Commission Implementing Regulation (EU) 2017/1113 of 22 June 2017 renewing the approval of the active substance benzoic acid 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 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1113

of 22 June 2017

renewing the approval of the active substance benzoic acid 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

(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 20(1) thereof,

Whereas:

(1) Commission Directive 2004/30/EC[(2)] included benzoic acid as an active substance in Annex I to Council Directive 91/414/EEC[(3)].

(2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011[(4)]

(3) The approval of the active substance benzoic acid, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 January 2018.

(4) An application for the renewal of the approval of benzoic acid was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012[(5)] within the time period provided for in that Article.

(5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.

(6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority (‘the Authority’) and the Commission on 4 January 2016.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2017/1113. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.

(8) On 30 November 2016 the Authority communicated to the Commission its conclusion[(6)] on whether benzoic acid can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft renewal report for benzoic acid to the Standing Committee on Plants, Animals, Food and Feed on 24 January 2017.

(9) The applicant was given the possibility to submit comments on the renewal report.

(10) It has been established with respect to one or more representative uses of at least one plant protection product containing benzoic acid that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied.

(11) It is therefore appropriate to renew the approval of benzoic acid.

(12) The risk assessment for the renewal of the approval of benzoic acid is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing benzoic acid may be authorised. It is therefore appropriate not to maintain the restriction for use only as a disinfectant.

(13) In accordance with Article 14(1) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, however, it is necessary to include certain conditions.

(14) In accordance with Article 20(3) of Regulation (EC) No 1107/2009, in conjunction with Article 13(4) thereof, the Annex to Implementing Regulation (EU) No 540/2011 should be amended accordingly.

(15) Commission Implementing Regulation (EU) 2016/2016[(7)] extended the approval period of benzoic acid to 31 January 2018 in order to allow the renewal process to be completed before the expiry of the approval of that substance. However, given that a decision on renewal has been taken ahead of this extended expiry date, this Regulation should apply from 1 September 2017.

(16) 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

Renewal of the approval of active substance

The approval of the active substance benzoic acid, as specified in Annex I, is renewed subject to the conditions laid down in that Annex.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2017/1113. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 2

Amendments 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 and date of application

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

It shall apply from 1 September 2017.

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

Done at Brussels, 22 June 2017.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2017/1113. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX I

Common Name, Identification Numbers	**IUPAC Name**	**Purity**[a]	**Date of approval**	**Expiration of approval**	**Specific provisions**
Benzoic acid CAS No 65-85-0 CIPAC No 622	Benzoic acid	≥ 990 g/kg	1 September 2017	31 August 2032	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the renewal report on benzoic acid and in particular Appendices I and II thereof, shall be taken into account. In this overall assessment Member States shall pay particular attention to the protection of operators, ensuring that conditions of use impose the use of adequate personal protective equipment. Conditions of use shall include risk mitigation measures, where appropriate.

a Further details on identity and specification of active substance are provided in the review report.