



Council of the
European Union

Brussels, 6 March 2024
(OR. en)

7330/24

DENLEG 17
AGRILEG 122
PESTICIDE 12

COVER NOTE

From:	European Commission
date of receipt:	4 March 2024
To:	General Secretariat of the Council

No. Cion doc.:	D094683/2
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for benzovindiflupyr, chlorantraniliprole, emamectin, quinclorac, spiromesifen, and triflumuron in or on certain products

Delegations will find attached document D094683/2.

Encl.: D094683/2



Brussels, **XXX**
PLAN/2024/47 (POOL/E4/2024/47/47-
EN.docx)
D094683/02
[...] (2024) **XXX** draft

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

of **XXX**

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

(Text with EEA relevance)

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

of **XXX**

amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for benzovindiflupyr, chlorantraniliprole, emamectin, quinclorac, spiromesifen, 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/EEC¹, and in particular Article 14(1), point (a), thereof,

Whereas:

- (1) For benzovindiflupyr, chlorantraniliprole and emamectin, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005. For quinclorac and spiromesifen, MRLs were set in Part A of Annex III to that Regulation. For triflumuron, MRLs were set in Annex V to that Regulation.
- (2) On 2 December 2023, the Codex Alimentarius Commission adopted new Codex maximum residue limits (CXLs) for the active substances benzovindiflupyr, chlorantraniliprole, emamectin, quinclorac, spiromesifen, and triflumuron².
- (3) In accordance with Article 5(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council³, 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.

¹ OJ L 70, 16.3.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/396/2023-10-21>.

² Joint FAO/WHO Food Standards Programme Codex Alimentarius Commission. Forty-sixth Session. FAO headquarters, Rome, Italy. 27 November to 2 December 2023. https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-701-46%252F%25E2%2598%2585Final%252520Report%252FREP23_CACe.pdf.

³ OJ L 31, 1.2.2002, p. 1, ELI: <http://data.europa.eu/eli/reg/2002/178/oj>.

- (4) The European Food Safety Authority ('the Authority') assessed the risks that those CXLs pose to consumers and published a scientific report⁴. The Union presented reservations^{5,6} to the Codex Committee on Pesticides Residues on the CXLs proposed for the pesticide/product combinations of emamectin (flowerhead brassica subgroup and milks) and quinclorac (cranberry and rape seeds), for which the Authority had identified a potential consumer health risk in its scientific report. The Union also presented reservations⁷ to the Codex Alimentarius Commission on the CXLs proposed for spirothifosifen in products of animal origin. As new data were provided by one applicant, the Union withdrew previously presented reservations for the CXLs proposed for quinclorac in cranberry and rape seeds and confirmed its support to the establishment of the proposed CXLs for those pesticide/products combinations.
- (5) The CXLs for which the Authority did not identify risks to consumers in the Union, and for which the Union therefore did not present a reservation to the Codex Committee on Pesticides Residues or the Codex Alimentarius Commission, can be considered safe. This is the case for certain CXLs for benzovindiflupyr, chlorantraniliprole, emamectin, quinclorac, spiromesifen, and triflumuron. Those CXLs should therefore be included in Regulation (EC) No 396/2005, except where they relate to products which are not listed in Annex I to that Regulation or where they are at a lower level than the current MRLs for the pesticide/product combinations concerned.
- (6) 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, the Commission has concluded that the proposed modifications to the MRLs are acceptable.
- (7) Annexes II, III and V to Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (8) 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:

⁴ EFSA 2023. Scientific support for preparing an EU position for the 54th Session of the Codex Committee on Pesticide Residues (CCPR). EFSA Journal, 21(8), 1–303. <https://doi.org/10.2903/j.efsa.2023.8111>.

⁵ European Union comments on Codex CX/PR 23/54/5-Add.1: https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-718-54%252FWDs%252Fpr54_05_Add1x.pdf.

⁶ Report of the 54th session of the Codex Committee on Pesticide Residues REP23/PR54: https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-718-54%252FREPORT%252FFINAL%252520REPORT%252520CORRIGENDUM%252FREP23_PR54e_CORR.pdf.

⁷ Joint FAO/WHO Food Standards Programme Codex Alimentarius Commission. Forty-sixth Session. CRD23. Comments of Benin, Egypt, European Union, Ghana, India, Kenya, Mali, Senegal, Singapore, and South Africa on Agenda Item 4.12 (Work from the Codex Committee on Pesticide Residues (CCPR) for adoption or approval by the Commission). https://www.fao.org/fao-who-codexalimentarius/sh-proxy/jp/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-701-46%252FCRDs%252FCRD12%2B-%2B26%2B%2528Agenda%2Bitem%2B4%2529%252FCRD23%252Fcac46_crd23.pdf.

Article 1

Annexes II, III, and V 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