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To:	General Secretariat of the Council
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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 azoxystrobin, chlorantraniliprole, cyantraniliprole, dicamba, difenoconazole, fenpyroximate, fludioxonil, glufosinate-ammonium, imazapic, imazapyr, indoxacarb, isoxaflutole, mandipropamid, penthiopyrad, propiconazole, pyrimethanil, spirotetramat and trinexapac in or on certain products

Delegations will find attached document D36785/02.

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Brussels, **XXX**
SANCO/12387/2014
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[...] (2014) **XXX** draft

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

of **XXX**

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(Text with EEA relevance)

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

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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) thereof,

Whereas:

- (1) On 18 July 2014 the Codex Alimentarius Commission (CAC)² adopted Codex maximum residue limits (CXLs) for azoxystrobin, bentazone, chlorantraniliprole, clothianidin, cyantraniliprole, cyproconazole, dicamba, difenoconazole, diquat, dithianon, fenbuconazole, fenpyroximate, fludioxonil, glufosinate-ammonium, glyphosate, imazapic, imazapyr, indoxacarb, isoxaflutole, malathion, mandipropamid, penthiopyrad, propiconazole, pyrimethanil, spirotetramat, sulfoxaflor, tolfenpyrad, triazophos, triflumizole and trinexapac.
- (2) Maximum residue levels (MRLs) are set for those substances in Regulation (EC) No 396/2005 except for cyantraniliprole, sulfoxaflor and tolfenpyrad. As cyantraniliprole, sulfoxaflor and tolfenpyrad 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

¹ OJ L 70, 16.3.2005, p. 1.

² http://www.codexalimentarius.org/download/report/917/REP14_PRe.pdf

Joint FAO/WHO food standards programme Codex Alimentarius Commission. Appendices II and III. Thirty-Seventh Session. Geneva, Switzerland, 14-18 July 2014.

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 Codex Committee on Pesticides Residues (CCPR) on the CXLs proposed for the following pesticide/product combinations: bentazone (all products); chlorantraniliprole (eggs; peas; coffee beans; hops); clothianidin (all products); cyantraniliprole (leafy vegetables, except lettuce head; fruiting vegetables other than cucurbits); difenoconazole (brassica vegetables; melons; fruiting vegetables, other than cucurbits; mammalian edible offal; mammalian meat; eggs; milks; potatoes); diquat (dry peas; potatoes; soya bean); dithianon (all products); fenbuconazole (all products); fenpyroximate (mammalian meat, mammalian edible offal; stone fruits); fludioxonil (chilli peppers; cucurbits); glyphosate (all products); imazapic (products of animal origin); malathion (all products); penthiopyrad (products of animal origin); propiconazole (plums); spirotetramat (bush berries); sulfoxaflor (all products); tolfenpyrad (all products); triazophos (all products); triflumizole (all products) and trinexapac (mammalian edible offal).
- (5) CXLs for azoxystrobin, chlorantraniliprole, cyantraniliprole, dicamba, difenoconazole, fenpyroximate, fludioxonil, glufosinate-ammonium, imazapic, imazapyr, indoxacarb, isoxaflutole, mandipropamid, penthiopyrad, propiconazole, pyrimethanil, spirotetramat and trinexapac 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 Union³.
- (6) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (7) 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 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*.

³ Scientific support for preparing an EU position for the 46th Session of the Codex Committee on Pesticide Residues (CCPR). EFSA Journal 2014;12(7):3737 [182 pp.]. doi:10.2903/j.efsa.2014.3737.

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