WORLD TRADE ORGANIZATION

G/SPS/N/EU/396

15 July 2020

(20-4819)

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Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1.	**Notifying Member:** EUROPEAN UNION **If applicable, name of local government involved:**
2.	**Agency responsible:** European Commission, Health and Consumers Directorate-General
3.	**Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):** Cereals (HS Codes: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008), foodstuffs of animal origin (HS Codes: 0201, 0202, 0203, 0204, 0205, 0206, 0207, 0208, 0209, 0210) and certain products of plant origin, including fruit and vegetables.
4.	**Regions or countries likely to be affected, to the extent relevant or practicable:** **[X] All trading partners** **[ ] Specific regions or countries:**
5.	**Title of the notified document:** Draft Commission Regulation 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 fluxapyroxad, hymexazol, metamitron, penflufen and spirotetramat in or on certain products (Text with EEA relevance). **Language(s):** English **Number of pages:** 33 https://members.wto.org/crnattachments/2020/SPS/EEC/20_4139_01_e.pdf https://members.wto.org/crnattachments/2020/SPS/EEC/20_4139_00_e.pdf https://members.wto.org/crnattachments/2020/SPS/EEC/20_4139_02_e.pdf https://members.wto.org/crnattachments/2020/SPS/EEC/20_4139_03_e.pdf https://members.wto.org/crnattachments/2020/SPS/EEC/20_4139_04_e.pdf
6.	**Description of content:** The proposed draft Regulation concerns the review of existing MRLs for fluxapyroxad, hymexazol, metamitron, penflufen and spirotetramat in certain food commodities. MRLs for these substances in certain commodities are changed: either increased or lowered. Lower MRLs are set after updating the limits of determination and/or deleting old uses which are not authorised any more in the European Union or for which a human health concern may not be excluded. The residue definition for some substances has also been updated.
7.	**Objective and rationale: [X] food safety, [ ] animal health, [ ] plant protection, [ ] protect humans from animal/plant pest or disease, [ ] protect territory from other damage from pests.**

8. **Is there a relevant international standard? If so, identify the standard:**

[X] **Codex Alimentarius Commission *(e.g. title or serial number of Codex standard or related text)*:** Codex Maximum Residue Limits for fluxapyroxad and Codex Maximum Residue Limits for spirotetramat. The list of Codex MRLs is available at: http://www.fao.org/fao-who-codexalimentarius/codex-texts/dbs/pestres/pesticides/en/

[ ] **World Organization for Animal Health (OIE) *(e.g. Terrestrial or Aquatic Animal Health Code, chapter number)*:**

[ ] **International Plant Protection Convention *(e.g. ISPM number)*:**

[ ] **None**

Does this proposed regulation conform to the relevant international standard?

[ ] Yes [X] No

If no, describe, whenever possible, how and why it deviates from the international standard: The European Food Safety Authority published reasoned opinions on the review of the existing maximum residue levels for fluxapyroxad and for spirotetramat. Based on these opinions, Regulation (EC) No 396/2005 should be amended accordingly.

9. **Other relevant documents and language(s) in which these are available:**

- "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/EEC" http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32005R0396
- European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for fluxapyroxad according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2020;18(1):5984. http://www.efsa.europa.eu/fr/efsajournal/pub/5984
- European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for hymexazol according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2019;17(11):5895. https://www.efsa.europa.eu/en/efsajournal/pub/5895
- European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for metamitron according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2020;18(1):5959 https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2020.5959
- European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for penflufen according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2019;17(10):5840. https://www.efsa.europa.eu/fr/efsajournal/pub/5840
- European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for spirotetramat according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal 2020;18(1):5960. https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2020.5960
- Reasoned opinion on the modification of the existing maximum residue levels for spirotetramat in small fruits and berries. EFSA Journal 2019;17(11):5904. http://www.efsa.europa.eu/en/efsajournal/pub/5904
- Reasoned opinion on the setting of import tolerances for fluxapyroxad in certain root crops and coffee beans. EFSA Journal 2020;18(1):5950. https://efsa.onlinelibrary.wiley.com/doi/pdf/10.2903/j.efsa.2020.5950

(available in English)

10. **Proposed date of adoption *(dd/mm/yy)*:** February 2021.

Proposed date of publication *(dd/mm/yy)*: April 2021.

11.	**Proposed date of entry into force: [ ] Six months from date of publication, and/or *(dd/mm/yy)*:** Twenty days after publication in the Official Journal of the European Union. **[ ] Trade facilitating measure**
12.	**Final date for comments: [X] Sixty days from the date of circulation of the notification and/or *(dd/mm/yy)*:** 13 September 2020 **Agency or authority designated to handle comments: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:** European Commission DG Health and Food Safety, Unit D2 - Multilateral international relations Rue Froissart 101 B 1049 Brussels Tel: +(322) 295 4263 Fax: +(322) 299 8090 E-mail: sps@ec.europa.eu
13.	**Text(s) available from: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:** European Commission DG Health and Food Safety, Unit D2 - Multilateral international relations Rue Froissart 101 B 1049 Brussels Tel: +(322) 295 4263 Fax: +(322) 299 8090 E-mail: sps@ec.europa.eu