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COVER NOTE

From: European Commission
date of receipt: 5 March 2015
To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

No. Cion doc.: D036786/02

Subject: COMMISSION REGULATION (EU) No .../.. 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 2,4,5-T, barban, binapacryl, bromophos-ethyl, camphechlor (toxaphene), chlorbufam, chloroxuron, chlozolate, DNOC, di-allate, dinoseb, dinoterb, dioxathion, ethylene oxide, fentin acetate, fentin hydroxide, flucycloxyuron, flucythrinate, formothion, mecarbam, methacryfos, monolinuron, phenothrin, protham, pyrazophos, quinalphos, resmethrin, tecnazene and vinclozolin in or on certain products

Delegations will find attached document D036786/02.

Encl.: D036786/02



Brussels, **XXX**
SANCO/10701/2014
(POOL/E3/2014/10701/10701-EN.doc)
D036786/02
[...] (2014) **XXX** draft

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

of **XXX**

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(Text with EEA relevance)

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

Whereas:

- (1) For 2,4,5-T, barban, binapacryl, bromophos-ethyl, camphechlor (toxaphene), chlorbufam, chloroxuron, chlozolate, DNOC, di-allate, dinoseb, dinoterb, dioxathion, ethylene oxide, fentin acetate, fentin hydroxide, flucythrinate, formothion, mecarbam, methacrifos, monolinuron, propham, pyrazophos, quinalphos, resmethrin and tecnazene maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For flucycloxuron and phenothrin MRLs were set in Part A of Annex III to that Regulation. For vinclozolin MRLs were set in Annex V to that Regulation.
- (2) All existing authorisations for plant protection products containing those active substances have been revoked. The Commission consulted the European Union reference laboratories as regards the need to adapt certain limits of determination (LODs). As regards several substances, those laboratories concluded that for certain commodities technical development permits the setting of lower LODs.
- (3) For binapacryl, dinoseb, fentin acetate and fentin hydroxide the European Union reference laboratories proposed to change the residue definition.

¹ OJ L 70, 16.3.2005, p. 1.

- (4) For those 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.
- (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 order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been lawfully produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained.
- (8) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.
- (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 II, 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 products which were lawfully produced before [*Office of Publications please insert date of application 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 from [*Office of Publications: please insert date 6 months after 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