COMMISSION IMPLEMENTING REGULATION (EU) 2020/1643

of 5 November 2020

amending Implementing Regulation (EU) No 540/2011 as regards the approval periods of the active substances calcium phosphide, denathonium benzoate, haloxyfop-P, imidacloprid, pencycuron and zeta-cypermethrin

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ([1]), and in particular the first paragraph of Article 17 thereof,

Whereas:

(1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ([2]) sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009.

(2) The approval periods of the active substances calcium phosphide and denathonium benzoate were extended from 31 August 2019 until 31 August 2022, and the approval period of the active substance imidacloprid was extended from 31 July 2019 until 31 July 2022 by Commission Implementing Regulation (EU) 2017/195 ([3]).

(3) The approval period of the active substance zeta-cypermethrin was extended from 30 November 2019 until 30 November 2021 by Commission Implementing Regulation (EU) 2017/555 ([4]).

(4) The approval period of the active substance pencycuron was extended from 31 May 2021 until 31 May 2024 by Commission Implementing Regulation (EU) 2018/1266 ([5]).

(5) The approval period of the active substance haloxyfop-P was extended from 31 December 2020 until 31 December 2023 by Commission Implementing Regulation (EU) 2018/670 ([6]).

(6) Applications for the renewal of the approval of the active substances concerned were submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ([7]). However, for the active substances calcium phosphide, denathonium benzoate, haloxyfop-P, imidacloprid, pencycuron and zeta-cypermethrin, the applicants have confirmed that they no longer support the application for renewal of approval.

([1]) OJ L 309, 24.11.2009, p. 1.

([2]) Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

([3]) Commission Implementing Regulation (EU) 2017/195 of 3 February 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of several active substances listed in Part B of the Annex to Implementing Regulation (EU) No 686/2012 (AIR IV renewal programme) (OJ L 31, 4.2.2017, p. 21).

([4]) Commission Implementing Regulation (EU) 2017/555 of 24 March 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of several active substances listed in Part B of the Annex to Implementing Regulation (EU) No 686/2012 (AIR IV renewal programme) (OJ L 80, 25.3.2017, p. 1).

([5]) Commission Implementing Regulation (EU) 2018/1266 of 20 September 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-decanol, 6-benzyladenine, aluminium sulfate, azadirachtin, bupirimate, carboxin, clethodim, cycloxydim, dazomet, diclofop, dithianon, dodine, fenazaquin, fluometuron, flutriafol, hexythiazox, hymexazol, indolylbutyric acid, isoxaben, lime sulphur, metaldehyde, paclobutrazol, pencycuron, sintofen, tau-fluvalinate and tebufenozide (OJ L 238, 21.9.2018, p. 81).

([6]) Commission Implementing Regulation (EU) 2018/670 of 30 April 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances bromuconazole, buprofezin, haloxyfop-P and napropamide (OJ L 113, 3.5.2018, p. 1).

([7]) Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

(7) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, the extensions of the approval periods of those active substances, provided for by Implementing Regulations (EU) 2017/195, (EU) 2017/555, (EU) 2018/1266 and (EU) 2018/670, are no longer justified. It is therefore appropriate to provide that the approvals of haloxyfop-P and pencycuron expire at the dates they would expire without the extension. For the active substances calcium phosphide, denathonium benzoate, imidacloprid, and zeta-cypermethrin, the expiry dates, before extension, were in 2019. Therefore, the expiry date of those active substances should be set at the earliest date possible, while giving Member States sufficient time to withdraw authorisations for plant protection products containing those substances.

(8) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 November 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(1) in the sixth column, expiration of approval, of row 216, Imidacloprid, the date is replaced by '1 December 2020';

(2) in the sixth column, expiration of approval, of row 226, Denathonium benzoate, the date is replaced by '1 December 2020';

(3) in the sixth column, expiration of approval, of row 261, Calcium phosphide, the date is replaced by '1 December 2020';

(4) in the sixth column, expiration of approval, of row 281, Zeta-cypermethrin, the date is replaced by '1 December 2020';

(5) in the sixth column, expiration of approval, of row 309, Haloxyfop-P, the date is replaced by '31 December 2020';

(6) in the sixth column, expiration of approval, of row 349, Pencycuron, the date is replaced by '31 May 2021'.