



Council of the
European Union

Brussels, 15 September 2023
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12989/23

LIMITE

AGRILEG 188
DENLEG 42
FOOD 68
PESTICIDE 43

Interinstitutional File:
2023/0306(NLE)

'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)

Subject: Proposal for a COUNCIL REGULATION 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 tricyclazole in or on certain products
- Confirmation of delegations' positions

1. Following a favourable opinion of the European Food Safety Authority, the Commission prepared a draft Commission Regulation proposing the modification of the MRL for tricyclazole in rice, raising it from the limit of determination established at 0.01 mg/kg to a level of 0.09 mg/kg. The Commission submitted it to the Standing Committee on Plants, Animals, Food and Feed, on 11 May 2023, for an opinion. The Committee was unable to deliver an opinion on the draft Commission Regulation, as a qualified majority for or against the proposed measures was not reached.

2. As a consequence, on 30 August 2023, the Commission submitted to the Council the above proposal for a Council Regulation under the procedure for the exercise of implementing powers conferred on the Commission (Comitology)¹. Its purpose is to set an import tolerance for residues of the active substance tricyclazole in rice at the level of 0.09 mg/kg. The Council shall act on the Commission proposal by a qualified majority within a one-month period, ending on 30 September 2023.
3. On 4 September 2023, the Counsellors/Attaches (Agri - Food and Food systems) examined the proposal for a Council Regulation. While several delegations indicated that they could support the Commission proposal, some others expressed various concerns because of which they were unable to support the proposal.
4. Following this initial exchange of views, the Presidency invited all delegations to confirm their positions in writing by 8 September 2023². The outcome of that consultation, which is presented in Annex, indicates a lack of the required qualified majority either in favour or against the Commission proposal.
5. The Coreper is therefore invited to confirm that there is no sufficient movement in the positions of delegations to allow the Council to act on the Commission proposal by qualified majority.

¹ Council Decision 1999/468/EC modified by Council Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

² WK 10935/2023.

Outcome of the informal written consultation (WK 10935/2023)

	In favour	Against	Abstention
Belgium			x
Bulgaria	x		
Czechia	x		
Denmark	x		
Germany	x		
Estonia	x		
Ireland	x		
Greece		x	
Spain		x	
France		x	
Croatia	x		
Italy		x	
Cyprus	x		
Latvia			x
Lithuania			x
Luxembourg	x		
Hungary	x		
Malta	x		

Netherlands	x		
Austria		x	
Poland		x	
Portugal		x	
Romania	x		
Slovenia		x	
Slovakia	x		
Finland	x		
Sweden	x		
<i>Number of members of the Council:</i>	16	8	3
<i>Population (%):</i>	41,71%	54,65%	3,65%

