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Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annexes III 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
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Delegations will find attached document D49627/02.

Encl.: D49627/02



Brussels, **XXX**
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(POOL/E4/2016/11704/11704-EN.doc)
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[...](2017) **XXX** draft

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

of **XXX**

amending Annexes III 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

(Text with EEA relevance)

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

of **XXX**

amending Annexes III 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

(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)(a), Article 17, Article 18(1)(b) and Article 49 (2) thereof,

Whereas:

- (1) For tricyclazole maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005. All MRLs, except the one for rice are set at the limit of determination (LOD).
- (2) The non-inclusion of tricyclazole in Annex I to Directive 91/414/EEC was provided for in Commission Decision 2008/770/EC.² Following a new application in accordance with Article 7(1) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council³, this active substance was not approved by Commission Implementing Regulation (EU) 2016/1826⁴. All existing authorisations for plant protection products containing the active substance tricyclazole have been revoked. It is therefore appropriate to delete the MRL for rice set out for this substance in Annex III in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof.

¹ OJ L 70, 16.3.2005, p. 1.

² Commission Decision 2008/770/EC of 30 September 2008 concerning the non-inclusion of tricyclazole in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ L 263, 2.10.2008, p. 16).

³ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

⁴ Commission Implementing Regulation (EU) 2016/1826 of 14 October 2016 concerning the non-approval of the active substance tricyclazole, 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 279, 15.10.2016, p. 88).

- (3) In view of the non-approval of the active substance tricyclazole, the MRLs for this substance should be set at the LOD in accordance with Article 18 of Regulation (EC) No 396/2005. For the active substances for which all MRLs should be reduced to the relevant LOD, default values should be listed in Annex V in accordance with Article 18(1)(b) of Regulation (EC) No 396/2005.
- (4) The Commission consulted the European Union reference laboratories as regards the need to adapt certain LODs. Those laboratories concluded that for certain commodities technical development permits the setting of lower LODs.
- (5) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.
- (6) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (7) In view of the long shelf life of rice, this Regulation should provide for a transitional arrangement for rice grown in 2016 or before, in order to allow for the normal marketing, processing and consumption of rice. However taking into account the uncertainties regarding certain properties of tricyclazole, the timelines foreseen in this Regulation do not allow for any treatment with tricyclazole in 2017 or thereafter.
- (8) With a view of applying the same approach to Basmati rice, bearing in mind that Basmati rice undergoes a specific procedure of maturation before it can be placed on the market, for such rice grown in 2016 or before an additional period of 6 months should be allowed to elapse before the modified MRL for Basmati rice becomes applicable, in order to allow for the normal marketing, processing and consumption of Basmati rice.
- (9) 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:

Article 1

Annexes III and V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to all rice, except to Basmati rice, which was imported or placed on the market before *[Office of Publications please insert date of entry into force of this Regulation]*.

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue apply to Basmati rice which was imported before *[Office of Publications please insert date 6 months after entry into force of this Regulation]*.

Article 3

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 apply to all products except to Basmati rice from [*Office of Publications: please insert date of entry into force*].

It shall apply to Basmati rice from [*Office of Publications: please insert date 6 months after date of entry into force*].

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

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER