



Council of the
European Union

070567/EU XXVII. GP
Eingelangt am 30/07/21

Brussels, 30 July 2021
(OR. en)

11131/21

AGRILEG 164
PESTICIDE 27

COVER NOTE

From:	European Commission
date of receipt:	27 July 2021
To:	General Secretariat of the Council
No. Cion doc.:	D073968/03
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards radish leaves

Delegations will find attached document D073968/03.

Encl.: D073968/03



Brussels, **XXX**
SANTE/2021/10534
(POOL/E4/2021/10534/10534-EN.docx)
D073968/03
[...](2021) **XXX** draft

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

of **XXX**

amending Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards radish leaves

(Text with EEA relevance)

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

of **XXX**

amending Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards radish leaves

(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 4 thereof,

Whereas:

- (1) The products of plant and animal origin to which the maximum residue levels of pesticides ('MRLs') set by Regulation (EC) No 396/2005 apply, subject to the provisions of that Regulation, are listed in Annex I to that Regulation.
- (2) Commission Regulation (EU) 2018/62² introduced, *inter alia*, the commodity 'radish leaves' in Part B of Annex I and linked it to the commodity 'kales' in Part A of that Annex. As a consequence, the MRLs for kales apply to radish leaves too.
- (3) As at the time of the adoption of Regulation (EU) 2018/62 residue trial data were not available to confirm whether this classification would be appropriate, a transitional period was established by Commission Regulation (EU) 2018/1049³. To enable Member States to generate such data, a footnote linked to the commodity 'radish leaves' was introduced, exempting this commodity from the application of the MRL for 'kales' until 31 December 2021.
- (4) As the Member States generating such data recently informed the Commission that the generation of data is delayed, the transitional period concerned should be extended for another three years to allow for the finalisation of the trials and their assessment.
- (5) The footnote concerned in Annex I to Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (6) 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) 2018/62 of 17 January 2018 replacing Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council (OJ L 18, 23.1.2018, p. 1).

³ Commission Regulation (EU) 2018/1049 of 25 July 2018 replacing Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council (OJ L 189, 26.7.2018, p. 9).

HAS ADOPTED THIS REGULATION:

Article 1

In Part B of Annex I to Regulation (EC) No 396/2005 footnote (3) is replaced by the following:

'(3) MRLs shall apply to radish leaves as from 1 January 2025'.

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*.

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