

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2021/556**of 31 March 2021****amending Implementing Regulations (EU) 2017/1529 and (EU) No 540/2011 as regards the conditions of approval of the basic substance sodium chloride****(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 13(2) in conjunction with Article 23(5) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2017/1529 ⁽²⁾ approved the active substance sodium chloride as a basic substance and included it in Part C of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽³⁾. The Commission based its decision on a Technical Report provided by the European Food Safety Authority ('the Authority') and a Review Report ⁽⁴⁾ established by the Commission.
- (2) The approval of the basic substance sodium chloride, as set out in Part C of the Annex to Implementing Regulation (EU) No 540/2011, was restricted to the use as fungicide and insecticide.
- (3) In November 2017, followed by an update in August 2018 and July 2020, the organisation Collectif Anti-baccharis submitted to the Commission an application in accordance with Article 23(3) of Regulation (EC) No 1107/2009 requesting the extension of use of sodium chloride as herbicide.

⁽¹⁾ 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 (OJ L 309, 24.11.2009, p. 1).

⁽²⁾ Commission Implementing Regulation (EU) 2017/1529 of 7 September 2017 approving the basic substance sodium chloride in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 232, 8.9.2017, p. 1).

⁽³⁾ 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).

⁽⁴⁾ Final Review report for the basic substance sodium chloride finalised in the Standing Committee on Plants, Animals, Food and Feed at its meeting on 20 July 2017 and amended on 25 January 2021 in view of the approval of sodium chloride as basic substance in accordance with Regulation (EC) No 1107/2009; SANTE/10383/2017– rev.2.

- (4) The Commission asked the European Food Safety Authority ('the Authority') for scientific assistance. The result of this consultation was that the nature of the substance and the extent of the request did not warrant a new scientific assessment by the Authority. The Commission prepared an updated review report, taking into account the earlier technical report of the Authority ⁽⁵⁾ and the information provided by the applicant.
- (5) The Commission presented the updated review report and the draft Regulation to the Standing Committee on Plants, Animals, Food and Feed on 25 January 2021.
- (6) The applicant was given the possibility to submit comments on the updated review report.
- (7) It appears that sodium chloride may be expected to satisfy the requirements laid down in Article 23 of Regulation (EC) No 1107/2009 with regard to the use as herbicide as detailed in the updated review report. Therefore, the use of sodium chloride as herbicide should be allowed. Moreover, given the fact that a new use of sodium chloride is being permitted, and that it is acceptable to continue allowing other possible uses of sodium chloride as referred to in the updated review report for sodium chloride, it is appropriate to withdraw the current restriction to use the substance as fungicide and insecticide only.
- (8) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to maintain certain conditions for the use of the active substance.
- (9) Implementing Regulations (EU) 2017/1529 and (EU) No 540/2011 should therefore be amended accordingly.
- (10) 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

Amendment to Implementing Regulation (EU) 2017/1529

Annex I to Implementing Regulation (EU) 2017/1529 is amended in accordance with Annex I to this Regulation.

Article 2

Amendment to Implementing Regulation (EU) No 540/2011

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

Article 3

Entry into force

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

⁽⁵⁾ EFSA (European Food Safety Authority), 2017. Technical report on the outcome of the consultation with Member States and EFSA on the basic substance application for (sea) salt (sodium chloride) for use in plant protection as fungicide and insecticide. EFSA supporting publication 2017:EN-1172. 56pp. doi:10.2903/sp.efsa.2017.EN-1172.

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

Done at Brussels, 31 March 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

In Annex I to Implementing Regulation (EU) 2017/1529, the entry in the fifth column 'Specific provisions' is replaced by the following:

'Sodium chloride shall be used in accordance with the specific conditions included in the conclusions of the review report on sodium chloride (SANTE/10383/2017) and in particular Appendices I and II thereof.'

ANNEX II

In Part C of the Annex to Implementing Regulation (EU) No 540/2011, the entry in the sixth column 'Specific provisions' of row number 16, sodium chloride, is replaced by the following:

'Sodium chloride shall be used in accordance with the specific conditions included in the conclusions of the review report on sodium chloride (SANTE/10383/2017) and in particular Appendices I and II thereof.'
