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 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/139

of 2 February 2016

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(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 24 in conjunction with Article 20(1) thereof,

Whereas:

(1) The approval of the active substance metsulfuron-methyl, as set out in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011[(2)], expires on 30 June 2016.

(2) An application for the renewal of the inclusion of metsulfuron-methyl in Annex I to Council Directive 91/414/EEC[(3)] was submitted in accordance with Article 4 of Commission Regulation (EU) No 1141/2010[(4)] within the time period provided for in that Article.

(3) The applicant submitted the supplementary dossiers required in accordance with Article 9 of Regulation (EU) No 1141/2010. The application was found to be complete by the rapporteur Member State.

(4) 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 (hereinafter 'the Authority') and the Commission on 8 August 2013.

(5) 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.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2016/139. 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) On 5 December 2014 the Authority communicated to the Commission its conclusion[5] on whether metsulfuron-methyl can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft review report for metsulfuron-methyl to the Standing Committee on Plants, Animals, Food and Feed on 29 May 2015.

(7) It has been established with respect to one or more representative uses of at least one plant protection product containing the active substance that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. Those approval criteria are therefore deemed to be satisfied.

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

(9) The Commission, however, considers that metsulfuron-methyl is a candidate for substitution pursuant to Article 24 of Regulation (EC) No 1107/2009. Metsulfuron-methyl is considered a persistent and toxic substance in accordance with points 3.7.2.1 and 3.7.2.3 respectively, of Annex II to Regulation (EC) No 1107/2009, given that the half-life in fresh water is higher than 40 days and the long-term no-observed effect concentration for freshwater organisms is less than 0,01 mg/L. Metsulfuron-methyl therefore fulfils the condition set in the second indent of point 4 of Annex II to Regulation (EC) No 1107/2009.

(10) In accordance with Article 20(1) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is necessary to include certain conditions. It is, in particular, appropriate to require further confirmatory information.

(11) It is therefore appropriate to renew the approval of metsulfuron-methyl as a candidate for substitution.

(12) 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.

(13) Commission Implementing Regulation (EU) 2015/1885[6] extended the expiry date of metsulfuron-methyl to 30 June 2016 in order to allow the renewal process to be completed before the expiry of the approval of that substance. Given that a decision on renewal has been taken ahead of this extended expiry date, this Regulation shall apply from 1 April 2016.

(14) 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:

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2016/139. 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 1

Renewal of the approval of active substance as a candidate for substitution

The approval of the active substance metsulfuron-methyl, as a candidate for substitution, is renewed as set out in Annex I.

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 the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 April 2016.

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

Done at Brussels, 2 February 2016.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2016/139. 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**
Metsulfuron-methyl CAS No 74223-64-6 CIPAC No 441.201	Methyl 2-(4-methoxy-6-methyl-1,3,5-triazin-2-ylcarbamoylsulfamoyl)benzoate	967 g/kg	1 April 2016	31 March 2023	For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on metsulfuron-methyl, 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 consumers, — the protection of groundwater, — the protection of non-target terrestrial plants. Conditions of use shall include risk

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