Commission Implementing Regulation (EU) 2015/1166 of 15 July 2015 renewing the approval of the active substance ferric phosphate 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) 2015/1166

of 15 July 2015

renewing the approval of the active substance ferric phosphate 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 22 in conjunction with Article 20(1) thereof,

Whereas:

(1) The approval of the active substance ferric phosphate, as set out in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011[(2)], expires on 31 December 2015.

(2) An application for the renewal of the inclusion of ferric phosphate 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 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 30 April 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.

(6) On 17 December 2014 the Authority communicated to the Commission its conclusion[(5)] on whether ferric phosphate can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2015/1166. 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*

review report for ferric phosphate to the Standing Committee on Plants, Animals, Food and Feed on 20 March 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 Commission further considers that ferric phosphate is a low-risk active substance pursuant to Article 22 of Regulation (EC) No 1107/2009. Ferric phosphate is not a substance of concern and fulfils the conditions set in point 5 of Annex II to Regulation (EC) No 1107/2009. Ferric phosphate consists of compounds that are ubiquitous in the environment and that are essential for animal and plant functions. Additionally, ferric phosphate is a natural constituent of the human diet. The additional exposure of humans, animals and the environment by the uses approved under Regulation (EC) No 1107/2009 is expected to be negligible compared to exposure expected through realistic natural situations.
The risk assessment for the renewal of the approval of ferric phosphate is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing ferric phosphate may be authorised. It is therefore appropriate not to maintain the restriction to uses as a molluscicide.

(9) Accordingly, it is appropriate to renew the approval of ferric phosphate as a low risk substance.

(10) 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.

(11) This Regulation should apply from the day after the date of expiry of the approval of the active substance ferric phosphate, as referred to in recital 1.

(12) 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 ferric phosphate, as specified in Annex I, is renewed, subject to the conditions laid down in that Annex.

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.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2015/1166. 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 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 January 2016.

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

Done at Brussels, 15 July 2015.

For the Commission

The President

Jean-Claude JUNCKER