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Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorpyrifos in or on certain products

Delegations will find attached document D041474/02.

Encl.: D041474/02



EUROPEAN
COMMISSION

Brussels, **XXX**
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[...](2015) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Annexes II and III to Regulation (EC) No 396/2005 of the European
Parliament and of the Council as regards maximum residue levels for chlorpyrifos in or
on certain products**

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorpyrifos in or on certain products

(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 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC¹, and in particular Article 14(1)(a) thereof,

Whereas:

- (1) For chlorpyrifos, maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005.
- (2) In accordance with Article 21 of Regulation (EC) No 1107/2009², the Commission requested the European Food Safety Authority, hereinafter "the Authority", to carry out a toxicological review of chlorpyrifos. The conclusion of the Authority was published on 22 April 2014³.
- (3) In accordance with Article 43 of Regulation (EC) No 396/2005, the Commission requested the Authority to provide a reasoned opinion on the existing MRLs for chlorpyrifos based on the new toxicological reference values. The Authority submitted its reasoned opinion on 12 June 2015⁴.
- (4) The Authority concluded that the current MRLs for mandarins, apples, pears, peaches, table grapes, blackberries, raspberries, currants, gooseberries, kiwi, pineapples,

¹ OJ L 70, 16.3.2005, p. 1.

² 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 (OJ L 309, 24.11.2009, p. 1).

³ EFSA, 2014. Conclusion on the peer review of the pesticide human health risk assessment of the active substance chlorpyrifos. EFSA Journal 2014;12(4):3640, 34 pp. doi: 10.2903/j.efsa.2014.3640.

⁴ EFSA, 2015. Reasoned opinion on the refined risk assessment regarding certain maximum residue levels (MRLs) of concern for the active substance chlorpyrifos. EFSA Journal 2015;13(6):4142, 41 pp. doi:10.2903/j.efsa.2015.4142.

potatoes, tomatoes, peppers, aubergines, melons, watermelons, head cabbage, chinese cabbage, globe artichokes, leek and sugar beet may raise concerns of consumer protection. The Authority therefore recommended lowering the existing MRLs for these commodities. It indicated that the uses on blackberries, currants, gooseberries, kiwi, pineapples, potatoes, melons, watermelons, chinese cabbage and leek are no longer supported and that, concerning the MRLs for these commodities, further consideration by risk managers was required. The MRLs for these commodities should be set at the specific limit of determination.

- (5) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain limits of determination. Those laboratories concluded that for certain commodities technical development requires the setting of specific limits of determination.
- (6) Based on the reasoned opinion of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (7) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.
- (8) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (9) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.
- (10) 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

Annexes II and III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

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 [*Office of Publications: please insert date 6 months after entry into force*].

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

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER