



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 18 February 2014  
(OR. en)**

**6629/14**

**AGRILEG 37**

**COVER NOTE**

From:	European Commission
date of receipt:	13 February 2014
To:	General Secretariat of the Council
No. Cion doc.:	D030447/02
Subject:	COMMISSION REGULATION (EU) No .../.. 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 ametoctradin, azoxystrobin, cycloxydim, cyfluthrin, dinotefuran, fenbuconazole, fenvalerate, fludioxonil, fluopyram, flutriafol, fluxapyroxad, glufosinate-ammonium, imidacloprid, indoxacarb, MCPA, methoxyfenozide, penthiopyrad, spinetoram and trifloxystrobin in or on certain products (Text with EEA relevance)

Delegations will find attached document D030447/02.

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Encl.: D030447/02



EUROPEAN  
COMMISSION

Brussels, **XXX**  
SANCO/12375/2013  
(POOL/2013/12375/12375-EN.doc)  
D30447/02  
[...](2013) **XXX** draft

## COMMISSION REGULATION (EU) No .../..

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 ametoctradin, azoxystrobin, cycloxydim, cyfluthrin, dinotefuran, fenbuconazole, fenvalerate, fludioxonil, fluopyram, flutriafol, fluxapyroxad, glufosinate-ammonium, imidacloprid, indoxacarb, MCPA, methoxyfenozide, penthiopyrad, spinetoram and trifloxystrobin in or on certain products**

(Text with EEA relevance)

# COMMISSION REGULATION (EU) No .../..

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 ametoctradin, azoxystrobin, cycloxydim, cyfluthrin, dinotefuran, fenbuconazole, fenvalerate, fludioxonil, fluopyram, flutriafol, fluxapyroxad, glufosinate-ammonium, imidacloprid, indoxacarb, MCPA, methoxyfenozide, penthiopyrad, spinetoram and trifloxystrobin 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<sup>1</sup>, and in particular Article 14(1)(a) thereof,

Whereas:

- (1) On 5 July 2013 the Codex Alimentarius Commission (CAC)<sup>2</sup>, on proposal of the Codex Committee on Pesticides Residues (CCPR), adopted Codex maximum residue limits (CXLs) for ametoctradin, azoxystrobin, buprofezin, carbofuran, chlorothalonil, cycloxydim, cyfluthrin, cyromazine, dichlorvos, dicofol, diflubenzuron, dinotefuran, esfenvalerate, etofenprox, fenbuconazole, fenvalerate, fludioxonil, fluopyram, flutriafol, fluxapyroxad, glufosinate-ammonium, hexythiazox, imidacloprid, indoxacarb, MCPA, methoxyfenozide, penthiopyrad, phorate, pyraclostrobin, saflufenacil, sedaxane, spinetoram, spirotetramat, sulfoxaflor and trifloxystrobin.
- (2) Maximum residue levels (MRLs) are set for those substances in Regulation (EC) No 396/2005 except for dinotefuran, sedaxane and sulfoxaflor. As dinotefuran, sedaxane and sulfoxaflor are not included in Annex IV to Regulation (EC) No 396/2005, the default value of 0.01 mg/kg laid down in Article 18(1)(b) applies.
- (3) In accordance with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), MRLs should be adapted to international

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<sup>1</sup> OJ L 70, 16.3.2005, p. 1.

<sup>2</sup> Codex Committee on Pesticide Residues reports available on:  
[http://www.codexalimentarius.org/download/report/799/REP13\\_PRe.pdf](http://www.codexalimentarius.org/download/report/799/REP13_PRe.pdf)  
Joint FAO/WHO food standards programme Codex Alimentarius Commission. Appendices II and III. Thirty-Sixth Session. Rome, Italy, 1-5 July 2013.

standards, except where there is a scientific justification to maintain a higher level of protection than provided by an international standard.

- (4) Accordingly, the Union presented a reservation to the CCPR on the MRLs proposed for the following pesticide/product combinations: ametoctradin (brassica vegetables; leafy vegetables; spring onions); buprofezin (tea); chlorothalonil (all products); cycloxydim (brassica vegetables; eggs); cyromazine (all products); dichlorvos (eggs; poultry (edible offal, fat, meat); rice; wheat); dicofol (tea); diflubenzuron (all products); dinotefuran (brassicas; fruiting vegetables; leafy vegetables except water cress); fenvalerate (Chinese broccoli); fluxapyroxad (stone fruit); glufosinate-ammonium (assorted tropical and subtropical fruits; currants; potatoes; stone fruit); hexythiazox (all products); imidacloprid (celery); methoxyfenozide (cucurbits); penthiopyrad (flowerhead brassicas; stone fruit; leafy vegetables); phorate (all products); saflufenacil (all products); spinetoram (celery; spinach and brassica vegetables); and sulfoxaflor (all products).
- (5) CXLs for ametoctradin, azoxystrobin, cycloxydim, cyfluthrin, dinotefuran, fenbuconazole, fenvalerate, fludioxonil, fluopyram, flutriafol, fluxapyroxad, glufosinate-ammonium, imidacloprid, indoxacarb, MCPA, methoxyfenozide, penthiopyrad, spinetoram and trifloxystrobin should therefore be included in Regulation (EC) No 396/2005 as MRLs except where they relate to products which are not set out in Annex I to that Regulation or where they are set at a lower level than the current MRLs. Those CXLs are safe for consumers in the Union<sup>3</sup>.
- (6) As regards fenvalerate and fludioxonil, MRLs were set for several commodities by Regulation (EU) No xxxx/yyyy [Official Journal please insert the correct number]<sup>4</sup>. As that Regulation applies as of [Official Journal please insert date of application of the Regulation referred to in footnote 4.], it is appropriate for the MRLs set for fenvalerate and fludioxonil by this Regulation, to apply from the same date.
- (7) 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 the Food Chain and Animal Health,

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*

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<sup>3</sup> Scientific support for preparing an EU position for the 45th Session of the Codex Committee on Pesticide Residues (CCPR). EFSA Journal 2013; 11(7):3312 [210 pp.]. doi:10.2903/j.efsa.2013.3312.

<sup>4</sup> Commission Regulation (EU) No [Official Journal please insert the correct number and date] 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 bifenazate, chlorpropham, esfenvalerate, fludioxonil and thiobencarb in or on certain products (OJ L [Official Journal please insert the correct reference]).

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, however, apply from *[Official Journal please insert date of application of Commission Regulation referred to in footnote 4]*, as regards the MRLs for fenvalerate and fludioxonil in mangoes with code number 0163030.

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

Done at Brussels,

*For the Commission*  
*The President*  
*José Manuel BARROSO*