Commission Implementing Regulation (EU) 2015/1108 of 8 July 2015 approving the basic substance vinegar 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) 2015/1108

of 8 July 2015

approving the basic substance vinegar 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 23(5) in conjunction with Article 13(2) thereof,

Whereas:

(1) In accordance with Article 23(3) of Regulation (EC) No 1107/2009, the Commission received on 24 April 2013 an application from the Institut Technique de l'Agriculture Biologique (ITAB) for the approval of vinegar as basic substance. On 17 March 2014 an application from the city of Paris (France) was received to extend the intended uses covered by the application for the approval of vinegar as basic substance. Those applications were accompanied by the information required by the second subparagraph of Article 23(3).

(2) The Commission asked the European Food Safety Authority (hereinafter 'the Authority') for scientific assistance. The Authority presented to the Commission a Technical Report on the substance concerned on 12 August 2014[(2)]. The Commission presented the review report[(3)] and a draft of this Regulation to the Standing Committee on Plants, Animals, Food and Feed on 27 January 2015 and finalised them for the meeting of that Committee of 29 May 2015.

(3) The documentation provided by the applicant shows that vinegar fulfils the criteria of a foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council[(4)]. Moreover, it is not predominantly used for plant protection purposes but nevertheless is useful in plant protection in a product consisting of the substance and water. In particular, vinegar should not be confused with acetic acid, an active substance which was included in Annex I to Council

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2015/1108. 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*

Directive 91/414/EEC[(5)] by Commission Directive 2008/127/EC[(6)], as clarified in the Commission interpretative communication[(7)] on the names under which foodstuffs are sold. Consequently, vinegar is to be considered as a basic substance.

(4) It has appeared from the examinations made that vinegar may be expected to satisfy, in general, the requirements laid down in Article 23 of Regulation (EC) No 1107/2009, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve vinegar as a basic substance.

(5) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions for the approval which are detailed in Annex I to this Regulation.

(6) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011[(8)] should be amended accordingly.

(7) 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

Approval of a basic substance

The substance vinegar as specified in Annex I is approved as basic substance subject to the conditions laid down in that Annex.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

Part C of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth 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.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2015/1108. 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**	**Specific provisions**
Vinegar CAS No: 90132-02-8	Not available	Food grade containing a maximum of 10 % acetic acid	1 July 2015	Only uses as basic substance being a fungicide and bactericide are approved. **[**[F1]Vinegar shall be used in accordance with the specific conditions included in the conclusions of the review report on vinegar (SANCO/12896/2014) and in particular Appendices I and II thereof.**]**

a Further details on identity, specification and manner of use of basic substance are provided in the review report.

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2019/149 of 30 January 2019 amending Implementing Regulations (EU) 2015/1108 and (EU) No 540/2011 as regards the conditions of use of vinegar as a basic substance (Text with EEA relevance).

ANNEX II

In Part C of the Annex to Implementing Regulation (EU) No 540/2011, the following entry is added:

Number	**Common Name, Identification Numbers**	**IUPAC Name**	**Purity[a]**	**Date of approval**	**Specific provisions**
‘5	Vinegar CAS No: 90132-02-8	Not available	Food grade containing a maximum of 10 % acetic acid.	1 July 2015	Only uses as basic substance being a fungicide and

a Further details on identity, specification and manner of use of basic substance are provided in the review report.