Council of the
European Union

Brussels, 6 July 2023
(OR. en)

11552/23

AGRILEG 125
PESTICIDE 36

COVER NOTE

From:	European Commission
date of receipt:	6 July 2023
To:	General Secretariat of the Council
No. Cion doc.:	D085843/04
Subject:	COMMISSION REGULATION (EU) …/… of XXX amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for carbetamide, carboxin and triflumuron in or on certain products

Delegations will find attached document D085843/04.

Encl.: D085843/04

EUROPEAN
COMMISSION

Brussels, XXX
PLAN/2022/2308
(POOL/E4/2022/2308/2308-EN.docx)
D085843/04
[…](2023) XXX draft

COMMISSION REGULATION (EU) …/…

of XXX

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

(Text with EEA relevance)

COMMISSION REGULATION (EU) …/…

of XXX

amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for carbetamide, carboxin and triflumuron 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/EEC[1], and in particular Article 14(1), point (a), Article 18(1), point (b), and Article 49(2) thereof,

Whereas:

(1) For carbetamide, carboxin and triflumuron, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005.

(2) The approval of the active substance carbetamide expired on 31 May 2021 and the applicant withdrew the application for its renewal. All existing authorisations for plant protection products containing that active substance have been revoked. No Codex maximum residue limits ('CXLs') or import tolerances exist for carbetamide. It is therefore appropriate to delete the MRLs set out for that substance in Annex II to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1) point (a) thereof. MRLs for all products should be set at the product specific limit of determination ('LOD') in Annex V to that Regulation in accordance with Article 18(1), point (b), of that Regulation. Additionally, for the avoidance of doubt, the footnotes indicating lack of information on crop metabolism, residue trials and storage stability should be deleted.

(3) The approval of the active substance carboxin expired on 31 May 2021 and the applicant withdrew the application for its renewal. All existing authorisations for plant protection products containing that active substance have been revoked. No CXLs or import tolerances exist for carboxin. The MRLs for carboxin on all products are already set at the LOD in Annex II to Regulation (EC) No 396/2005. In accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1) point (a) thereof the MRLs for carboxin should be deleted in Annex II to Regulation (EC) No 396/2005. MRLs for all products should be set at the product specific LOD in Annex V to that Regulation in accordance with Article 18(1), point (b), of that Regulation.

(4) The approval of the active substance triflumuron expired on 31 March 2021 and applicant has not submitted an application for its renewal. All existing authorisations

[1] OJ L 70, 16.3.2005, p. 1.

for plant protection products containing that active substance have been revoked. No CXLs or import tolerances exist for triflumuron. It is therefore appropriate to delete the MRLs set out for that substance in Annex II to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1) point (a) thereof. MRLs for all products should be set at the product specific LOD in Annex V to that Regulation in accordance with Article 18(1), point (b), of that Regulation. Additionally, for the avoidance of doubt, the footnotes indicating lack of information on the magnitude of residues in processed commodities and residue trials should be deleted.

(5) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain LODs. For carbetamide, carboxin and triflumuron those laboratories proposed product specific LODs that are analytically achievable.

(6) 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.

(7) Regulation (EC) No 396/2005 should therefore be amended accordingly.

(8) For carbetamide, carboxin and triflumuron, to allow for the normal marketing, processing and consumption of products, this Regulation should not apply to products which have been produced in the Union or imported into the Union before the modified MRLs become appliable and for which a high level of consumer protection is maintained.

(9) A reasonable period should be allowed to elapse before the new MRLs become applicable in order to allow Member States, third countries and food business operators to adapt themselves to the requirements which result from the amendments to the relevant 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 V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were produced in the Union or imported into the Union before … *[Office of Publications: please insert 6 months after the date of entry into force of this Regulation*].

Article 3

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 6 months after the date of entry into force of this Regulation*].

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN