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To:	General Secretariat of the Council
No. Cion doc.:	D073969/04
Subject:	COMMISSION REGULATION (EU) .../... of XXX correcting Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for terbuthylazine in or on certain products

Delegations will find attached document D073969/04.

Encl.: D073969/04



Brussels, **XXX**
SANTE/10674/2021
(POOL/E4/2021/10674/10674-EN.docx)
D073969/04
[...](2021) **XXX** draft

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

of **XXX**

**correcting Regulation (EC) No 396/2005 of the European Parliament and of the Council
as regards maximum residue levels for terbuthylazine in or on certain products**

(Text with EEA relevance)

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

of **XXX**

correcting Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for terbuthylazine 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) and Article 49(2) thereof,

Whereas:

- (1) For terbuthylazine, maximum residue levels (MRLs) are set in Annex II to Regulation (EC) 396/2005.
- (2) Commission Regulation (EU) 2021/618² amended Regulation (EC) No 396/2005 by establishing the MRLs of terbuthylazine in sweet corn, maize/corn and sorghum erroneously at the level of 0.01 mg/kg instead of 0.02 mg/kg, which is the correct limit of quantification (LOQ). The LOQ of 0.02 mg/kg is in line with the reasoned opinion of the European Food Safety Authority on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005³.
- (3) Regulation (EC) No 396/2005 should therefore be corrected accordingly.
- (4) In the interest of clarity and legal certainty for economic operators and enforcement authorities, this Regulation should apply from the same date as Regulation (EU) 2021/618.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

¹ OJ L 70, 16.3.2005, p. 1.

² Commission Regulation (EU) 2021/618 of 15 April 2021 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 diclofop, fluopyram, ipconazole and terbuthylazine in or on certain products (OJ L 131, 16.4.2021, p. 55).

³ European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for terbuthylazine according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2020; 18(1): 5980.

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 396/2005 is corrected 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*.

It shall apply from 6 November 2021.

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