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To:	General Secretariat of the Council
No. Cion doc.:	D117885/02
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 cycloxydim, ethofumesate, folpet, mepiquat and quinmerac in or on certain products

Delegations will find attached document D117885/02.

Encl.: D117885/02

EUROPEAN
COMMISSION

Brussels, XXX
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D117885/02
[…](2026) 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 cycloxydim, ethofumesate, folpet, mepiquat and quinmerac 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 cycloxydim, ethofumesate, folpet, mepiquat and quinmerac 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 substances cycloxydim, ethofumesate, folpet and quinmerac, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005. For the active substance mepiquat, temporary MRLs were set in Part A of Annex III to that Regulation.

(2) As regards cycloxydim, an application requesting a modification of the existing MRL was submitted for honey pursuant to Article 6(1) of Regulation (EC) No 396/2005. As regards ethofumesate, such an application was submitted for carrots. As regards mepiquat, such an application was submitted for honey.

(3) As regards folpet, an application for an import tolerance was submitted for bananas based on uses in Ecuador and El Salvador, pursuant to Article 6(2) and (4) of Regulation (EC) No 396/2005, and another application for honey, pursuant to Article 6(1) of Regulation (EC) No 396/2005.

(4) 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 reasoned opinions on the proposed MRLs[2]. It forwarded those opinions to the applicants, the Commission and the Member States and made them available to the public.

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[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 cycloxydim in honey. EFSA Journal, 2026; 24 (5); e10093. https://doi.org/10.2903/j.efsa.2026.10093.
Modification of the existing maximum residue level for ethofumesate in carrots. EFSA Journal, 2026; 24 (7); e10188. https://doi.org/10.2903/j.efsa.2026.10188.
Modification of the existing maximum residue level for mepiquat chloride in honey. EFSA Journal, 2026; 24 (7); e10225. https://doi.org/10.2903/j.efsa.2026.10225.
Setting of import tolerance for folpet in bananas and modification of the existing maximum residue level in honey. EFSA Journal, 2026; 24 (7); e10168. https://doi.org/10.2903/j.efsa.2026.10168.

(5) As regards applications for cycloxydim in honey, ethofumesate in carrots, mepiquat in honey and folpet in bananas, the Authority concluded that the data were appropriate to derive MRL proposals for these commodities under assessment. It is, therefore, appropriate to set the requested MRLs at the levels recommended by the Authority. As regards the application for folpet in honey, the Authority concluded that the good agricultural practice on which the proposed MRL was based was not sufficiently supported by the submitted data due to inconsistencies between the application patterns used in the semi-field tunnel trials compared to those defined in the selected critical good agricultural practice. The Commission and Member States considered it appropriate to set, as a risk management decision, a tentative MRL for folpet in honey to the requested level which has been demonstrated to be safe for European consumers, and to insert the corresponding footnote indicating the missing information and the deadline for its submission.

(6) As regards quinmerac, tentative MRLs were set by Commission Regulation (EU) 2022/1321[3] for livestock commodities (bovine, sheep, goat and equine liver, kidney, and edible offal (other than liver and kidney)). These tentative MRLs were set pending the submission of confirmatory data from residue trials on sugar beet and fodder beet tops, based on the Authority's reasoned opinion[4] in the framework of the MRL review under Article 12 of Regulation (EC) No 396/2005.

(7) In July 2024, the applicant submitted the requested confirmatory data concerning quinmerac. The Authority evaluated the submitted confirmatory data and published a reasoned opinion[5]. The Authority concluded that the data gap identified in the MRL review has been addressed and that the new information allowed confirming the tentative MRLs for liver, kidney and edible offal of bovine, sheep, goat and equine commodities at the current levels. It is, therefore, appropriate to maintain the existing MRLs for these commodities, and delete the footnotes requiring the submission of information from Annex II to Regulation (EC) No 396/2005.

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

(9) 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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[3] Commission Regulation (EU) 2022/1321 of 25 July 2022 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 fluoride ion, oxyfluorfen, pyroxsulam, quinmerac and sulfuryl fluoride in or on certain product (OJ L 200, 29.7.2022, pp. 1–24, ELI: http://data.europa.eu/eli/reg/2022/1321/oj).

[4] Reasoned opinion on the review of the existing maximum residue levels for quinmerac according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2020;18(10):6257, https://doi.org/10.2903/j.efsa.2020.6257.

[5] Evaluation of confirmatory data following the Article 12 MRL review for quinmerac. EFSA Journal 2026;24 (7): e10189, https://doi.org/10.2903/j.efsa.2026.10189.

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*.

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