Council of the European Union

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| To: | General Secretariat of the Council |
| No. Cion doc.: | D117939/02 |
| Subject: | COMMISSION REGULATION (EU) .../... of XXX amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid in or on certain products |

Delegations will find attached document D117939/02.

Encl.: D117939/02

EUROPEAN
COMMISSION

Brussels, XXX
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D117939/02
[…](2026) XXX draft

**COMMISSION REGULATION (EU) …/…**

**of XXX**

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

(Text with EEA relevance)

**COMMISSION REGULATION (EU) …/…**

**of XXX**

**amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid 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), thereof,

Whereas:

(1) For the active substance acetamiprid, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005.

(2) Pursuant to Article 6(1) of Regulation (EC) No 396/2005, an application was submitted for MRLs for acetamiprid in plums, soyabeans, parsley, rosemary, basil and edible flowers and honey, and a second application was submitted for MRLs for acetamiprid in soyabeans and barley. This increase of MRLs was requested to enable the authorisation by Member States of new uses of plant protection products containing acetamiprid on these six food commodities, thereby providing EU farmers with additional tools to fight pests on those crops.

(3) The European Food Safety Authority ('the Authority) assessed these applications and the evaluation reports prepared by the Evaluating Member States, examining in particular the risks to consumers and, where relevant, to animals, and gave a reasoned opinion on the proposed MRLs[2]. It forwarded the reasoned opinion to the applicants, the Commission and Member States and made it available to the public.

(4) As regards those applications, the Authority concluded that the data were appropriate to derive MRL proposals for acetamiprid in plums, soyabeans, parsley, rosemary, basil and edible flowers. It is therefore appropriate to set the requested MRLs at the levels recommended by the Authority.

(5) For barley, the Authority identified a data gap for processing studies, which are required under Commission Regulation (EU) No 283/2013[3] when residue levels in

[1] OJ L 70, 16.3.2005, p. 1, ELI: http://data.europa.eu/eli/reg/2005/396/oj.

[2] Modification of the existing maximum residue level for acetamiprid in various crops and honey. EFSA Journal, 2025; 23 (12); e9774. https://doi.org/10.2903/j.efsa.2025.9774.

[3] Commission Regulation (EU) No 283/2013 of 1 March 2013 setting out the data requirements for active substances, 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 (OJ L 93, 3.4.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/283/oj).

edible commodities exceed 0,1 mg/kg. Therefore, the Authority did not propose an MRL in support of the intended use of acetamiprid on barley. The Commission and Member States considered it appropriate to raise, as a risk management decision, the MRL for acetamiprid in barley to the requested level which has been demonstrated to be safe for European consumers. For honey, the existing MRL for acetamiprid set by Commission Regulation (EU) 2026/876[4] is higher than the requested MRL and has been recently assessed as safe by the Authority[5]. It is, therefore, appropriate to maintain the current MRL for acetamiprid in honey.

(6) On 14 November 2025, the Codex Alimentarius Commission adopted new Codex maximum residue limits ('CXLs') for acetamiprid in beans, lentils, peas and lupins/lupini beans[6].

(7) In accordance with Article 5(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council[7], where international standards exist or their completion is imminent, they are to be taken into consideration in the development or adaptation of food law, except where such standards or relevant parts thereof would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives of the Union food law, or where there is a scientific justification, or where they would result in a different level of protection from the one determined as appropriate in the Union. Moreover, in accordance with Article 13, point (e), of that Regulation, the Union is to promote consistency between international technical standards and Union food law while ensuring that the high level of protection adopted in the Union is not reduced.

(8) The Authority assessed the risks that those CXLs may pose to consumers and published its scientific report[8]. It confirmed that the CXLs for acetamiprid in beans, lentils, peas and lupins/lupini beans are safe for consumers in the Union.

(9) Based on the scientific report of the Authority and taking into account the relevant factors listed in Article 14(2) of Regulation (EC) No 396/2005, it is concluded that the MRLs for acetamiprid in beans, lentils, peas and lupins/lupini beans should be set at the level of the CXLs in Annex II to that Regulation.

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

(11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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4 Commission Regulation (EU) 2026/876 of 21 April 2026 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid, aclonifen, deltamethrin, oxathiapiprolin and potassium phosphonates in or on certain products (OJ L, 2026/876, 22.4.2026, ELI: http://data.europa.eu/eli/reg/2026/876/oj).

5 Modification of the existing maximum residue level for acetamiprid in honey. *EFSA Journal* 2025;23(3): e9300, https://doi.org/10.2903/j.efsa.2025.9300.

6 Joint FAO/WHO Food Standards Programme Codex Alimentarius Commission, Forty-eighth Session, FAO headquarters Rome, Italy, 10-14 November 2025. http://fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-702-88%252FFINAL%252520REPORT%252FREP25_EXEC1e.pdf.

7 Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1, ELI: http://data.europa.eu/eli/reg/2002/178/oj).

8 European Food Safety Authority. Scientific support for preparing an EU position in the 56th Session of the Codex Committee on Pesticide Residues (CCPR). EFSA Journal. 2025;23:e9640. https://doi.org/10.2903/j.efsa.2025.9640.

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 396/2005 is 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*.

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*