Commission Implementing Regulation (EU) 2017/358 of 28 February 2017 confirming the conditions of approval of the active substance acrinathrin, as set out in Implementing Regulation (EU) No 540/2011 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/358

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confirming the conditions of approval of the active substance acrinathrin, as set out in 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 13(2)(c) thereof,

Whereas:

(1) The active substance acrinathrin was approved in accordance with Regulation (EC) No 1107/2009 by Commission Implementing Regulation (EU) No 974/2011[(2)] and is listed in Part B of the Annex to Commission Implementing Regulation (EU) No 540/2011[(3)]. In accordance with row 19 of Part B of the Annex to Implementing Regulation (EU) No 540/2011, 'only uses as insecticide and acaricide may be authorised at rates not exceeding 22,5 g/ha per application'.

(2) On 8 May 2012, Cheminova A/S, at whose request acrinathrin had been approved, submitted an application for an amendment to the conditions of approval of the active substance acrinathrin in order to allow uses as insecticide and acaricide to be authorised without rate restriction. That application was accompanied by information relating to the requested extension of uses. It was submitted to France, which had been designated rapporteur Member State by Commission Regulation (EC) No 1490/2002[(4)].

(3) France assessed the information submitted by the applicant and prepared an addendum to the draft assessment report. It submitted that addendum to the Commission, with a copy to the European Food Safety Authority, hereinafter 'the Authority', on 5 November 2012.

(4) The Authority circulated the addendum to the applicant and the Member States and made it available to the public, granting a period of 60 days for the submission of written comments.

(5) Taking into account the addendum to the draft assessment report, the Authority adopted its conclusion on acrinathrin on 21 November 2013[(5)], as regards its unrestricted use as an insecticide and an acaricide.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2017/358. 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*

(6) The Authority communicated its conclusion to the applicant, the Member States and the Commission and made it available to the public. Taking into account the addendum to the draft assessment report by the rapporteur Member State and the conclusion of the Authority, the Commission presented a review report and a draft Regulation to the Standing Committee on Plants, Animals, Food and Feed.

(7) The applicant was given the possibility to submit comments on the review report for acrinathrin including the addendum. The applicant submitted its comments, which have been carefully examined. However, despite the arguments put forward by the applicant, the concerns referred to in recital 8 could not be eliminated.

(8) On the basis of the review report and other factors legitimate to the matter under consideration, it is to be considered that the additional information submitted by the applicant does not permit elimination of the specific concerns that led to the restriction of the use of acrinathrin at rates not exceeding 22,5 g/ha per application. In particular, acrinathrin is very toxic to fish and aquatic invertebrates and its acceptability on the basis of the current rates already require extensive risk mitigation. The new data provided by the applicant failed to demonstrate that the envisaged significant increase of rates, and consequently, of exposure, would still result in an acceptable risk for the concerned aquatic organisms. Finally, on the basis of confirmatory information submitted by the notifier, EFSA concludes that the higher rates would induce a high risk to non-target arthropods which further confirms that these rates cannot be increased.

(9) Consequently, it has not been demonstrated that it may be expected that plant protection products containing acrinathrin satisfy in general the requirements laid down in Article 4(3) of Regulation (EC) No 1107/2009 when used as an insecticide or an acaricide without rate restrictions.

(10) The conditions of approval of the active substance acrinathrin, as set out in row 19 of Part B of the Annex to Implementing Regulation (EU) No 540/2011, should, therefore, be confirmed.

(11) 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

Confirmation of the conditions of approval

The conditions of approval of the active substance acrinathrin, as set out in row 19 of Part B of the Annex to Implementing Regulation (EU) No 540/2011, are confirmed.