclusions "however it should be noted that although this study complied with OECD guidelines, this type of study with CHO cells is now considered by some bodies to be insufficiently sensitive (predominantly on statistical grounds) and the mouse lymphoma assay is preferred, see Committee on Mutagenicity (2000)." "however it should be noted that although this study complied with OECD guidelines, the gene mutation assay at the thymidine kinase locus (TK) in L5178Y mouse lymphoma cells is considered by some bodies to be a preferable choice (predominantly on statistical grounds) than the HPRT gene mutation assay on either chinese hamster ovary (CHO) or V79 chinese hamster lung cells, see Committee on	RMS : The proposal is noted This is only a very slight change to the wording of the conclusion of this study. It does not affect the overall assessment of the genotoxic potential of fluoxastrobin. Hence the RMS does not intend to amend the conclusion in the DAR.	Addressed

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
		Mutagenicity (2000)."		
2(11)	Vol 3. Annex B.6 B.6.4.3	EFSA : As far as the batches used for genotoxicity/mutagenicity testing are of different purities than the final full production batch, the lack of genotoxic and/or mutagenic potential has to be confirm by robust scientific testing ; the HPRT assays does not appear sufficient in this way. EFSA strongly recommend to repeat testing - at the gene level – in a first instance, by doing gene mutation assays on both bacteria and on mammalian cells (L5178Y mouse lymphoma cells at the thymidine kinase locus). Taking into account the results obtained with the final full production batch, further information by applying additional genotoxicity tests may be necessary to confirm the lack of genotoxic potential of impurities.	RMS: the applicant has now provided sufficient additional data, including Ames tests on several impurities, to conclude that fluoxastrobin (new proposed technical specification) is not genotoxic, see Fluoxastrobin DAR addendum I. Hence the RMS does not support the request from EFSA for a mouse lymphoma assay. Although the RMS has some concerns about the sensitivity of the HPRT assay, it is currently a permitted assay under 91/414/EEC and is frequently submitted. Notably, Annex II of 91/414 states that Directive 87/302/EEC Part B - in vitro mammalian cell gene mutation assay- is an acceptable test guideline. This guideline refers to several gene mutation assays including the CHO HPRT assay, as does the more recent OECD guideline 476 (1997). It is relevant that all the submitted genotoxicity studies (including an *in vivo* bone marrow micronucleus assay) show a lack of genotoxic activity. Additionally, there	Addressed

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(11)	*continued* Vol 3. Annex B.6 B.6.4.3		is no evidence for fluoxastrobin being oncogenic or having an adverse effect on reproductive outcome. *[Note: rev 4 of the draft revised Annex II of 91/414 states the mouse lymphoma assay is the recommended type of in vitro mammalian cell gene mutation assay.* ***However this guidance is not finalised and therefore not applicable to the current application****.]*	
2(12)	Volume1, Appendix 1.2 Listing of end points, long term toxicity and carcinogenicity and Vol. 3, B.6.5.1	DE: The RMS should comment on possible influences of fluoxastrobin on the female endocrine system (i.e. possible treatment related effects on both increased incidence of uterus adenocarcinomas **and** uterine glandular hyperplasia). In view of the relevance to man the mechanism should be clarified and/or a classification of fluoxastrobin should be considered. The incidence of uterus adenocarcinomas was statistically significantly increased. The RMS concluded that this was not a substance-related carcinogenic effect. However, the range of the historical control is not the only criterion for the biological relevance of an increased tumour incidence. The	RMS disagrees with DE. The RMS considers that the higher incidence of both adenocarcinoma and glandular hyperplasia of the uterus at the top dose (compared to the concurrent control group) in the 2 year rat study is **not** a critical finding for the risk assessment of fluoxastrobin and is also **not** of concern for classification because: 1) The incidence of adenocarcinoma at the top dose (20%) was similar to the incidence (24%) reported for control group of another study, also with the Hsd Cpb:WU strain of Wistar rats, conducted at the test laboratory (of Bayer) almost in parallel with the present	Addressed Evaluation Meeting (26.05.2004): See also 2(4), 2(5) and 2(6) One MS states that there might be some points to be clarified regarding classification and labelling. The Meeting agrees on that this issue needs to be discussed in an expert meeting.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(12)	*continued* Volume1, Appendix 1.2 Listing of end points, long term toxicity and carcinogenicity and Vol. 3, B.6.5.1	incidence of the adenocarcinomas in the uterus is significantly increased from 3/50 animals in the control group to 10/49 animals in the highest dose group **and** furthermore, the incidence of uterine glandular hyperplasia is also clearly increased from 1/50 to 6/49. A common (e.g. endocrine) mechanism of both findings can not be excluded.	study. This is convincing evidence that the increased incidence of adenocarcinoma at the top dose was spontaneous and **not** substance related. 2) The incidence of uterine glandular hyperplasia at the top dose (12%) was higher than in the concurrent control group (2%). The increase was not statisitically significant based on a pairwise comparison. All lesions at the top dose were minimal-moderate. The increase at the top dose was only slightly above the historical control data for Wistar rats (RITA database 0-10%, mean 1.6%, which included some Bayer studies 0-6%, mean 2%). Since there was good evidence that the increase in adenocarcinoma at the top dose was spontaneous, it is plausible that there would also be a spontaneous increase in an associated preneoplastic lesion (glandular hyperplasia). Although, the applicant did not provide data on the incidence of glandular hyperplasia for controls in the almost parallel study, the evidence suggests that increase in uterine glandular hyperplasia was probably spontaneous. 3) A higher incidence of adenocarcinoma and glandular hyperplasia was seen only at	One MS will submit further comments on this point. Open point still open.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(12)	*continued* Volume1, Appendix 1.2 Listing of end points, long term toxicity and carcinogenicity and Vol. 3, B.6.5.1		and glandular hyperplasia was seen only at the top dose. This was a very high dose level (1083 mg/kg bw/day for females) with a clear NOEL of 181 mg/kg bw/day. The margin between this NOEL and the ADI (0.015 mg/kg bw) is extremely wide (72200 times). The margin between this NOEL and the short-term systemic AOEL (0.03 mg/kg bw/day) is also extremely wide (36100 times). 4) It is reassuring that no substance-related histological findings were observed in the uterus of adult female rats exposed to a high dose (mean of 871 mg/kg bw during premating period) in the multigeneration study nor in female rats exposed to a high dose (1416 mg/kg bw/day) in the 90-day study.	
2(13)	Vol.3, B.6.6.1, Multigeneration study in rat	SE: In general, several effects on the endocrine organs (such as uterus, pituitary, prostate, adrenals, male reproduction tissue, and thyroid) were observed in different species and studies after fluoxastrobin administration. At the same time, we considerer that the effects found in the multigeneration study were not describe with sufficiently transparency	RMS provides the following commentary and clarification. There are indications of possible substance-related effects on some endocrine organs at a high dose (10000 ppm) in the multigeneration study **but none is considered to be toxicologically important.** Effects on a number of	Addressed RMS to consider summary provided in an addendum or revision of addendum 1

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(13)	*continued* Vol.3, B.6.6.1, Multigeneration study in rat	in the DAR. Some of the points which need clarification: a) In the adults animals, was there any another effects than reduce body weight gain in males at 10000ppm (15%)? b) The total number of pups found dead in the highest dose was presented as nr/dose group. How many dams were involved? And how many pups were found in the control group? c) Was there any evidence in the multigeneration study which shows that the effects found in the thymus, the ovaries and uterus of the pups should be correlated to the effects in the dams?	endocrine organs were seen in other studies (sometimes at high dose levels only) and NOAELs for endocrine effects in these studies were determined. These NOAELs do not indicate a need to propose lower reference doses (ADI, AOEL, ARfD). The requested clarification about the multigeneration study is provided below. *Note*: **no changes to the proposed NOAELs for this study are required** (ie NOAELs for parental toxicity, reproductive outcome and developmental toxicity). a) Effects seen in adults at 10000 ppm Reduced bw gain in males and females pre-mating by up to 15-17% Reduced bw gain in females during gestation by up to 12% Increased food consumption in F1 males and females pre-mating (No consistent effect on food consumption during lactation) Liver: increased relative weight in males and females but no histopathological findings. **Possibly an adaptive effect** (see DAR)	

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(13)	*continued* Vol.3, B.6.6.1, Multigeneration study in rat		Thymus: decreased weight in females, although no adequate histopathological examination in this study **it is considered a substance-related effect of significance** (see NOAEL for parental toxicity in DAR). Ovary: 21% decrease in relative weight in P females but no significant effect on weight in F1 females and there were no substance-related pathological findings in P or F1 females. Hence the 21% decrease in relative weight is considered to be **not toxicologically important**. Uterus : 29% decrease in relative weight in P females but no effect of importance on relative weight in F1 females (only a 4% decrease) and there were no substance-related pathological findings in P or F1 females. Hence the 29% decrease in relative weight is considered to be **not toxicologically important**. Pituitary: 29% increase in relative weight in F1 males. However there was no significant increase in absolute pituitary weight and the reduction in absolute body weight (by 13%) had a big influence on the increase in relative pituitary weight. There was no effect on pituitary weight in P males and no substance-related pathological	

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(13)	*continued* Vol.3, B.6.6.1, Multigeneration study in rat		and no substance-related pathological findings in P or F1 males. Hence the 29% increase in relative weight is considered to be **not toxicologically important**. Brain: 27% increase in relative weight in F1 males seemed in large part due to the decrease in bw (13%) as there was no increase in absolute brain weight. There was no significant effect on relative brain weight of P males. No histopathological examination was conducted in this study but there were no histopathological findings in the 90-day rat study. Hence the 27% increase in relative weight is considered to be **not toxicologically important**. *It should also be noted that the study investigators did **not** attach any toxicological importance to the organ weight changes seen in this study and concluded that there were **no** substance-related histopathological findings.* b) Number of pups found dead at 10000 ppm	

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(13)	*continued* Vol.3, B.6.6.1, Multigeneration study in rat		Given the lack of clear consistent substance-related effects on reproductive indices at 10000 ppm (notably on mean live birth index), the RMS attaches **no importance** to the slight increase in total number of pups found dead at 10000 ppm. Data for 0, 100, 1000 and 10000 ppm Litters from P parents No.of litters: 26, 28, 28, 30 Litters with dead pups: 2, 4, 4, 4 Tot no. pups born: 292, 302, 316, 296 Tot no.dead pups: 3, 4, 4, 11 Mean live birth index: 99.0, 100, 100, 99.7 Litters from F1 parents No.of litters: 28, 28, 25, 26 Litters with dead pups: 4, 1, 2, 3 Tot no. pups born: 279, 298, 266, 252 Tot no.dead pups: 4, 2, 2, 8 Mean live birth index: 98.6, 99.6, 99.3, 99.5 *(Note: Live birth index = no. of live pups born per litter/total no. of pups per litter x 100)*	

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(13)	*continued* Vol.3, B.6.6.1, Multigeneration study in rat		c) Correlation between effects in pups and dams In pups, no substance-related gross lesions were observed and no histopathological examination was conducted in the original study (applicant now intends to submit histopathological data for the thymus of pups, see item 14 below). Of the organs mentioned by SE (thymus, ovaries, uterus), only thymus was weighed in pups. Thymus weight was decreased in pups and dams and **this has been taken into account when setting the NOAEL for parental toxicity and the NOAEL for developmental effects**.	
2(14)	Vol. 3, B.6.6.1, Multi-generation study in rats with fluoxastrobin	BCS: The applicant proposed a higher NOAEL (1,000 ppm) for developmental effect. Justification: Due to the size of the thymus in a 21-day-old pup, there is a significant animal-to animal variation in weight, not only to normal variation, but also due to the excision and trimming of such a tiny organ. The thymic weights in the control animal ranged from 0.029 – 0.340 g in the male, and 0.092 – 0.379 g in the female. Moreover, the standard guideline procedure in place during the	RMS notes that the applicant has volunteered to provide histopathological data for the thymus of pups from this study in the hope of supporting a higher NOAEL for developmental effects. The RMS cannot comment further until the data are provided (expected in April 2004). [Note: if the NOAEL for developmental effects was raised it would not affect the ADI, ARfD and AOEL proposed in the DAR	Data requirement RMS to submit histopathologyical data of the thymus from multigeneration study. Evaluation Meeting (26.05.2004): The notifier states that the data has already been submitted.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(14)	*continued* Vol. 3, B.6.6.1, Multi-generation study in rats with fluoxastrobin	execution of the study was to necropsy only one male and one females per litter (if one of each batch was available), Inadvertently contribution additional variability due to random selection based on sex and not body weight. In addition to clarify the situation the histopathologyical evaluation of the thymus will be performed; results will be available April 2004.	by the RMS.]	The RMS will evaluate the data in due course. RMS to provide an addendum to the draft assessment report. Data requirement still open.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(15)	Vol.3, B.6.6.2, Developmental toxicity in rat	SE: We don't agree with the conclusion of the RMS regarding the incomplete ossification of the forelimbs in rats. We considered that the NOAEL for development should be 100 mg kg^{-1} bw day^{-1} based on the skeletal findings in rats at 300 and 1000 mg kg^{-1} bw day^{-1}	RMS disagrees with SE.	5.6.2 Addressed

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(15)	*continued*		some digital bones at 300 and/or 1000 mg/kg bw/day.	
2(16)	Volume1, Appendix 1.2 Listing of end points; Volume 1, level 2, 2.3 Impact on human and animal health and Vol. 3, B.6.3.3 and B.6.3.6	DE: The lowest relevant oral NOAEL/NOEL of short term toxicity is 1.5 mg/kg bw/d based on the 1yr dog study **and** the (second) 90 day dog study. Obviously there is a discrepancy between assessment of the effects in oral short term dog studies and the final conclusions (AOEL derivation). The decreased body weight gain in males is considered to be a significant and toxicologically relevant effect by the RMS. (page 105 in Vol, 3, Annex B.6: "the RMS considers the decreased weight gain at all dose levels in males to be toxicologically significant"; page 120:"Reduced body weight gain was a key finding in dog studies"). In table B 6.21 the following NOAELs were set:	RMS disagrees with DE in terms of the NOAEL that should be used for setting the AOEL. The RMS agrees that NOAEL in the 1-year dog study (Jones and Hastings 2002) was 1.5 mg/kg bw/day. The RMS considers that this NOAEL is based on reduced body weight (bw) gain and increased serum alkaline phosphatase. However for setting a short-term AOEL, the NOAEL after exposure for 90 days is the relevant value. The RMS agrees that based on the proposed NOAELs for the two 90-day dog studies (Table B.6.21) the overall 90-day NOAEL appears to be 1.4-1.5 mg/kg bw/day (highest dose in second study) based on	Addressed (see also comments 2(17) and 2(18))

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(16)	*continued* Volume1, Appendix 1.2 Listing of end points; Volume 1, level 2, 2.3 Impact on human and animal health and Vol. 3, B.6.3.3 and B.6.3.6	90-day dog: 1.5 mg/kg bw/d (Jones and Hastings 2001) 1-year dog: 1.5 mg/kg bw/d (Jones and Hastings 2002)	reduced bw gain of males at 3 mg/kg bw/day (lowest dose in first study). However bw gain data after exposure for 90 days in the 2 90-day dog studies **and** after 90 days in the 1-year dog study (see Table B.6.20) show **notable variation** at the lowest dose levels (0.7-8 mg/kg bw/day). Only at 24-25 mg/kg bw/day and above was there a clear and consistent reduction in bw gain. Hence, in the summary of short-term dog studies (page 129), **8 mg/kg bw/day is proposed as the overall NOAEL for effects on bw in dogs after 90 days.** A lower 90-day NOAEL in dogs, is however indicated based on increased serum alkaline phosphatase in both sexes at 8 mg/kg bw/day after 87 days in the 1-year study and a NOAEL for this effect (3 mg/kg bw/day) in the first 90-day dog study. Hence the 90-day NOAEL in dogs of 3 mg/kg bw/day should be used for setting the short-term systemic AOEL. A short-term systemic AOEL of 0.03 mg/kg bw/day is proposed in the DAR. The RMS still supports this AOEL	

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
2(17)	Volume 1, point 2.3.4 AOEL	DE: A new AOEL (systemic) of 0.015 mg/kg bw/d (1-yr **and** 90 day dog, SF: 100) is proposed. The dose level of 3 mg/kg bw/d is not a NOAEL, but a LOAEL based on the decreased weight gain in male dogs (see table B 6.21). Therefore the dose level of 1.5 mg/kg bw/d should be used as basis of the AOEL.	RMS disagrees with DE. The RMS considers that the short-term systemic AOEL is 0.03 mg/kg bw/day (see RMS evaluation at **point 16** above).	Addressed *(see comment 2(16)* Evaluation Meeting (26.05.2004): The Meeting agrees on that the AOEL needs be discussed in an expert meeting. Open point still open.
2(18)	Vol. 1, App. 3, Listing of endpoints, Chapter 2.3, Annex IIIA, point 7.3 (Acceptable exposure scenarios)	DE: On the basis of the new proposed systemic AOEL of 0.015 mg/kg bw/d, the operator exposure would also be acceptable. DE has performed a operator exposure risk assessment according to the German model with the new AOEL.	RMS does not agree to lowering the AOEL. See RMS evaluation at **point 16** above.	Addressed *(see comment 2(16)*

3. Residues

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
3(1)	Vol. 1, 2.4.1 Definition of the residue relevant to MRLs Vol. 1 App. 1.2, Listing of endpoints-Animal residue definition for monitoring	EFSA: Animal residue definition for monitoring in Listing of endpoints is in contradiction to the given residue definition for monitoring in the DAR RMS to verify and to revise	On checking the residues definition for animal in Volume 1 and the endpoints they appear to be identical i.e. Fluoxastrobin (E and Z-isomers) and its metabolite phenoxy-hydroxypyrimidine (M55) expressed as fluoxastrobin.	Addressed However, the residue definition for animal given in Vol. 1, p.25, point 2.4.1 (“parent fluoxastrobin only”) should be corrected accordingly in a revised DAR
3(2)	Vol 1, 1.5.3 and Vol 3, B.3.2.3 and B.3.2.4, intended uses	NL: The use as seed treatment is not taken up in the tables	An Annex III dossier for a representative seed treatment containing fluoxastrobin was submitted and evaluated. However, owing to issues relating to the other active substances present in the formulation, it was not possible to complete overall the risk assessment. Therefore, the evaluation of data specific to the seed treatment has not been presented in the DAR.	Open point For transparency and better comprehensibility the representative uses evaluated which are not supported by available data should be highlighted as mentioned in the EPCO manual E4. See comment 1(6) Evaluation Meeting (26.05.2004):

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
				Open point still open.
3(3)	Vol . 3, B 7. Vol. 1, Level 1, 1.5.3 Vol. 1, Level 2, 2.4 Residue data	BCS: The use of foliar spray of fluoxastrobin support the uses in wheat, rye in general as well as to triticale. Extrapolation from wheat to rye and triticale is aimed at Triticale is not mentioned in Vol. 1, Level 1, 1.5.3 and Vol. 1, Level 2, 2.4. Furthermore extrapolation from barley to oat is aimed at.	RMS agrees. An extrapolation can be made from wheat to triticale and from barley to oats and the use on triticale is mentioned throughout section B.7. In the case of oats, use on this crop was not requested when the dossier was submitted for evaluation..	Addressed.
3(4)	Vol 3, B.7.2, Metabolism in domestic animals	NL: Contrasting to the plant studies, in animals no studies were done with the pyrimidine-labeled parent. Question: are all metabolites in animals covered by the other two labels?	The RMS notes that two label studies were available on the first and third ring and no metabolites were identified in the pyrimidine labelled rat metabolism study that contained only the pyrimidine ring. Therefore, the RMS considers that all significant animal metabolites are coverred by the existing studies.	Addressed.
3(5)	Vol 3, B.7.2.2 and B.7.9.2, Residues in poultry products	NL: It is not without doubt that residues in chicken products will be <0,01 mg/kg because extrapolation to lower doses is not by definition linear (e.g. a relatively high percentage might be excreted at high doses; metabolic pathways might be saturated at a 900X dose and therefore should not result in lower levels of metabolites at lower exposure levels per se). We agree that residues in poultry	RMS disagrees. The poultry metabolism study was carried out at 900N and the highest residue (parent plus metabolite M55) in poultry tissues was 1.8 mg/kg in liver. As predicted intakes are 0.19 mg/kg diet AR (trigger for a animal metabolism study is 0.1) and the level seen in the cow liver (0.02 mg/kg) at an intake of 5.6 mg/kg diet AR, it is very unlikely that residues in poultry products will be at or exceed 0.01	Addressed

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
3(5)	*continued* Vol 3, B.7.2.2 and B.7.9.2, Residues in poultry products	products will probably be low, but especially in liver it is doubtful to conclude that residues will be lower than 0,01 mg/kg.	mg/kg.	
3(6)	Vol . 3, B 7.6.1 Cereal crops	BCS: Page 265 in the tables typing error: application rate per treatment 300 l/ha water instead of 3000.	RMS accepts the comment	Addressed RMS to revise DAR.
3(7)	Vol . 3, B 7.6.2.2 Barley	BCS: In the part Southern Europe: Typing error: should be barley instead of wheat.	RMS accepts the comment	Addressed RMS to revise DAR.
3(8)	Vol 3, B.7.13, Justification of MRL's	NL: Adding the calculations (method I and II) for derivation of plant MRL's could help in interpreting the MRL proposals	The MRLs for cereal grains were based on the highest residues seen in the residue trials.	Open point RMS to provide MRL calculations according to guidance document 7039/VI/95, i.e. using EC Method I and II Evaluation Meeting (26.05.2004): Open point still open.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
3(9)	Vol . 3, B 7.9.	BCS Compiling the residues of fluoxastrobin (as sum of parent and its phenoxy-hydroxypyrimidine metabolite expressed as parent) in milk and tissues it is not clear how the single values have been calculated if residues were less than LOQ. In the dossier calculation was done in a different way. Where the residue value is less than the LOQ, the value of the LOQ was used to calculate the sum of parent compound + metabolite expressed in parent compound equivalents. In consequence this leads to lower MRL proposals than in the dossier in three cases for animal products.	The RMS accepts the comment with respect to milk. Summing the LOQs of the enforcement methods for the sum of HEC 5725 E-Isomer and HEC 5725 Z-Isomer (0.01 mg/kg) and the relevant metabolite HEC 7154 (0.01 mg/kg) produces an MRL of 0.02 mg/kg. The list of end points has been amended. For meat and liver, the MRL proposal was derived from the maximum residue levels found in the anmimal feeding study (De Hann 2001).	Addressed

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
3(9)	*continued* Vol . 3, B 7.9.	mg/kg for the sum of HEC 5725 E-Isomer and HEC 5725 Z-Isomer and for the relevant metabolite HEC 7154, respectively. This leads to a total of minimum 0.02 mg/kg. To avoid exceeding of MRLs, due to different calculation modi, we propose to stay with the proposed MRL's.		
3(10)	Vol.1 App. 1.2, Listing of endpoints-proposed MRLs Vol. 3, B.7.13 proposed MRLs and justification for the acceptability of those residues	EFSA: MRL proposals for animal products have to be revised depending from the decision on animal residue definition for monitoring . Proposed MRLs should consider the measured residues as well as in case of non-detection the efficiency of the analytical method with regard to the given LOQ for each, parent and metabolite M55	See response at point 1	Addressed see also point 3(9)
3(11)	Vol 3, Chronic exposure	NL: No intake values were given for the WHO (Europe) diet.	An estimate of the TMDI for fluoxastrobin based on the WHO/GEMS Standard Food European Regional Diet and assuming residues in food are at the proposed MRLs is presented in Table 4 of Appendix B.3.3 (Page 526 of the DAR). The total is 0.00043 mg/kg bw/day.	Addressed

rapporteur: UK.

4. Environmental fate and behaviour

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
4(1)	Vol. 3, B.8.3, PECs	NL: in the calculation of the cumulative concentration in soil and the accumulative potential it is calculated that a steady state of 0.018 mg fluoxastrobin/kg dry soil after three seasons following repeated annual use. Later in the text the total amount based on maximum PECs is calculated to be a concentration of 0.21 (1 year) plus 0.032 is 0.242 mg fluoxastrobin/kg dry soil. Is this correct shouldn't it be plus 0.018 = 0.228 mg/kg.	The correct PEC is 0.242mg/kg. The error in the text is the reference to a steady state value of 0.018mg/kg. The correct value for the steady state is 0.032mg/kg (see section B.8.1.3.2)	Addressed

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
4(2)	Vol. 3, B.8.5.1, surface water	NL: it is not clear what calculation method has actually been used to derive the tables B.8.44 and B.8.45. Furthermore in the calculation of the PECsw for the metabolite the initial PEC of the parent is 3.17 μg/L coming form 2 applications with a drift value of 2.38%. This is a different calculation as was done for the parent itself (see table e.g. 8.44).	The calculation method for the PECsw in tables B.8.44/5 were those completed by the notifier from the report Schaefer, H., 2001g and are considered by the rapporteur to be valid but marginally conservative, as the spray drift input assumed (2.77%) is higher than later EU guidance required for 2 applications. The metabolite calculation was completed by the rapporteur as a first tier approach, but used the guidance current at that time that 2.38% drift was appropriate when there were 2 applications.	Addressed
4(3)	Vol. 1, level 2, 2.5.3, fate and behaviour in water	NL: In the calculation of the PECsed it is not made clear that different spraydrift values lie beneath this result.	The way the PEC sediment is calculated is clearly stated in volume 3. It is the case that the spray drift assumption (2.38%) is different to that used for the PECsw. However the value used complied with the EU guidance current at the time of the evaluation. Whilst not clear in vol. 1 level 2, it is clear in the endpoints of volume 1 what the spray drift assumptions used were.	Addressed

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
4(4)	Vol. 1, level 2, list of endpoints	NL: PECsoil for M48 is only calculated for 258 days. The maximum % is already earlier in the degradation studies. Therefore we think the PEC soil should be calculated for all timepoints (to be used in the ecotox part as well). This hasn't been done throughout the total monograph	The value is estimated from a time point of 258 days from a single field dissipation study. However this represents the maximum amount formed based on the available measurements in all the field dissipation studies. It is true that in some field studies the peak concentration was reached earlier than this at 89 days. The endpoints have been updated to reflect this. In addition the PEC value has been corrected. The calculation method used is based on measurements made on a mass basis. The PEC should therefore not have been corrected for relative molecular weight.	Addressed The list of endpoints has been updated to address an error as well as to accommodate this comment. Both the soil PEC and earthworm and folsomia TERs for M48 have been amended.
4(5)	Vol. 1, level 2, list of endpoints	DK: We have noted that one metabolite, M48, is problematic due to leaching. We suggest to also state in the end point list that M48 exceeded 0.1 μg/l in 8 of the 9 FOCUS scenarios rather than just giving the interval.	Comment accepted. The list of end points has been amended.	Addressed

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
4(6)	Vol. 3, B.8.1.3.2 Field accumulation Adjustments needed also in: Vol. 1, Appendix 1.2, List of end points	BCS: Soil accumulation testing is not necessary since DT90 field values of fluoxastrobin (mean) are less than one year.	The rapporteur agrees field studies for soil accumulation testing are not required. However as in one field study the DT90 is marginally > 1 year and the risk assessment needs to be protected of soil organisms that would live in situations represented by that field study, a risk assessment that takes account of the potential for accumulation in soil is required. This is why calculations of plateau concentrations have been provided by the rapporteur in the monograph.	Addressed.
4(7)	B.8.4.2	EFSA: Need to assess aqueous photolysis metabolite M36 (up to 23.6 % at the end of the study) for ecotoxicological and/or toxicological relevance should be considered. (Note this metabolite is not common to mammalian metabolism).	The rapporteur considers that this is not necessary as M36 was only formed as a major metabolite in the sterile guideline laboratory aqueous photlysis study. An additional photolysis study (Stupp 2001b) was submitted that is considered more representative of the natural environment (non sterile with sediment present). Under these conditions when microbial degradation can occur, M36 was not formed in detectable amounts. The rapporteur therefore considers that under field conditions M36 will not be formed. Therefore its ecotoxicological or mammalian toxicological relevance does not need to be addressed.	Addressed

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
4(8)	B.8.4.2	EFSA: Estimated half-life of M36 (oxazepine) metabolite in aqueous photolysis study is not reliable since there are no data points after the maximum is reached.	This comment is accepted, there is certainly increased uncertainty over the DT50 estimate for M36 in the sterile aqueous photolysis study for the reasons identified by EFSA. However the natural environment is not sterile and there is good evidence that under conditions more representative of the real environment M36 will not be formed (see 6 above). Therefore a more reliable half life for M36 is not needed to support regulatory decisions. It has not been relied upon in any risk assessment. The sterile aqueous photolysis half life for M36 is not included in the endpoints.	Addressed.
4(9)	Vol. 3, B.8.4.3 Ready biodegradability Adjustments needed also in: Vol. 1, Appendix 1.2, List of end points	BCS: A study on ready biodegradability of fluoxastrobin was not performed. However, this requirement is covered by the water-sediment study.	In the absence of a specific ready biodegradeability study it is usual to conclude that for classification purposes a substance would be considered'not readily biodegradable'. It is true that the information from the sediment water study for fluoxastrobin confirms this conclusion.	Addressed

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
4(10)	Vol3. B.8.1 / B.8.5.3 and Vol 1. Level 4.2.8.	EFSA: Need for a data requirement at MS level to assess anaerobic water / sediment metabolite M40 for ground water contamination should be considered. Anaerobic water / sediment study was submitted as a surrogate of the anaerobic soil degradation study. M40 is a major metabolite in this study (> 10 % and maximum not reached at the end of the study) and therefore it should be considered to be a major metabolite in soil under anaerobic degradation. According Doc. SANCO/221/2000-rev 10 metabolites found in soil studies under normal conditions of use should be assessed for potential ground water contamination. When dealing with authorizations where anaerobic conditions are expected to be relevant this assessment should be performed.	Of course member states should be free to consider this issue further if they wish to. However it is the rapporteurs view that prolonged anaerobic conditions are usually associated with situations where drainage is impeded and surface water contamination from drainage systems is an issue. These situations are not usually vulnerable to groundwater contamination. Whilst transient anaerobic conditions can occur under freely drained soils which would be vulnerable to groundwater contamination, anaerobic conditions are unlikley to be prolonged. Data are avaialable that demonstrate that when aerobic topsoil conditions return, M40 is relatively rapidly degraded (DT50 8-25 days). Therefore even though it is relatively poorly adsorbed in soil the rapporteur would conclude that the potentail for groundwater contamination by M40 would be extremely low. Because of this it is the rapporteurs opinion that a data requirement at the member state level is not justified.	Open point 4.1 MS to discuss the need for a data requirement at MS level to address anaerobic soil metabolite M40 with respect to ground water contamination Evaluation Meeting (26.05.2004): One MS states that there is no need to discuss this on MS level. One MS states that the intended use poses no risk and therefore, there is no need for a data requirement. The Meeting agrees on this proposal. Open point fulfilled.

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
4(11)	B.8.9.	EFSA: Z isomer of Fluoxastrobin should be considered for inclusion in soil residue definition on basis of soil photolysis study.	This proposal could be accepted if other member states feel this is appropriate. However it is the rapporteurs opinion that this is not necessary. Parent fluoxastrobin provides the best marker compound for soil residues (in bare soil field dissipation studies, Z isomer only represented up to 22% of the fluoxastrobin + Z isomer residue). With the presence of the crop canopy or drilled seed below the soil surface, in practice Z isomer levels will be lower than this due to reduced irradiation levels. Therefore for any soil monitoring, the rapporteur considers it is not necessary to include the Z isomer in the definition at least for the currently notified use patterns.	Open point 4.2 MS to discuss in the evaluation meeting the need to address at expert level the inclusion of the Z isomer of fluoxastrobin in soil residue definition. Evaluation Meeting (26.05.2004): Open point needs to be discussed in an expert meeting. Open point still open.
4(12)	B.8	EFSA: References should be at the end of the chapter.	The comment is noted	Addressed. RMS to include list of references at the end of the chapter B8 in the amended DAR or in a corrigendum.

5. Ecotoxicology

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(1)	Vol. 3, B.9 Ecotoxicology, background information	NL: Seed treatment is not dealt with in the risk assessment for birds and mammals but might well be the worst case scenario. On page 352 it is mentioned that "The use of a seed treatment followed by two foliar applications of HEC 5725 EC100 is assumed to represent the worst case scenario with respect to the environmental risk assessment". Seed treatment is not reported under the intended uses and for instance not assessed in the risk assessment for birds and mammals. This needs to be clarified.	An Annex III dossier for a representative seed treatment containing fluoxastrobin was submitted and evaluated. However, owing to issues relating to the other active substances present in the formulation, it was not possible to complete overall the risk assessment. Therefore, the evaluation of data specific to the seed treatment has not been presented in the DAR. The RMS agrees that the seed treatment use could present the worst case risk to birds. Member states would have to consider this risk before authorising the use of fluoxastrobin as a seed treatment.	Addressed.
5(2)	Vol. 1, List of endpoints and Vol. 3, B.9.1.3.3, long term risk to birds	EFSA: The long term risk assessment for birds in the DAR and the list of endpoints was each time based on a different endpoint. Please verify and justify the choice of endpoint made.	The long-term risk assessment for birds in the DAR and in the list of endpoints are both based on a NOEC of 461 ppm a.s. in diet reported in the mallard duck (*Anas platyrhynchos*) reproductive toxicity study – this being the most sensitive test species. Mention of this endpoint was originally omitted from the list of endpoints and this has now been corrected.	Addressed.

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(3)	Vol. 1, list of end points, effects on terrestrial vertebrates	NL: Please report LC50 and NOEC also as daily dose (mg/ kg bw.d). For risk assessments in line with the latest EU guidance (SANCO 4145/2000/EC, September 2002) LC50 and NOEC need to be expressed as daily dose.	Agree – details amended in Endpoints list to include terrestrial vertebrate study endpoints in terms of mg /kg bw /day	Addressed.
5(4)	Vol. 1, list of end points, effects on terrestrial vertebrates	NL: NOEC for birds should be 461 ppm based on the study with *Anas plathyrhinchos*. The lowest NOEC of 461 ppm used for the risk assessment should be reported as the relevant endpoint.	Agree – Endpoints list amended to include.	Addressed.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(5)	Vol. 1, list of end points, toxicity data for aquatic species	NL: Screening data for additional invertebrates are not mentioned. The lowest relevant endpoint in the risk assessment is taken form the study with additional invertebrate species. As least the critical end point should be mentioned. DK: In addition we only want to make a comment on the inclusion of a salt water species (Americamysis bahia). We assume that this species and the test results have been considered valid as there is no mentioning of the opposite. Therefore we think that the results should be included in the endpoint list.	Agree. GLP compliant studies on further aquatic invertebrates have been submitted. The evaluation of these studies is presented in Fluoxastrobin DAR Addendum 1. The list of end points has been amended. Agree - Endpoints list has been amended to include the endpoints for the acute and chronic toxicity studies conducted with the saltwater mysid shrimp (*Americamysis bahia*).	Open point 5.1: The revised risk assessment for aquatic organisms in the addendum to be discussed in the expert meeting. Addressed. See also comments 5(8), 5(10), 5(11), 5(12), 5(13) and 5(14). Evaluation Meeting (26.05.2004): The RMS states that there is no need to discuss the trigger values in an expert meeting. Nevertheless, Open point needs to be discussed in an expert meeting. Open point still open.

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(6)	Vol. 1, List of endpoints, toxicity data for aquatic species	EFSA : TER value from the most critical endpoint in the DAR should be mentioned as well in the list of endpoints.	Agree – Endpoints list amended to include this information. See also comments under (5) above.	Addressed.
5(7)	Vol. 1, List of endpoints, toxicity data for aquatic species	EFSA : In the list of endpoints an EbC50 > 115 mg metabolite/L is mentioned for the acute toxicity of HEC 5725-carboxylic acid for daphnia while it seems in the DAR that this endpoint equals 115 mg metabolite/L.	Agree. The endpoint referred to relates to the green alga *Pseudo-kirchneriella subcapitata*. The EbC50 value in the endpoints list has been corrected to 115 mg metabolite / l.	Addressed.
5(8)	Vol. 3, B. 9.2.1, Aute / Chronic aquatic toxicity Tables B 9.12 Adjustments needed also in: Vol. 1, Level 2, 2.6.2; Vol. 1, Appendix 1.2, List of end points	BCS: In the table (B 9.12) values derive the non-GLP study. Since the GLP study is available (06/2003), these values has to be inserted. GLP study 200306_ALT.RW.2003.1_MO-03-007803.pdf attached as well as table 1 in document 20040105_Tables to DAR comments_EcotoxB9.doc.	Agree. GLP compliant studies on further aquatic invertebrates have been submitted. The evaluation of these studies is presented in Fluoxastrobin DAR Addendum 1. The list of end points has been amended.	See open point 5.1.
5(9)	Vol. 3, B.9.2.4	NL: In table 9.17 % survival at day 28 is wrongly reported as % mortality at day 28. BCS: 1Table 9.17, second column heading: % **survival** at day 28 insead of % mortality.	Agree. The error has been noted, however it has not affected the study endpoints used in the risk assessment.	Addressed RMS to consider in a revision the DAR.

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(10)	Vol. 3, B.9.2.4.1, Chronic toxicity of fluoxastrobin to fish and aquatic invertebrates Adjustments needed also in: Vol. 1, Level 2, 2.6.2; Vol. 1, Appendix 1.2, List of end points	BCS: Additional higher tier study with *Gammarus pulex* is available and attached 200310_P1MG_ECT Final_MO-03-013843.pdf .	Agree. An evaluation of the long-term toxicity study conducted with *Gammarus pulex* is presented in the Fluoxastrobin DAR Addendum 1. The results of the study are considered in the long-term risk assessment for aquatic life. The list of end points has been amended.	See open point 5.1.
5(11)	Vol. 3, B.9.2.5.2, Chronic risk to aquatic life from spray drift	BCS:*Gammarus pulex* study has to be considered in the chronic risk assessment, see attached statement 20031219_Fluoxastrobin Risk Assessment_aquatic-invertebrates.pdf	Agree. See comment for point 5(10) above	See open point 5.1.
5(12)	Vol. 3, B.9.2.5, Table B.9.22	EFSA: Further information on the need at member state level of a repetition of the non-GLP study by Wijngaarden (2003) to be able to reduce the bufferzone, is considered necessary. It is noted that endpoints of a non-GLP study were used in the risk assessment as this was the most sensitive endpoint. Furthermore it is noted that the same non-GLP study was used to reduce the Annex VI trigger from 100 to 10.	GLP compliant studies on further aquatic invertebrates have been submitted, with one of these studies replacing the previously considered non-GLP compliant study. The evaluation of these studies is presented in Fluoxastrobin DAR Addendum 1. The list of end points has been amended. The RMS concludes that in the light of the additional studies a buffer zone of 5m	See open point 5.1.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(12)	*continued* Vol. 3, B.9.2.5, Table B.9.22	Annex VI trigger from 100 to 10. Nevertheless the acute risk assessment based on GLP or on non-GLP data comes to the same conclusion.	additional studies a buffer zone of 5m provides adequate risk mitigation.	
5(13)	Vol. 3, B.9.2.5.1, Acute risk to aquatic life from spray drift	BCS: Acute risk assessment as well as TER's in table B 9.22 has to be carried out with values of the GPL study and not with those of the non-GLP study, see also comments under point 1 and table 2 in document 20040105_Tables to DAR comments_EcotoxB9.doc.	Agree. A revised risk assessment is included in the Fluoxastrobin DAR Addendum 1, with the list of endpoints amended accordingly.	See open point 5.1.
5(14)	Vol. 3, B.9.2.5.2	EFSA : In order to be able to confirm the outcome of the chronic aquatic risk assessment the additional higher tier study with *Gammarus pulex*, by liebig M. (2003) should be evaluated by the rapporteur.	The study has been evaluated (See Fluoxastrobin DAR Addendum 1). The RMS concludes that in the light of the additional studies a buffer zone of 5m provides adequate risk mitigation.	See open point 5.1.
5(15)	Vol. 3, B.9.2.5.7, Aquatic risk assessment conclusion and labelling	BCS: Change conclusion based on new information provided.	Agree. See comments for points 8, 10 & 12 above	See open point 5.1.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(16)	Vol. 3, B.9.2.5.2, p. 376	EFSA : How was the initial PEC calculated for sediment dwelling organisms.	This is outlined in vol 3 B.8.5.2. For convenince this is reproduced here: Assuming no dissipation between foliar applications (2 x 200 g/ha), 2.38% drift at 1m to a 30 m deep static water body the pseudo PEC sw for use in the sediment dweller risk assessment is 3.17 μg /l.	Addressed.
5(17)	Vol. 1, List of endpoints, toxicity data for bees	EFSA : In the list of endpoints an oral HQ < 7.5 is mentioned for the product while it seems that in the DAR this HQ equals 7.5.	Agree some corrections needed to the bee endpoint listings. These have been amended bringing the quoted values in line with that in the DAR.	Addressed.
5(18)	Vol. 3, B.9.4.3, Risk to bees	EFSA : it is noted that the risk to bees was calculated for one application only.	The risk assessment has been conducted in line with current guidance (SANCO 2002), which assumes that individual bees are likely to exposed to just one treatment application.	Addressed.
5(19)	Vol. 1, list of end points, effects on other arthropod species	NL: Trigger for effects in extended laboratory test on *Aphidius* and *Coccinella* according to ESCORT 1 is 25% and not 30% as reported in the table.	The trigger for effects in laboratory trials is stated under Section 2.5.2.4 of Annex VI as 30% and it is our understanding that ESCORT 1 guidance includes use of this trigger.	Addressed.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(20)	Vol. 1, List of endpoints, effects on other arthropod species	EFSA : Results for *Chrysoperla carnea* are not mentioned in the list of endpoints.	Agree. Details now included.	Addressed..
5(21)	Vol. 3, B.9.5.4.2, p. 391	EFSA : It is noted that a spray interval of 14 days is taken into account to calculate the risk for NTA while no precise interval is given in the summary of intended uses.	Agree. The summary of intended uses / list of end points have been amended to include mention of the 14 day spray interval.	Addressed RMS to consider in a revision the DAR.
5(22)	Vol. 3, B. 9.5.4.3, Proposed product labelling and risk mitigation	BCS: According to our opinion no additional risk mitigation necessary, see statement 20030210_OE_statement_bufzo_tertart_MO-03-001230.pdf	The Notifier's case refers only to the off-field risk to non-target arthropods, whereas the need for risk mitigation relates to the in-field risk. Reasons for the need for risk mitigation measures are explained in Sections 9.5.4.1 and 9.5.4.2 of Vol. 3 and this assessment has been agreed by Member States.	Addressed..

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(23)	Vol. 3, B.9.5.4, Risk assessment for non-target arthropods	EFSA: It is noted that acceptable risk is not proven in a study for 2 crop specific species *Chrysoperla carnea* and *Coccinella bileneata*. Basing the acceptability of the risk on the short persistence of the parent in a semi-field study with *A. rhopalosiphi* and the residue decline on foliage is rather limited.	It is agreed that the biological data supporting the potential for recovery of affected non-target arthropod populations is limited. However, given the relative short persistence of fluoxastrobin in foliage (> 80% loss of active after 7 days in foliar residue decline study – Section B.9.5.3 of Vol.3), the Rapporteur considers that the potential for in-crop recovery has been adequately demonstrated. 'In-field' non-target arthropod (NTA) populations are likely to be adversely affected (at least initially) from treatment. Therefore Section B.9.5.4.3 of Vol 3 identifies the need for risk mitigation measures to reduce the in-crop NTA effects – the measures to be adopted to be decided at Member State level.	Open point 5.2: MS to discuss the risk assessment for non-target arthropods in an expert meeting. Evaluation Meeting (26.05.2004): Open point needs to be discussed in an expert meeting. Open point still open.
5(24)	Vol. 3, B.9.6.2, Risk to earthworms	BCS: 3rd and last para : log Kow of metabolites is **< 2** and not >2 see also dossier part 10.1.4.2. Therefore in Table B.9.36 the 14 day LC50 for the metabolite HEC 5725-deschlorophenyl is >1000 and not >500 mg/kg dry soil.	Agree and point noted. The Endpoints list has been amended accordingly	Addressed RMS to consider in a revision the DAR.

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(25)	Vol. 1, List of endpoints, effects on earthworms and other soil macro-organisms	EFSA: The TER-values mentioned in the list of endpoints do not correspond to the TER values for earthworms or other soil macro-organisms mentioned in the DAR.	Agree. TER values have been amended. For fluoxastrobin's major soil metabolites, an EPPO correction factor of 2 was originally applied to the endpoints obtained from the earthworm and soil-macro-organism studies – due to the low organic matter of the test soil. However given that the log Kow of these metabolites is < 2 no correction factor is required and this has been amended. Also, TER values for the soil metabolite HEC 5725-deschlorophenyl have been re-calculated based on the revised soil PEC for this metabolite.	Addressed RMS to consider in a revision the DAR.
5(26)	Vol. 3, B.9.7.5, Risk assessment to evaluate impact of HEC 5725 EC 100 on macro-organisms that contribute to organic matter breakdown	BCS:4th and 6th para : log Kow of metabolites is **< 2** and not >2 see also dossier part 10.1.4.2. Therefore in Table B.9.41 the NOEC *Folsomia* for the metabolite HEC 5725-deschlorophenyl is 100 and not 50 mg/kg dry soil.	Agree and point noted. The Endpoints list has been amended accordingly	Addressed RMS to consider in a revision the DAR.
5(27)	Vol. 1, List of endpoints, results of litterbag study	EFSA: Please mention the tested dose in the litter bag study as well as in the list of endpoints.	Agree. Endpoints list amended to include mention of the test dose.	Addressed.

rapporteur: UK.

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(28)	Vol. 3, B.9.7.2, collembola	EFSA: No statistically significant difference in reproduction was observed after exposure of *F. candida* to HEC 5725-deschlorophenyl consequently the NOEC was set at the highest tested dose. Although not statistically significant the observed 30% effect on reproduction at the highest tested dose can not be ignored.	In addition to the lack of statistical significance of effects at 100 mg metabolite/ kg dry soil, there is no trend in the data indicating increased effects with increasing dose (see Table B.9.38 of Vol 3) – this supporting the use of a study NOEC of 100 mg metabolite /kg soil (the highest test dose). In addition even if the next lower test dose of 31.6 mg metabolite/ kg dry soil were to be used as the study NOEC, based on the (corrected) estimated maximum soil PEC for HEC 5725-deschlorophenyl of 0.0149 mg metabolite /kg dry soil, the long-term TER would be 2121 – indicating an acceptable risk.	Addressed

Additional comments received just before or during the evaluation meeting

No.	Column 1 Data point based on draft assessment report or comments from MS	Column 2 Comments from Member States or applicant	Column 3 Evaluation by (i) Co-rapporteur, and (ii) Rapporteur	Column 4 Data requirement or Open Point (if data point not addressed or fulfilled) (Annex point)
5(29)	Vol. 1, point 2.6.1Effects on terrestrial vertebrates	DE: In Vol. 3, B.9.1.3 (Risk to birds) and B. 9.3.2 (Risk to terrestrial vertebrates other than birds) the risk assessment has not been conducted according to the Working Document (Sanco/4145/2000). However, it is assumed that an adaptation of the risk assessment to the Working Document will not change the outcome of the risk assessment.	Guidance document on risk assessment for birds and mammals was finalised in September 2002. This dossier was submitted in March 2002, detailed evaluation began in July 2002. We also assume that using the new guidance would not change the outcome of the risk assessment. However, the long term risk assessment for large herbivourous birds may require some refinement as worst case assumptions (100% of diet 100 % of time spent in treated field) might result in an unacceptable TER	Evaluation Meeting (26.05.2004): The RMS is proposed to make a risk assessment for birds and mammals available according to SANCO/4145/2000 using the present data available. Open point still open.
5(30)	Vol. 1, point 2.6.3 Effects on bees and other arthropod species	DE: The ERA for NTAs performed shows that there is no risk for arthropods off-field while short-term effects were observed in-field. Therefore, it does not make sense to require a certain buffer zone (there is no risk off-field anyway). In addition, for the Annex I registration specific labelling concerning NTAs is not an issue.	Providing for a no-spray zone would help to ensure that sufficient NTAs survived at the edge of the field so that recolonisation can occur successfully. That said, the RMSis aware that research is ongoing that indicates that this mitigation measure is perhaps not necessary and may not make much difference anyway.	Evaluation Meeting (26.05.2004): The risk assessment for non target arthropods to be discussed in an expert meeting. Refer to 5(23) Open point still open.

rapporteur: UK.