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## ANNEX

### PART B

#### MICRO-ORGANISMS INCLUDING VIRUSES

##### Introduction

- (i) Active substances are defined in Article 2(2) of Regulation (EC) No 1107/2009 and include chemical substances and micro-organisms including viruses.

This Part provides data requirements for active substances consisting of micro-organisms, including viruses.

The term ‘micro-organism’ as defined in Article 3 of Regulation (EC) No 1107/2009 applies to, but is not limited to, bacteria, fungi, protozoa, viruses and viroids.

- (ii) For all micro-organisms that are subject to application all available relevant knowledge and information in literature should be provided.

The most important and informative information is obtained by the characterisation and identification of a micro-organism. Such information is found in Sections 1 to 3 (identity, biological properties and further information) which form the basis for an assessment of human health and environmental effects.

Newly generated data from conventional toxicological and/or pathological experiments on laboratory animals are normally required unless the applicant can justify, on the basis of the previous information, that the use of the micro-organism, under the proposed conditions of use, does not have any harmful effects on human and animal health or on groundwater or any unacceptable influence on the environment.

- (iii) Pending the acceptance of specific guidelines at international level, the information required shall be generated using available test guidelines accepted by the competent authority (e.g. USEPA guideline<sup>(1)</sup>); where appropriate, test guidelines as described in Part A of this Annex should be adapted in such a way that they are appropriate for micro-organisms. Testing shall include viable and, if appropriate, non-viable micro-organisms, and a blank control.
- (iv) Where testing is done, a detailed description (specification) of the material used and its impurities, in accordance with point 1.4, must be provided. The material used shall be of that specification that will be used in the manufacture of preparations to be authorised.

Where studies are conducted using micro-organisms produced in the laboratory or in a pilot plant production system, the studies must be repeated using micro-organisms as manufactured, unless it can be demonstrated that the test material used is essentially the same for the purposes of the testing and assessment.

- (v) Where the micro-organism has been genetically modified, a copy of the evaluation of the data concerning the assessment of risk to the environment, as stated in Article 48 to Regulation (EC) No 1107/2009, has to be submitted.
- (vi) Where relevant, data shall be analysed using appropriate statistical methods. Full details of the statistical analysis shall be reported (e.g. all point estimates shall be given with confidence intervals, exact p-values should be given rather than stating significant/non significant).

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- (vii) In the case of studies in which dosing extends over a period, dosing shall preferably be done using a single batch of the micro-organism, if stability permits.

If the studies are not performed using a single batch of the micro-organism, the similarity of the different batches has to be stated.

Whenever a study implies the use of different doses, the relationship between dose and adverse effect must be reported.

- (viii) If the plant protection action is known to be due to the residual effect of a toxin/metabolite or if significant residues of toxins/metabolites are to be expected not related to the effect of the active substance, a dossier for the toxin/metabolite has to be submitted in accordance with the requirements of Part A of this Annex,.

## 1. IDENTITY OF THE MICRO-ORGANISM

The identification together with the characterisation of the micro-organism provides the most important information and is a key point for decision-making.

### 1.1. Applicant

The name and address of the applicant must be provided, as must the name, position, telephone and fax number of the appropriate person to contact.

Where, in addition, the applicant has an office, agent or representative in the Member State to which the application for approval is submitted, and if different, in the rapporteur Member State appointed by the Commission, the name and address of the local office, agent or representative must be provided, as must the name, position, telephone and fax number of the appropriate person to contact.

### 1.2. Producer

The name and address of the producer or producers of the micro-organism must be provided as must the name and address of each plant in which the micro-organism is produced. A contact point (preferably a central contact point, to include name, telephone and fax number) must be provided, with a view to providing updating information and responding to queries arising, regarding production technology, processes and the quality of product (including where relevant, individual batches). Where, following approval of the micro-organism, there are changes in the location or number of producers, the information required must again be notified to the Commission and the Member States.

### 1.3. Name and species description, strain characterisation

- (i) The micro-organism should be deposited at an internationally recognised culture collection and given an accession number and these details must be submitted.
- (ii) Each micro-organism that is subject to the application shall be identified and named at the species level. The scientific name and taxonomic grouping, i.e. family, genus, species, strain, serotype, pathovar or any other denomination relevant to the micro-organism, must be stated.

It must be indicated whether the micro-organism:

- is indigenous or non-indigenous at the species level to the intended area of application,
- is a wild type,
- is a spontaneous or induced mutant,

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- has been modified, using techniques described in Part 2 of Annex IA and in Annex IB to Directive 2001/18/EC<sup>(2)</sup> of the European Parliament and of the Council.

In the latter two cases, all known differences between the modified micro-organism and the parent wild strain must be provided.

- (iii) Best available technology should be used to identify and characterise the micro-organism at the strain level. The appropriate test procedures and criteria used for identification (e.g. morphology, biochemistry, serology, molecular identification) must be provided.
- (iv) Common name or alternative and superseded names and code names used during the development, if any, must be provided.
- (v) Relationships to known pathogens shall be indicated.

#### 1.4. Specification of the material used for manufacturing of formulated products

##### 1.4.1. Content of the micro-organism

The minimum and maximum content of the micro-organism in the material used for manufacturing of formulated products, must be reported. The content shall be expressed in appropriate terms, such as number of active units per volume or weight or any other manner that is relevant to the micro-organism.

Where the information provided relates to a pilot plant production system, the information required must again be provided to the Commission and the Member States once industrial scale production methods and procedures have stabilised, if production changes result in a changed specification of purity.

##### 1.4.2. Identity and content of impurities, additives, contaminating micro-organisms

It is desirable to have a plant protection product without contaminants (including contaminating micro-organisms), if possible. The level and nature of acceptable contaminants shall be judged from a risk assessment point of view, by the competent authority.

If possible and appropriate, the identity and maximum content of all contaminating micro-organisms, expressed in the appropriate unit, must be reported. The information on identity must be provided where possible as outlined in point 1.3 of Part B of this Annex.

Relevant metabolites (i.e. if expected to be of concern to human health and/or the environment) known to be formed by the micro-organism shall be identified and characterised at different states or growth stages of the micro-organism (see point (viii) of this introduction).

Where relevant detailed information on all components such as condensates, culture medium, etc. must be provided.

In the case of chemical impurities that are relevant for human health and/or the environment, the identity and maximum content, expressed in appropriate terms, must be provided.

In the case of additives, the identity and content in g/kg must be provided.

The information on identity of chemical substances such as additives must be provided as outlined in point 1.10 of Part A of this Annex.

##### 1.4.3. Analytical profile of batches

Where relevant, the same data as outlined in point 1.11 of Part A of this Annex have to be reported, using the appropriate units.

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## 2. BIOLOGICAL PROPERTIES OF THE MICRO-ORGANISM

### 2.1. **History of the micro-organism and its uses. Natural occurrence and geographical distribution**

Familiarity, interpreted as the availability of relevant knowledge of the micro-organism, shall be presented.

#### 2.1.1. *Historical background*

The historical background of the micro-organism and its use (tests/research projects or commercial use) must be provided.

#### 2.1.2. *Origin and natural occurrence*

The geographical region and the place in the ecosystem (e.g. host plant, host animal, or soil from which the micro-organism was isolated) must be stated. The method of isolation of the micro-organism shall be reported. The natural occurrence of the micro-organism in the relevant environment shall be given if possible at strain level.

In the case of a mutant, or a genetically modified micro-organism, detailed information should be provided on its production and isolation and on the means by which it can be clearly distinguished from the parent wild strain.

### 2.2. **Information on target organism(s)**

#### 2.2.1. *Description of the target organism(s)*

Where relevant, details of harmful organisms against which protection is afforded, must be provided.

#### 2.2.2. *Mode of action*

The principal mode of action shall be indicated. In connection with the mode of action it shall also be stated if the micro-organism produces a toxin with a residual effect on the target organism. In that case, the mode of action of this toxin shall be described.

If relevant, information on the site of infection and mode of entry into the target organism and its susceptible stages shall be given. The results of any experimental studies must be reported.

It shall be stated by which way an uptake of the micro-organism, or its metabolites (especially toxins) may occur (e.g. contact, stomach, inhalation). It must also be stated whether or not the micro-organism or its metabolites are translocated in plants and, where relevant, how this translocation takes place.

In case of pathogenic effect on the target organism, infective dose (the dose needed to cause infection with the intended effect on a target species) and transmissibility (possibility of spread of the micro-organism in the target population, but also from one target species to another (target) species) after application under the proposed condition of use shall be indicated.

### 2.3. **Host specificity range and effects on species other than the target harmful organism**

Any available information on the effects on non-target organisms within the area to which the micro-organism may spread shall be given. The occurrence of non-target organisms being either closely related to the target species or being especially exposed shall be indicated.

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Any experience of the toxic effect of the active substance or its metabolic products on humans or animals, of whether the organism is capable of colonising or invading humans or animals (including immunosuppressed individuals) and whether it is pathogenic shall be stated. Any experience of whether the active substance or its products may irritate skin, eyes or respiratory organs of humans or animals and whether it is allergenic in contact with skin or when inhaled shall be stated.

#### **2.4. Development stages/life cycle of the micro-organism**

Information on the life cycle of the micro-organism, described symbiosis, parasitism, competitors, predators, etc., including host organisms, as well as vectors for viruses, must be presented.

The generation time and the type of reproduction of the micro-organism must be stated.

Information on the occurrence of resting stages and their survival time, their virulence and infection potential must be provided.

The potential of the micro-organism to produce metabolites, including toxins that are of concern for human health and/or the environment, in its different development stages after the release, must be indicated.

#### **2.5. Infectiveness, dispersal and colonisation ability**

The persistence of the micro-organism and information on its life cycle under the typical environmental conditions of use must be indicated. In addition, any particular sensitivity of the micro-organism to certain compartments of the environment (e.g. UV light, soil, water) must be stated.

The environmental requirements (temperature, pH, humidity, nutrition requirements, etc.) for survival, reproduction, colonisation, damage (including human tissues) and effectiveness of the micro-organism must be stated. The presence of specific virulence factors shall be indicated.

The temperature range at which the micro-organism grows must be determined, including minimum, maximum and optimum temperatures. This information is of particular value as a trigger for studies of effects on human health (Section 5).

The possible effect of factors such as temperature, UV light, pH, and the presence of certain substances on the stability of relevant toxins must also be stated.

Information on possible dispersal routes of the micro-organism (via air as dust particles or aerosols, with host organisms as vectors, etc.), under typical environmental conditions relevant to the use, must be provided.

#### **2.6. Relationships to known plant or animal or human pathogens**

The possible existence of one or more species of the genus of the active and/or, where relevant, contaminating micro-organisms known to be pathogenic to humans, animals, crops or other non-target species and the type of disease caused by them shall be indicated. It shall be stated whether it is possible, and if so, by which means to clearly distinguish the active micro-organism from the pathogenic species.

#### **2.7. Genetic stability and factors affecting it**

Where appropriate, information on genetic stability (e.g. mutation rate of traits related to the mode of action or uptake of exogenous genetic material) under the environmental conditions of proposed use must be provided.

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Information must also be provided on the micro-organism's capacity to transfer genetic material to other organisms as well as its capacity to being pathogenic for plants, animals or man. If the micro-organism carries relevant additional genetic elements, the stability of the encoded traits shall be indicated.

## 2.8. Information on the production of metabolites (especially toxins)

If other strains belonging to the same microbial species as the strain subject to the application are known to produce metabolites (especially toxins) with unacceptable effects on human health and/or the environment during or after application, the nature and structure of this substance, its presence inside or outside the cell and its stability, its mode of action (including external and internal factors of the micro-organism necessary to action) as well as its effect on humans, animals or other non-target species shall be provided.

The conditions under which the micro-organism produces the metabolite(s) (especially toxin(s)) must be described.

Any available information on the mechanism by which the micro-organisms regulate the production of the(se) metabolite(s) shall be provided.

Any available information on the influence of the produced metabolites on the micro-organism's mode of action shall be provided.

## 2.9. Antibiotics and other anti-microbial agents

Many micro-organisms produce some antibiotic substances. Interference with the use of antibiotics in human or veterinary medicine must be avoided at any stage of the development of a microbial plant protection product.

Information on the micro-organism's resistance or sensitivity to antibiotics or other anti-microbial agents must be provided, in particular the stability of the genes coding for antibiotic resistance, unless it can be justified that the micro-organism has no harmful effects on human or animal health, or that it can not transfer its resistance to antibiotics or other anti-microbial agents.

# 3. FURTHER INFORMATION ON THE MICRO-ORGANISM

## Introduction

- (i) The information provided must describe the intended purposes for which preparations containing the micro-organism are used, or are to be used and the dose and manner of their use or proposed use.
- (ii) The information provided must specify the normal methods and precautions to be followed in the handling, storage and transport of the micro-organism.
- (iii) The studies, data and information submitted, must demonstrate the suitability of measures proposed for use in emergency situations.
- (iv) The information and data referred to are required for each micro-organism, except where otherwise specified.

## 3.1. Function

The biological function must be specified from among the following:

- control of bacteria,
- control of fungi,
- control of insects,

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- control of mites,
- control of molluscs,
- control of nematodes,
- control of weeds,
- other (must be specified).

### 3.2. **Field of use envisaged**

The field(s) of use, existing and proposed, for preparations containing the micro-organism must be specified from among the following:

- field use, such as agriculture, horticulture, forestry, and viticulture,
- protected crops (e.g. in greenhouses),
- amenity,
- weed control on non-cultivated areas,
- home gardening,
- house plants,
- stored products,
- other (specify).

### 3.3. **Crops or products protected or treated**

Details of existing and intended use in terms of crops, groups of crops, plants, or plant products protected, must be provided.

### 3.4. **Method of production and quality control**

Full information on how the micro-organism is produced in bulk must be provided.

Both production method/process and product must be subject to a continuous quality control by the applicant. In particular, the occurrence of spontaneous changing of major characteristics of the micro-organism and of the absence/presence of significant contaminants shall be monitored. The quality assurance criteria for the production shall be submitted.

The techniques used to ensure a uniform product, and the assay methods for its standardisation, maintenance and purity of the micro-organism must be described and specified (e.g. HACCP).

### 3.5. **Information on the occurrence or possible occurrence of the development of resistance of the target organism(s)**

Available information on the possible occurrence of the development of resistance or cross-resistance of the target organism(s) must be provided. Where possible, appropriate management strategies shall be described.

### 3.6. **Methods to prevent loss of virulence of seed stock of the micro-organism**

Methods to prevent loss of virulence of starting cultures shall be provided.

In addition, any method, if available, that could prevent the micro-organism from losing its effects on the target species must be described.

### 3.7. **Recommended methods and precautions concerning handling, storage, transport or fire**

A safety data sheet pursuant to Article 31 of Regulation (EC) No 1907/2006 must be provided for each micro-organism.

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### 3.8. Procedures for destruction or decontamination

In many cases the preferred or sole means of safe disposal of micro-organisms, contaminated materials, or contaminated packaging, is through controlled incineration in a licensed incinerator.

Methods to dispose safely of the micro-organism or, where necessary, to kill it prior to disposal, and methods to dispose of contaminated packaging and contaminated materials, must be fully described. Data must be provided for such methods to establish their effectiveness and safety.

### 3.9. Measures in case of an accident

Information on procedures for rendering the micro-organism harmless in the environment (e.g. water or soil) in case of an accident must be provided.

## 4. ANALYTICAL METHODS

### Introduction

The provisions of this Section only cover analytical methods required for post-registration control and monitoring purposes.

Post-approval monitoring might be considered for all areas of risk assessment. This is particularly the case when (strains of) micro-organisms that are non-indigenous to the intended area of application are considered for approval. For analytical methods used for generation of data as required in this Regulation or for other purposes the applicant has to provide a justification for the method used; where necessary separate guidance will be developed for such methods on the basis of the same requirements as defined for methods for post-registration control and monitoring purposes.

Descriptions of methods must be provided and include details of equipment, materials and conditions used. The applicability of any internationally recognised method must be reported.

As far as practicable these methods must employ the simplest approach, involve the minimum cost, and require commonly available equipment.

Data on specificity, linearity, accuracy and repeatability, as defined in points 4.1 and 4.2 of Part A of this Annex, are also required for methods used to analyse micro-organisms and their residues.

For this Section the following applies:

<b>Impurities, metabolites, relevant metabolites, residues</b>	As defined in Regulation (EC) No 1107/2009
<b>Relevant impurities</b>	Impurities, as defined above, that are of concern for human or animal health and/or the environment

On request the following samples must be provided:

- (i) samples of the micro-organism as manufactured;
- (ii) analytical standards of relevant metabolites (especially toxins) and all other components included in the residue definition;
- (iii) if available, samples of reference substances for the relevant impurities.

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#### 4.1. **Methods for the analysis of the micro-organism as manufactured**

- Methods for the identification of the micro-organism.
- Methods for providing information on possible variability of seed stock/active micro-organism.
- Methods to differentiate a mutant of the micro-organism from the parent wild strain.
- Methods for the establishment of purity of seed stock from which batches are produced and methods to control that purity.
- Methods to determine the content of the micro-organism in the manufactured material used for the production of formulated products and methods to show that contaminating micro-organisms are controlled to an acceptable level.
- Methods for the determination of relevant impurities in the manufactured material.
- Methods to control the absence and to quantify (with appropriate limits of determination) the possible presence of any human and mammalian pathogens.
- Methods to determine storage stability, shelf-life of the micro-organism, if appropriate.

#### 4.2. **Methods to determine and quantify residues (viable or non-viable)**

of:

- the active micro-organism(s),
- relevant metabolites (especially toxins),

on and/or in crop, in foodstuffs and feeding stuffs, in animal and human body tissues and fluids, in soil, in water (including drinking water, ground water and surface water) and in air where relevant.

Analytical methods for amount or activity of proteinaceous products shall also be included, e.g. by testing exponential cultures and culture supernatants in an animal cell bioassay.

## 5. EFFECTS ON HUMAN HEALTH

### **Introduction**

- (i) Available information based on the properties of the micro-organism and corresponding organisms (Sections 1, 2 and 3), including health and medical reports may be sufficient for a decision whether the micro-organism would cause health effects (infectious/pathogenic/toxic) in humans or not.
- (ii) The information provided, taken together with that provided for one or more preparations containing the micro-organism, must be sufficient to permit an evaluation to be made as to the risks for man, directly and/or indirectly associated with the handling and use of plant protection products containing the micro-organism, and the risk for man handling treated products, and the risk for man arising from residual traces or contaminants remaining in food and water. In addition, the information provided must be sufficient to:
  - permit a decision to be made as to whether, or not, the micro-organism can be approved,
  - specify appropriate conditions or restrictions to be associated with any approval,
  - specify risk and safety phrases (once introduced) for the protection of man, animals and the environment to be included on packaging (containers),
  - identify relevant first aid measures as well as appropriate diagnostic and therapeutic measures to be followed in the event of infection or another adverse effect in man.

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- (iii) All effects found during investigations shall be reported. Investigations which may be necessary in order to evaluate the probable mechanism involved, and to assess the significance of these effects, must also be performed.
- (iv) For all studies actual achieved dose in colony forming units per kg body weight (cfu/kg), as well as in other appropriate units, must be reported.
- (v) Evaluation of the micro-organism shall be carried out in a tier-wise manner.

The first tier (Tier I) includes available basic information and basic studies, which have to be performed for all micro-organisms. Expert judgment will be necessary to decide about the appropriate test programme on a case-by-case basis. Newly generated data from conventional toxicological and/or pathological experiments on laboratory animals are normally required unless the applicant can justify, on the basis of the previous information, that the use of the micro-organism, under the proposed conditions of use, does not have any harmful effects on human and animal health. Pending the acceptance of specific guidelines at international level, the information required shall be generated using available test guidelines (e.g. USEPA OPPTS Guidelines).

Tier II studies must be conducted if tests under Tier I have shown adverse health effects. The type of study to be performed depends on the effects observed in the Tier I studies. Before performing such studies, the applicant shall seek agreement of the competent authorities on the type of study to be performed.

#### *TIER I*

##### **5.1. Basic information**

Basic information is required about the potential of the micro-organism to cause adverse effects such as ability to colonise, to cause damage and to produce toxins and other relevant metabolites.

###### *5.1.1. Medical data*

Where available, and without prejudice to the provisions of Article 10 of Directive 98/24/EC, practical data and information relevant to the recognition of the symptoms of infection or pathogenicity and on the effectiveness of first aid and therapeutic measures have to be submitted. Where relevant, the effectiveness of potential antagonists, shall be investigated and reported. Where relevant, methods to kill or render the micro-organism uninfected must be indicated (see point 3.8).

Data and information relevant to the effects of human exposure, where available and of the necessary quality, are of particular value, in confirming the validity of extrapolations made and conclusions reached with respect to target organs, virulence, and the reversibility of adverse effects. Such data can be generated following accidental or occupational exposure.

###### *5.1.2. Medical surveillance on manufacturing plant personnel*

Available reports of occupational health surveillance programmes, supported with detailed information on the design of the programme and on exposure to the micro-organism must be submitted. Such reports should, where feasible, include data relevant to the mechanism of action of the micro-organism. These reports shall, where available, include data from persons exposed in manufacturing plants or after application of the micro-organism (e.g. in efficacy trials).

Special attention shall be devoted to those whose susceptibility may be affected, e.g. pre-existing disease, medication, compromised immunity, pregnancy or breast feeding.

###### *5.1.3. Sensitisation/allergenicity observations, if appropriate*

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Available information on the sensitisation and allergenic response of workers, including workers in manufacturing plants, agricultural and research workers and others exposed to the micro-organism must be provided, and include, where relevant, details of any incidences of hypersensitivity and chronic sensitisation. The information provided shall include details of frequency, level and duration of exposure, symptoms observed and other relevant clinical observation. Information shall be given about whether workers have been subjected to any allergy tests or interviewed about allergenic symptoms.

#### 5.1.4. *Direct observation, e.g. clinical cases*

Available reports from the open literature on the micro-organism or closely related members of the taxonomic group (relating to clinical cases), where they are from reference journals or official reports, must be submitted together with reports of any follow-up studies undertaken. Such reports are of particular value and shall contain complete descriptions of the nature, level and duration of exposure, as well as the clinical symptoms observed, first aid and therapeutic measures applied and measurements and observations made. Summary and abstract information is of limited value.

If there are animal studies performed, reports relating to clinical cases can be of particular value in confirming the validity of interpretations from animal data to man and in identifying unexpected adverse effects which are specific to humans.

### 5.2. **Basic studies**

In order to make it possible to correctly interpret the obtained results, it is of greatest importance that the suggested test methods are relevant regarding species sensitivity, administration route, etc., and relevant from a biological and toxicological point of view. The way of administration of the test micro-organism depends on the main exposure routes to humans.

To evaluate medium- and long-term effects after acute, sub-acute or semi-chronic exposure to micro-organisms, it is necessary to use the options provided in the OECD guidelines, to extend the studies concerned with a recovery period (after which full macroscopic and microscopic pathology is to be performed, including an exploration for micro-organisms in the tissues and organs). This facilitates the interpretation of certain effects and provides the possibility to recognise infectiveness and/or pathogenicity, which in turn helps taking decisions on other issues such as the necessity to perform long-term studies (carcinogenicity etc., see point 5.3), and whether or not to perform residue studies (see point 6.2).

#### 5.2.1. *Sensitisation*<sup>(3)</sup>

##### *Aim of the test*

The test will provide sufficient information to assess the potential of the micro-organism to provoke sensitisation reactions by inhalation as well as with dermal exposure. A maximised test has to be performed.

##### *Circumstances in which required*<sup>(4)</sup>

Information on sensitisation must be reported.

#### 5.2.2. *Acute toxicity, pathogenicity and infectiveness*

The studies, data and information to be provided and evaluated must be sufficient to permit the identification of effects following a single exposure to the micro-organism, and in particular to establish, or indicate:

- the toxicity, pathogenicity and infectiveness of the micro-organism,
- the time course and characteristics of the effects with full details of behavioural changes and possible gross pathological findings at post-mortem,

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- where possible mode of toxic action,
- the relative hazards associated with the different routes of exposure, and
- blood analyses throughout the studies in order to evaluate the clearance of the micro-organism.

Acute toxic/pathogenic effects may be accompanied by infectiveness and/or more long-term effects which cannot be observed immediately. With a view to health evaluation, it is therefore necessary to carry out studies on the ability to infect in connection with oral intake, inhalation and intraperitoneal/subcutaneous injection by test mammals.

During the acute toxicity, pathogenicity and infectiveness studies, an estimation of the micro-organism and/or the active toxin clearance in the organs deemed to be relevant for microbial examination (e.g. liver, kidneys, spleen, lungs, brain, blood and site of administration) must be performed.

The observations to be made shall reflect expert scientific judgement and may include the micro-organism numeration in all the tissues likely to be affected (e.g. showing lesions) and in the main organs: kidneys, brain, liver, lungs, spleen, bladder, blood, lymphatic ganglia, gastrointestinal tract, thymus gland and lesions at the inoculation site in the dead or moribund animals and at interim and final sacrifice.

The information generated through acute toxicity, pathogenicity and infectiveness testing is of particular value in assessing hazards likely to arise in accident situations and consumer risks due to exposure to possible residues.

#### *5.2.2.1. Acute oral toxicity, pathogenicity and infectiveness Circumstances in which required*

The acute oral toxicity, pathogenicity and infectiveness of the micro-organism must be reported.

#### *5.2.2.2. Acute inhalation toxicity, pathogenicity and infectiveness Circumstances in which required*

The inhalation toxicity<sup>(5)</sup>, pathogenicity and infectiveness of the micro-organism must be reported.

#### *5.2.2.3. Intraperitoneal/subcutaneous single dose*

The intraperitoneal/subcutaneous test is considered a highly sensitive assay to elicit in particular infectiveness.

#### *Circumstances in which required*

The intraperitoneal injection is always required for all micro-organisms, however, expert judgement may be exercised to evaluate whether subcutaneous injection is preferred instead of intraperitoneal injection if the maximum temperature for growth and multiplication is lower than 37 °C.

#### *5.2.3. Genotoxicity testing Circumstances in which required*

If the micro-organism produces exotoxins in accordance with point 2.8, then these toxins and any other relevant metabolites in the culture medium must also be tested for genotoxicity. Such tests on toxins and metabolites shall be performed using the purified chemical if possible.

If basic studies do not indicate that toxic metabolites are formed, studies on the micro-organism itself shall be considered depending on expert judgement on the relevance and validity of the

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basic data. In the case of a virus the risk of insertional mutagenesis in mammal cells or the risk of carcinogenicity has to be discussed.

*Aim of the test*

These studies are of value in:

- the prediction of genotoxic potential,
- the early identification of genotoxic carcinogens,
- the elucidation of the mechanism of action of some carcinogens.

It is important that a flexible approach is adopted, with selection of further tests being dependent upon interpretation of results at each stage.

*Test conditions*<sup>(6)</sup>

Genotoxicity of cellular micro-organisms will be studied after breaking of the cells, wherever possible. Justification should be provided on the method of sample preparation used.

Genotoxicity of viruses shall be studied on infectious isolates.

5.2.3.1. *In vitro studies*

*Circumstances in which required*

Results of *in vitro* mutagenicity tests (bacterial assay for gene mutation, test for clastogenicity in mammalian cells and test for gene mutation in mammalian cells) must be provided.

5.2.4. *Cell culture study*

This information must be reported for intracellular replicating micro-organisms, such as viruses, viroids or specific bacteria and protozoa, unless the information from Sections 1, 2 and 3 clearly demonstrates that the micro-organism does not replicate in warm-blooded organisms. A cell culture study shall be performed in human cell or tissue cultures of different organs. Selection can be based on expected target organs after infection. If human cell or tissue cultures of specific organs are not available, other mammal cell and tissue cultures can be used. For viruses, the ability to interact with the human genome is a key consideration.

5.2.5. *Information on short-term toxicity and pathogenicity*

*Aim of the test*

Short-term toxicity studies must be designed to provide information as to the amount of the micro-organism that can be tolerated without toxic effects under the conditions of the study. Such studies provide useful data on the risks for those handling and using preparations containing the micro-organism. In particular, short-term studies provide an essential insight into possible cumulative actions of the micro-organism, and the risks to workers who may be intensively exposed. In addition short-term studies provide information useful in the design of chronic toxicity studies.

The studies, data and information to be provided and evaluated, must be sufficient to permit the identification of effects following repeated exposure to the micro-organism, and in particular to further establish, or indicate:

- the relationship between dose and adverse effects,
- toxicity of the micro-organism including where necessary the NOAEL for toxins,
- target organs, where relevant,
- the time course and characteristics of the effects with full details of behavioural changes and possible gross pathological findings at post-mortem,
- specific toxic effects and pathological changes produced,

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- where relevant the persistence and reversibility of certain toxic effects observed, following discontinuation of dosing,
- where possible, the mode of toxic action, and
- the relative hazard associated with the different routes of exposure.

During the short-term toxicity study, an estimation of the micro-organism clearance in the main organs must be performed.

Investigations shall be included for pathogenicity and infectiveness end points.

*Circumstances in which required*

The short-term toxicity (minimum 28 days) of the micro-organism must be reported.

The choice of test species has to be justified. The choice of study length depends on acute toxicity and clearance data.

Expert judgement is required to decide what route of administration is preferable.

#### 5.2.5.1. *Health effects after repeated inhalatory exposure*

Information on the health effects after repeated inhalatory exposure is considered necessary, particularly for the risk assessment of the occupational setting. Repeated exposure might influence the clearance capacity (e.g. resistance) of the host (human). Furthermore, for proper risk assessment the toxicity after repeated exposure to contaminants, growth medium, co-formulants and the micro-organism needs to be addressed. It should be kept in mind that the co-formulants in the plant protection product can influence the toxicity and infectiveness of a micro-organism.

*Circumstances in which required*

Information on the short-term infectiveness, pathogenicity and toxicity (respiratory route) of a micro-organism is required, unless the information already provided is sufficient to assess human health effects. This can be the case if it is demonstrated that the test material has no inhalable fraction and/or repeated exposure is not expected.

#### 5.2.6. *Proposed treatment: first aid measures, medical treatment*

The first aid measures to be used in the event of infection and in the event of contamination of eyes must be provided.

Therapeutic regimes for use in the event of ingestion or contamination of eyes and skin must be described in full. Information based on practical experience, where it exists and is available, in other cases on theoretical grounds, as to the effectiveness of alternative treatment regimes, where relevant, must be provided.

Information on resistance to antibiotics must be provided.

(END OF TIER I)

*TIER II*

### 5.3. **Specific toxicity, pathogenicity and infectiveness studies**

In certain cases, it can be necessary to carry out supplementary studies to further clarify the adverse human effects.

In particular, if results from earlier studies indicate that the micro-organism may cause long-term health effects, studies on chronic toxicity, pathogenicity and infectiveness, carcinogenicity and reproductive toxicity must be carried out. Furthermore, where a toxin is produced, kinetic studies must be performed.

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Studies required must be designed on an individual basis, in the light of the particular parameters to be investigated and the objectives to be achieved. Before performing such studies, the applicant shall seek agreement of the competent authorities on the type of study to be performed.

#### 5.4. ***In vivo* studies in somatic cells**

##### *Circumstances in which required*

If all the results of the *in vitro* studies are negative further testing must be done with consideration of other relevant information available. The test can be an *in vivo* study or an *in vitro* study using a different metabolising system from that/those previously used.

If the *in vitro* cytogenetic test is positive, an *in vivo* test using somatic cells (metaphase analysis in rodent bone marrow or micronucleus test in rodents) must be conducted.

If either of the *in vitro* gene mutation tests is positive, an *in vivo* test to investigate unscheduled DNA synthesis or a mouse spot test must be conducted.

#### 5.5. **Genotoxicity — *In vivo* studies in germ cells**

##### *Aim of the test and test conditions*

See point 5.4 of part A.

##### *Circumstances in which required*

When any result of an *in vivo* study in somatic cells is positive, *in vivo* testing for germ cell effects may be justified. The necessity for conducting these tests will have to be considered on a case-by-case basis, taking into account other relevant information available including use and expected exposure. Suitable tests would need to examine interaction with DNA (such as the dominant lethal assay), to look at the potential for inherited effects and possibly make a quantitative assessment of heritable effects. It is recognised that in view of their complexity, the use of quantitative studies would require strong justification.

(END OF TIER II)

#### 5.6. **Summary of mammalian toxicity, pathogenicity and infectiveness and overall evaluation**

A summary of all data and information provided under points 5.1 through 5.5, must be submitted, and include a detailed and critical assessment of those data in the context of relevant evaluative and decision making criteria and guidelines, with particular reference to the risks for man and animals that may or do arise, and the extent, quality and reliability of the data base.

It must be explained whether exposure of animals or humans has any implications for vaccination or serological monitoring.

### 6. RESIDUES IN OR ON TREATED PRODUCTS, FOOD AND FEED

#### **Introduction**

- (i) The information provided, taken together with that for one or more preparations containing the micro-organism, must be sufficient to permit an evaluation to be made as to the risk for man and/or animals, arising from exposure to the micro-organism and its residual traces and metabolites (toxins) remaining in or on plants or plant products.
- (ii) In addition, the information provided must be sufficient to:
  - permit a decision to be made as to whether or not the micro-organism can be approved,
  - specify appropriate conditions or restrictions to be associated with any approval
  - where relevant, set maximum residue levels, preharvest intervals to protect consumers and waiting periods, to protect workers handling the treated crops and products.

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- (iii) For the evaluation of risk arising from residues, experimental data on levels of exposure to the residue may not be required where it can be justified, that the micro-organism and its metabolites are not hazardous to humans in the concentrations that could occur as a result of authorised use. This justification can be based on open literature, on practical experience and on information submitted in Sections 1, 2 and 3 and Section 5.

**6.1. Persistence and likelihood of multiplication in or on crops, feedingstuffs or foodstuffs**

A substantiated estimation of persistence/competitiveness of the micro-organism and relevant secondary metabolites (especially toxins) in or on the crop under the environmental conditions prevailing at and after the intended use, taking into account in particular the information provided in Section 2, has to be delivered.

Moreover, the application shall state to which extent and on which basis it is considered that the micro-organism can (or cannot) multiply in or on the plant or plant product or during processing of raw products.

**6.2. Further information required**

Consumers may be exposed to micro-organisms for a considerable time as a result of the consumption of treated food commodities; potential effects on the consumers must, therefore, be derived from chronic or semi-chronic studies, so that a toxicological end point, such as the ADI, can be established for risk management.

**6.2.1. Non-viable residues**

A non viable micro-organism is a micro-organism that is not capable of replication or of transferring genetic material.

If relevant quantities of the micro-organism or of produced metabolites, especially toxins, have been found to be persistent in points 2.4 and 2.5, full experimental residue data as provided for in Section 6 of Part A of this Annex is required, if concentrations of the micro-organism and/or its toxins in or on the treated foodstuffs or feedingstuffs are expected to occur in concentrations higher than under natural conditions or in a different phenotypic state.

In accordance with Regulation (EC) No 1107/2009, the conclusion concerning the difference between natural concentrations and an elevated concentration due to treatment with the micro-organism, is to be based on experimentally obtained data, and not on extrapolations or calculations using models.

Before performing such studies, the applicant shall seek agreement of the competent authorities on the type of study to be performed.

**6.2.2. Viable residues**

If the information submitted in accordance with point 6.1 suggests persistence of relevant amounts of the micro-organism in or on treated products, food or feed, possible effects on humans and/or animals must be investigated, unless it can be justified from Section 5, that the micro-organism and its metabolites and/or degradation products are not hazardous to humans in the concentrations and of the nature that could occur as a result of authorised use.

In accordance with Regulation (EC) No 1107/2009, the conclusion concerning the difference between natural concentrations and an elevated concentration due to treatment with the micro-

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organism, is to be based on experimentally obtained data, and not on extrapolations or calculations using models.

The persistence of viable residues needs special attention if infectiveness or pathogenicity to mammals has been found in points 2.3 and 2.5 or in Section 5 and/or if any other information suggests a hazard to consumers and/or workers. In this case the competent authorities may require studies similar to those provided for in Part A.

Before performing such studies, the applicant shall seek agreement of the competent authorities on the type of study to be performed.

### 6.3. Summary and evaluation of residue behaviour resulting from data submitted under points 6.1 and 6.2

## 7. FATE AND BEHAVIOUR IN THE ENVIRONMENT

### Introduction

- (i) Information on the origin, the properties, and the survival of the micro-organism and its residual metabolites as well as its intended use form the basis for an assessment of environmental fate and behaviour.

Experimental data are normally required unless it can be justified that an assessment of its fate and behaviour in the environment can be performed with the information already available. This justification can be based on open literature, on practical experience and on information submitted in Sections 1 to 6. The function of the micro-organism in environmental processes is of particular interest.

- (ii) The information provided, taken together with other relevant information, and that for one or more preparations containing the micro-organism, must be sufficient to permit an assessment of its fate and behaviour as well as that of its residual traces and toxins, where they are of significance for human health and/or the environment.
- (iii) In particular, the information provided shall be sufficient to:
- decide whether, or not, the micro-organism can be approved,
  - specify appropriate conditions or restrictions to be associated with any approval,
  - specify the pictograms (once introduced), signal words, and relevant hazard and precautionary statements for the protection of the environment, which are to be included on packaging (containers),
  - predict the distribution, fate, and behaviour in the environment of the micro-organism and its metabolites as well as the time courses involved,
  - identify measures necessary to minimise contamination of the environment and impact on non-target species.
- (iv) Any relevant metabolites (i.e. of concern for human health and/or the environment) formed by the test organism under any relevant environmental conditions shall be characterised. If relevant metabolites are present in or produced by the micro-organism, data as outlined under Section 7 of Part A of this Annex may be required, if all of the following conditions are met:
- the relevant metabolite is stable outside the micro-organism, see point 2.8, and
  - a toxic effect of the relevant metabolite is independent of the presence of the micro-organism, and
  - the relevant metabolite is expected to occur in the environment in concentrations considerably higher than under natural conditions.

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- (v) Available information on the relationship with naturally occurring wild type relatives shall be taken into account.
- (vi) Before performing studies as referred to below, the applicant shall seek agreement of the competent authorities on whether studies need to be performed and, if so, the type of study to be conducted. The information from the other Sections has, also, to be taken into account.

### 7.1. Persistence and multiplication

Where relevant, appropriate information on the persistence and multiplication of the micro-organism, in all environmental compartments has to be given, unless it can be justified that exposure of the particular environmental compartment to the micro-organism is unlikely to occur. Special attention shall be given to

- competitiveness under the environmental conditions prevailing at and after the intended use, and
- population dynamics in seasonally or regionally extreme climates (particularly hot summer, cold winter and rainfall) and to agricultural practices applied after intended use.

Estimated levels of the specified micro-organism in a time course after use of the product under the proposed conditions of use shall be given.

#### 7.1.1. Soil

Information on viability/population dynamics shall be reported in several cultivated and uncultivated soils representative of soils typical of the various EU regions where use exists or is anticipated. The provisions on choice of soil and its collection and handling, as referred to in the introduction of point 7.1 of Part A, have to be followed. If the test organism is to be used in association with other media, e.g. rockwool, this must be included in the test range.

#### 7.1.2. Water

Information should be reported on viability/population dynamics in natural sediment/water systems under both dark and illuminated conditions.

#### 7.1.3. Air

In case of particular concerns for operator, worker or bystander exposure, information on the concentrations in air might be necessary.

### 7.2. Mobility

The possible spread of the micro-organism and its degradation products in relevant environmental compartments has to be evaluated, unless it can be justified that exposure of the particular environmental compartments to the micro-organism is unlikely to occur. In this context, the intended use (e.g. field or greenhouse, application to soil or to crops), life cycle stages, including occurrence of vectors, persistence and the ability of the organism to colonise adjacent habitats are of particular interest.

The spread, the persistence and probable transport ranges need special attention if toxicity, infectiveness or pathogenicity has been reported or if any other information suggests possible hazard to humans, animals or to the environment. In this case the competent authorities may require studies similar to those provided for in Part A. Before performing such studies, the applicant shall seek agreement of the competent authorities on the type of study to be performed.

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## 8. EFFECTS ON NON-TARGET ORGANISMS

### Introduction

- (i) The information on identity, biological properties and further information in Sections 1, 2, 3 and 7 is central to the assessment of impact on non-target species. Additional useful information may be found on fate and behaviour in the environment in Section 7 and on residue levels in plants in Section 6 which, together with information on the nature of the preparation and its manner of use, defines the nature and extent of potential exposure. The information submitted in accordance with Section 5 will provide essential information as to effects to mammals and the mechanisms involved.

Experimental data are normally required, unless it can be justified that an assessment of effects on non-target organisms can be performed with the information already available.

- (ii) The choice of the appropriate non-target organisms for testing of environmental effects shall be based on the identity of the micro-organism (including the host specificity, mode of action and ecology of the organism). From such knowledge it would be possible to choose the appropriate test-organisms, such as organisms closely related to the target organism.
- (iii) The information provided, taken together with that for one or more preparations containing the micro-organism, must be sufficient to permit an assessment of the impact on non-target species (flora and fauna), likely to be at risk from exposure to the micro-organism, where they are of environmental significance. Impact can result from single, prolonged or repeated exposure and can be reversible or irreversible.
- (iv) In particular, the information provided for the micro-organism, together with other relevant information, and that provided for one or more preparations containing it, shall be sufficient to:
- decide whether, or not, the micro-organism can be approved,
  - specify appropriate conditions or restrictions to be associated with any approval,
  - permit an evaluation of short- and long-term risks for non-target species — populations, communities, and processes — as appropriate,
  - classify the micro-organism as to biological hazard,
  - specify the precautions necessary for the protection of non-target species, and
  - specify the pictograms (once introduced), signal words, and relevant hazard and precautionary statements for the protection of the environment, to be mentioned on packaging (containers).
- (v) There is a need to report all potentially adverse effects found during routine investigations on environmental effects, to undertake and report, where required by the competent authorities, such additional studies which may be necessary to investigate the probable mechanisms involved and to assess the significance of these effects. All available biological data and information which are relevant to the assessment of the ecology profile of the micro-organism must be reported.
- (vi) For all studies, average achieved dose in cfu/kg body weight as well as in other appropriate units must be reported.
- (vii) It may be necessary to conduct separate studies for relevant metabolites (especially toxins), where these products can constitute a relevant risk to non-target organisms and where their effects cannot be evaluated by the available results relating to the micro-organism. Before such studies are performed, the applicant shall seek agreement of the competent authorities on whether such studies need to be performed and, if so,

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the type of study to be conducted. The information from Sections 5, 6 and 7 has to be taken into account.

- (viii) In order to facilitate the assessment of the significance of test results obtained, the same strain (or recorded origin) of each relevant species shall, where possible, be used in the various tests specified.
- (ix) Tests must be performed unless it can be justified that the non-target organism will not be exposed to the micro-organism. If it is justified that the micro-organism does not cause toxic effects or is not pathogenic or infective to vertebrates or plants, only reaction to appropriate non-target organisms must be investigated.

#### 8.1. **Effects on birds**

##### *Aim of the test*

Information on toxicity, infectiveness and pathogenicity to birds must be reported.

#### 8.2. **Effects on aquatic organisms**

##### *Aim of the test*

Information on toxicity, infectiveness and pathogenicity to aquatic organisms must be reported.

##### 8.2.1. *Effects on fish*

###### *Aim of the test*

Information on toxicity, infectiveness and pathogenicity to fish must be reported.

##### 8.2.2. *Effects on freshwater invertebrates*

###### *Aim of the test*

Information on toxicity, infectiveness and pathogenicity to freshwater invertebrates must be reported.

##### 8.2.3. *Effects on algae growth*

###### *Aim of the test*

Information on effects on algal growth, growth rate and capacity to recover must be reported.

##### 8.2.4. *Effects on plants other than algae*

###### *Aim of the test*

Information on effects on plants other than algae must be reported.

#### 8.3. **Effects on bees**

##### *Aim of the test*

Information on toxicity, infectiveness and pathogenicity to bees must be reported.

#### 8.4. **Effects on arthropods other than bees**

##### *Aim of the test*

Information on toxicity, infectiveness and pathogenicity to arthropods other than bees must be reported. The selection of the test species should be related to the potential use of the plant protection products (e.g. foliar or soil application). Special attention should be given to organisms used for biological control and organisms playing an important role in integrated pest management.

#### 8.5. **Effects on earthworms**

##### *Aim of the test*

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Information on toxicity, infectiveness and pathogenicity to earthworms must be reported.

#### 8.6. **Effects on non-target soil micro-organisms**

Impact on relevant non-target micro-organisms and on their predators (e.g. protozoa for bacterial inoculants) shall be reported. Expert judgement is required to decide whether additional studies are necessary. Such decision will take into consideration the available information in this Section and other Sections, in particular data on the specificity of the micro-organism, and the expected exposure. Useful information may also be available from the observations carried out in efficacy testing. Special attention shall be given to organisms used in integrated crop management (ICM).

#### 8.7. **Additional studies**

The additional studies might include further acute studies on additional species or processes (such as sewage systems) or higher tier studies such as chronic, sub-lethal or reproductive studies on selected non-target organisms.

Before performing such studies, the applicant shall seek agreement of the competent authorities on the type of study to be performed.

### 9. **SUMMARY AND EVALUATION OF ENVIRONMENTAL IMPACT**

A summary and evaluation of all data relevant to the environmental impact, shall be carried out in accordance with the guidance given by the competent authorities of the Member States concerning the format of such summaries and evaluations. It shall include a detailed and critical assessment of those data in the context of relevant evaluative and decision making criteria and guidelines, with particular reference to the risks for the environment and non-target species that may or do arise, and the extent, quality and reliability of the data base. In particular the following issues shall be addressed:

- distribution and fate in the environment, and the time courses involved,
- identification of non-target species and populations at risk, and the extent of their potential exposure,
- identification of precautions necessary to avoid or minimise contamination of the environment, and for the protection of non-target species.

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- (1) USEPA Microbial Pesticide Test Guidelines, OPPTS Series 885, February 1996.
- (2) [OJ L 106, 17.4.2001, p. 1.](#)
- (3) The available methods for testing dermal sensitisation are not suitable for testing micro-organisms. Sensitisation by inhalation is most probably a greater problem compared with dermal exposure to micro-organisms but so far, there are no validated test methods. Development of these kinds of methods is therefore of great importance. Until then, all micro-organisms should be regarded as potential sensitisers. This approach also takes into consideration immuno-compromised or other sensitive individuals in the population (e.g. pregnant women, new-born children or elderly).
- (4) As a consequence of the absence of proper test methods all micro-organisms will be labelled as potential sensitisers, unless the applicant wants to demonstrate the non-sensitising potential by submitting data. Therefore, this data requirement should be regarded as not obligatory but optional, on a provisional base.
- (5) An inhalation study may be replaced by an intratracheal study.
- (6) As the present test methods are designed to be performed on soluble chemicals, it is necessary that the methods are developed so as to become relevant for micro-organisms.

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#### Changes and effects yet to be applied to :

- Annex Pt. B point 5.1.1 words inserted by [S.I. 2019/556 reg. 21\(5\)\(c\)\(iii\)](#)
- Annex Pt. B point 7.1.1 words omitted by [S.I. 2019/556 reg. 21\(5\)\(c\)\(iv\)](#)
- Annex Pt. B point 1.1 words substituted by [S.I. 2019/556 reg. 21\(5\)\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(5)(c)(i) substituted immediately before IP completion day by [S.I. 2020/1376, regs. 1\(4\), 3\(17\)\(b\)](#))
- Annex Pt. B point 1.2 words substituted by [S.I. 2019/556 reg. 21\(5\)\(c\)\(ii\)](#)
- Annex Pt. B point 1.4.1 words substituted by [S.I. 2019/556 reg. 21\(5\)\(c\)\(ii\)](#)
- Annex Pt. B point 8.6 words substituted by [S.I. 2019/556 reg. 21\(5\)\(c\)\(v\)](#)
- Annex Pt. B point 1.1 words substituted by [S.I. 2019/556, reg. 21\(5\)\(c\)\(i\)](#) (as substituted) by [S.I. 2020/1376 reg. 3\(17\)\(b\)](#)

#### Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/556 reg. 21\(4\)](#)
- Annex Pt. A s. 8 word omitted by [S.I. 2019/556 reg. 21\(5\)\(b\)\(xiv\)](#)
- Annex Pt. A s. 1 point 1.4 word substituted in earlier amending provision [S.I. 2019/720, Sch. 2 para. 176\(2\)\(a\)\(i\)](#) by [S.I. 2020/1567 Sch. 2 para. 61](#)
- Annex Pt. A s. 1 point 1.4.1 word substituted in earlier amending provision [S.I. 2019/720, Sch. 2 para. 176\(2\)\(b\)](#) by [S.I. 2020/1567 Sch. 2 para. 61](#)
- Annex Pt. B s. 9 words omitted by [S.I. 2019/556 reg. 21\(5\)\(c\)\(vi\)](#)
- Art. 1(1) Art. 1 renumbered as Art. 1(1) by [S.I. 2019/556 reg. 21\(2\)\(a\)](#)
- Art. 1(2) inserted by [S.I. 2019/556 reg. 21\(2\)\(b\)](#)