

COMMISSION IMPLEMENTING REGULATION (EU) 2023/114**of 16 January 2023****amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances benzovindiflupyr, buprofezin, cyflufenamid, fluazinam, flutolanil, lambda-cyhalothrin, mecoprop-P, mepiquat, metiram, metsulfuron-methyl, phosphane and pyraclostrobin****(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 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 whereas Part B of that Annex sets out the active substances approved under Regulation (EC) No 1107/2009 and Part E sets out the active substances approved under Regulation (EC) No 1107/2009 as candidates for substitution.
- (2) Commission Implementing Regulation (EU) 2021/2068 ⁽³⁾ extended the approval period of the active substances mecoprop-P, metiram and pyraclostrobin until 31 January 2023 and of the active substances fluazinam, flutolanil and mepiquat until 28 February 2023. Commission Implementing Regulation (EU) 2018/670 ⁽⁴⁾ extended the approval period of the active substance buprofezin until 31 January 2023. Commission Implementing Regulation (EU) 2017/1527 ⁽⁵⁾ extended the approval period of the active substance cyflufenamid until 31 March 2023.
- (3) The approval of the active substance benzovindiflupyr is set to expire on 2 March 2023 in accordance with Commission Implementing Regulation (EU) 2016/177 ⁽⁶⁾.
- (4) The approval of the active substance lambda-cyhalothrin is set to expire on 31 March 2023 in accordance with Commission Implementing Regulation (EU) 2016/146 ⁽⁷⁾.

⁽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) 2021/2068 of 25 November 2021 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances benfluralin, dimoxystrobin, fluazinam, flutolanil, mecoprop-P, mepiquat, metiram, oxamyl and pyraclostrobin (OJ L 421, 26.11.2021, p. 25).

⁽⁴⁾ 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).

⁽⁵⁾ Commission Implementing Regulation (EU) 2017/1527 of 6 September 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances cyflufenamid, fluopicolide, heptamaloxyloglucan and malathion (OJ L 231, 7.9.2017, p. 3).

⁽⁶⁾ Commission Implementing Regulation (EU) 2016/177 of 10 February 2016 approving the active substance benzovindiflupyr, as a candidate for substitution, 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 Implementing Regulation (EU) No 540/2011 (OJ L 35, 11.2.2016, p. 1).

⁽⁷⁾ Commission Implementing Regulation (EU) 2016/146 of 4 February 2016 renewing the approval of the active substance lambda-cyhalothrin, as a candidate for substitution, 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 Implementing Regulation (EU) No 540/2011 (OJ L 30, 5.2.2016, p. 7).

- (5) The approval of the active substance metsulfuron-methyl is set to expire on 31 March 2023 in accordance with Commission Implementing Regulation (EU) 2016/139 ⁽⁸⁾.
- (6) The approval of the active substance phosphane is set to expire on 31 March 2023 in accordance with Commission Implementing Regulation (EU) No 1043/2012 ⁽⁹⁾.
- (7) Applications for the renewal of the approval of those active substances were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ⁽¹⁰⁾.
- (8) The approvals of those active substances are likely to expire before a decision has been taken on their renewal because the decision-making procedure as regards the renewal has been delayed. Therefore, and as this delay is for reasons beyond the control of the applicants, it is necessary to extend their approval periods to enable the completion of the assessment required in order to take a decision on the applications for renewal of approval.
- (9) In particular, an extension of the approval period is required for the active substances fluazinam, flutolanil, mecoprop-P, mepiquat, metiram and pyraclostrobin to provide the time necessary to carry out an assessment relating to endocrine disrupting properties of those active substances in accordance with the procedure set out in Articles 13 and 14 of Implementing Regulation (EU) No 844/2012.
- (10) In case the Commission is to adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission is to set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission is to adopt a Regulation providing for the renewal of the approval of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.
- (11) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (12) Taking into account that the current approval of buprofezin, mecoprop-P, metiram and pyraclostrobin expires on 31 January 2023, this Regulation should enter into force as soon as possible.
- (13) 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.

⁽⁸⁾ Commission Implementing Regulation (EU) 2016/139 of 2 February 2016 renewing the approval of the active substance metsulfuron-methyl, as a candidate for substitution, 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 Implementing Regulation (EU) No 540/2011 (OJ L 27, 3.2.2016, p. 7).

⁽⁹⁾ Commission Implementing Regulation (EU) No 1043/2012 of 8 November 2012 approving the active substance phosphane, 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 310, 9.11.2012, p. 24).

⁽¹⁰⁾ 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). Although Implementing Regulation (EU) No 844/2012 was repealed by Implementing Regulation (EU) 2020/1740 (OJ L 392, 23.11.2020, p. 20), the provisions concerning the renewal of the approval of active substances laid down in Implementing Regulation (EU) No 844/2012 continue to apply in accordance with Article 17 of Implementing Regulation (EU) 2020/1740.

Article 2

This Regulation shall enter into force on the third 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, 16 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(a) Part A is amended as follows:

- (1) in the sixth column, expiration of approval, of row 57, Mecoprop-P, the date is replaced by '31 January 2024';
- (2) in the sixth column, expiration of approval, of row 81, Pyraclostrobin, the date is replaced by '31 January 2024';
- (3) in the sixth column, expiration of approval, of row 115, Metiram, the date is replaced by '31 January 2024';
- (4) in the sixth column, expiration of approval, of row 187, Flutolanil, the date is replaced by '29 February 2024';
- (5) in the sixth column, expiration of approval, of row 189, Fluazinam, the date is replaced by '29 February 2024';
- (6) in the sixth column, expiration of approval, of row 191, Mepiquat, the date is replaced by '29 February 2024';
- (7) in the sixth column, expiration of approval, of row 296, Cyflufenamid, the date is replaced by '31 March 2024';
- (8) in the sixth column, expiration of approval, of row 320, Buprofezin, the date is replaced by '31 January 2024';

(b) Part B is amended as follows: in the sixth column, expiration of approval, of row 28, Phosphane, the date is replaced by '31 March 2024';

(c) Part E is amended as follows:

- (1) in the sixth column, expiration of approval, of row 3, Metsulfuron-methyl, the date is replaced by '31 March 2024';
 - (2) in the sixth column, expiration of approval, of row 4, Benzovindiflupyr, the date is replaced by '2 March 2024';
 - (3) in the sixth column, expiration of approval, of row 5, Lambda-Cyhalothrin, the date is replaced by '31 March 2024'.
-