

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1447**of 12 July 2023****amending Implementing Regulation (EU) No 540/2011 as regards the approval periods of the active substances *Bacillus pumilus* QST 2808 and penflufen****(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 Article 17, first paragraph, thereof,

Whereas:

- (1) Part B of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽²⁾ sets out the active substances approved under Regulation (EC) No 1107/2009.
- (2) Commission Implementing Regulation (EU) 2020/2007 ⁽³⁾ extended the approval period of the active substance *Bacillus pumilus* QST 2808 from 31 August 2024 until 31 August 2025 and the approval period of the active substance penflufen from 31 January 2024 until 31 May 2025, in order to ensure a balanced distribution of responsibilities and work among Member States acting as rapporteur and co-rapporteur Member States, taking into account the resources necessary for the renewal assessment and decision-making.
- (3) No application for the renewal of the approval of those active substances was submitted in accordance with Article 5 of Commission Implementing Regulation (EU) 2020/1740 ⁽⁴⁾.
- (4) The extension of the approval periods of the active substances *Bacillus pumilus* QST 2808 and penflufen, provided for by Implementing Regulation (EU) 2020/2007, is no longer justified. It is therefore appropriate to provide that the approval of those substances expires at the date it would have expired without the extension.

⁽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) 2020/2007 of 8 December 2020 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-decanol, 1,4-dimethylnaphthalene, 6-benzyladenine, acequinocyl, Adoxophyes orana granulovirus, aluminium sulfate, amisulbrom, Aureobasidium pullulans (strains DSM 14940 and DSM 14941), azadirachtin, *Bacillus pumilus* QST 2808, benalaxyl-M, bixafen, bupirimate, *Candida oleophila* strain O, chlorantraniliprole, disodium phosphonate, dithianon, dodine, emamectin, flubendiamide, fluometuron, fluxapyroxad, flutriafol, hexythiazox, imazamox, ipconazole, isoxaben, L-ascorbic acid, lime sulphur, orange oil, *Paecilomyces fumosoroseus* strain FE 9901, pendimethalin, penflufen, penthiopyrad, potassium phosphonates, prosulfuron, *Pseudomonas* sp. strain DSMZ 13134, pyridalyl, pyriofenone, pyroxulam, quinmerac, S-abcisic acid, sedaxane, sintofen, sodium silver thiosulfate, spinetoram, spirotetramat, *Streptomyces lydicus* strain WYEC 108, tau-fluvalinate, tebufenozide, tembotrione, thiencarbazone, valifenalate, zinc phosphide (OJ L 414, 9.12.2020, p. 10).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/1740 of 20 November 2020 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, and repealing Commission Implementing Regulation (EU) No 844/2012 (OJ L 392, 23.11.2020, p. 20).

- (5) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (6) 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, 12 July 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

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

- (1) in the sixth column 'Expiration of approval' of entry 55, penflufen, the date is replaced by '31 January 2024'
 - (2) in the sixth column 'Expiration of approval' of entry 75, *Bacillus pumilus* QST 2808, the date is replaced by '31 August 2024'.
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