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Health and Food Safety Directorate General

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**Standing Committee on Plants, Animals, Food and Feed**
**Section *Phytopharmaceuticals – Pesticide Residues***
**25 - 26 November 2024**

***CIRCABC Link:*** *https://circabc.europa.eu/ui/group/95a86e0e-0cfe-4354-8d9f-c447c6e85c1b/library/822abf70-c560-41c3-b4ff-469a1bef0a2c?p=1*

# SUMMARY REPORT

## A.01 Art. 12 and Art. 10 of Regulation (EC) No 396/2005 procedures:

### 1. Confirmatory data Art. 12 follow-up

#### a) Cases where EFSA RO has been published

The Commission provided an update on the Article 12 confirmatory data assessments published by the European Food Safety Authority (EFSA) in the Conclusions on the peer review for flufenacet[1] and for pyrimethanil[2]. For both active substances, the Commission proposed to wait for the outcome of the decision on the renewal of approval expected in 2025 to modify any Maximum Residue Levels (MRLs) as necessary.

Member States were invited to submit comments by 16 December 2024.

### 2. Non-approved substances for follow-up

#### b) Update and information on next mandate

The Commission consulted Member States on their availability to support EFSA on the evaluation of the studies submitted within the framework of the stakeholder consultation for the active substance bifenthrin[3].

Member States were invited to submit comments by 10 January 2025.

The Commission informed that the active substance dicloran will not be included in the second mandate, since the only MRL in place (onions) is based on a Codex MRL (CXL) that was revoked in 2021.

[1] Peer review of the pesticide risk assessment of the active substance flufenacet. EFSA Journal 22(9), e8997, https://doi.org/10.2903/j.efsa.2024.8997.
[2]Peer review of the pesticide risk assessment of the active substance pyrimethanil. EFSA Journal 22(10) e 8998, https://doi.org/10.2903/j.efsa.2024.8998.
[3] Outcome of the stakeholder consultation on the reasoned opinions for azocyclotin, bifenthrin, chlorfenapyr, cyhexatin, diazinon, dicofol, endosulfan, fenarimol, fenpropathrin and profenofos. EFSA Journal. 2024; doi: 10.2903/sp.efsa.2024.EN-9002.

## A.02 Feedback from the section PPP Legislation of this Committee:

### 1. General issues

The Commission provided an overview of the main outcome of the meetings of the Standing Committee on Plants, Animals, Food and Feed (PAFF), section Phytopharmaceuticals – Legislation, held on 2-3 October 2024. It gave an overview on the active substances for which the approval had not been renewed, for which grace periods had expired or will expire soon, and for which follow-up action is therefore needed.

Regarding the recently non-approved substance metribuzin, the Commission had invited Member States at the last meeting of this Committee on 23-24 September 2024[4] to report if any of the MRLs are based on import tolerances. Based on the feedback received, this was not the case. The Committee therefore agreed that a review of the MRLs under Article 12 of Regulation (EC) No 396/2005 is not needed for metribuzin. The case can be closed by an EFSA Statement on Pesticide active substances that do not require a review of the existing maximum residue levels under Article 12 of Regulation (EC) No 396/2005.

## A.03 Specific substances:

### 1. Gamma-cyhalothrin

The Commission gave an update on the state-of-play of discussions on gamma-cyhalothrin. At the last meeting of this Committee on 23-24 September 2024[5], the Commission was waiting for the feedback from the Rapporteur Member State (RMS) on whether information addressing the data gaps under Regulation (EU) 2018/960 had been submitted. The RMS confirmed it had received the missing data together with the application for the renewal of the approval of lambda-cyhalothrin. Currently, the RMS is drafting the Renewal Assessment Report (RAR) which should be submitted to EFSA in March 2025.

The Commission informed about the possibility to finalise the Article 12 confirmatory assessment more quickly by separating the issue of confirmatory data from the RAR and preparing a separate Evaluation Report, which could move forward without waiting for the assessment under the renewal exercise. However, as most of the data gaps for which confirmatory data are required were about metabolites and are therefore closely linked to the overall toxicological assessment carried out within the renewal exercise, the Commission proposed not to split the assessments and address the confirmatory data within the renewal of the approval procedure of lambda-cyhalothrin. An EFSA conclusion on lambda-cyhalothrin can be expected, if there is no need for additional data, around March 2026. The Committee agreed with the approach.

### 2. Glufosinate

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[4] Summary report of Standing Committee on Plants, Animals, Food and Feed Section Phytopharmaceuticals – Pesticide Residues 23 - 24 September 2024, agenda item A 10.
https://food.ec.europa.eu/document/download/305dd075-fa05-4941-8076-edb91ce6a299_en?filename=sc_phyto_20240923_ppr_sum.pdf

[5] Summary report of Standing Committee on Plants, Animals, Food and Feed Section Phytopharmaceuticals – Pesticide Residues 23 - 24 September 2024, agenda item C 02.
https://food.ec.europa.eu/document/download/305dd075-fa05-4941-8076-edb91ce6a299_en?filename=sc_phyto_20240923_ppr_sum.pdf

The Commission informed that, following the mandate to EFSA to conduct a toxicological review and an updated risk assessment of the MRLs for glufosinate, with a deadline of 15 June 2026, the first step of identifying data gaps had been completed. EFSA will launch the data call in early December 2024 to invite stakeholders to submit relevant data to fill the data gaps, including toxicological data and residue data to support the current MRLs, with a deadline of 4 months.

**3. Cypermethrins**

The Commission informed that, in line with the approach agreed at the last meeting of this Committee on 23-24 September 2024, the mandate to calculate possible MRLs for alpha-cypermethrins had been sent to EFSA. The deadline for the output is 31 March 2025 and a draft Regulation will be discussed at the meeting of this Committee on 23-24 June 2025. New MRLs would be expected to become applicable around mid-2026. Additionally, the EURLs are progressing as agreed to support the goal of having validated and accredited methods for alpha-cypermethrin in place in all Member States by the end of 2025.

**4. Matrine**

The Commission and EFSA have been working on the issue of matrine in liquorice. EFSA has checked all relevant information available and whether the EFSA scientific opinion on quinolizidine alkaloids[6] could be used to address the issue on liquorice. The outcome was that very limited information is available for matrine. Various options were discussed between EFSA and the Commission, including the SANTE unit dealing with contaminants, on how to proceed. It was agreed that two separate mandates will be issued: a first mandate to the panel on Contaminants in the Food Chain and undesirable substances (CONTAM) of EFSA with a general scope including toxicity and exposure, taking also into account the work done in the assessment carried out by the German risk assessment body (BfR)[7]; and a second mandate specifically to assess possible MRLs. A Member State enquired about the use of the Threshold of Toxicological Concern (TTC) approach and its use within the forthcoming EFSA mandate. The Commission clarified that it would be up to the discretion of the CONTAM Panel to decide whether or not to consider it in the context of their evaluation.

**5. SDHI (succinate dehydrogenase inhibitors) (ANSES/ EFSA presentations)**

The French risk assessment body (ANSES) presented the cumulative dietary risk assessment carried out on French consumers exposed to the Succinate Dehydrogenase Inhibitor (SDHI) family in the period of 2017 to 2021. The assessment concluded that no unacceptable risk is expected for French consumers. In addition, EFSA made a presentation summarizing the ongoing toxicological assessment activities for these substances.

**A.04 News from and files related to the European Food Safety Authority:**

**1. Progress under Article 6-10 of Regulation (EC) No 396/2005**

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[6] Scientific opinion on the risks for animal and human health related to the presence of quinolizidine alkaloids in feed and food, in particular in lupins and lupin-derived products, EFSA Journal 2019;17(11):5860, 113 pp., https://doi.org/10.2903/j.efsa.2019.5860.

[7] https://www.bfr.bund.de/cm/349/plant-alkaloids-in-liquorice-roots-genetic-damage-by-matrine-and-oxymatrine-unlikely.pdf.

EFSA reported that outputs addressing three processes had been adopted since the last meeting of this Committee on 23-24 September 2024. Currently, outputs addressing 37 processes[8] are at different stages of the procedure. Out of these, 13 are under scientific assessment (10 under Regulation (EC) No 396/2005 and three under Regulation (EC) No 1107/2009) and 24 under clock-stop, as additional data had been requested (20 under Regulation (EC) No 396/2005 and four under Regulation (EC) No 1107/2009).

**2. Progress under Article 12 of Regulation (EC) No 396/2005 (EFSA)**

There have been no changes since the last meeting to this Committee on 23-24 September 2024.

**3. Update on other mandates (Articles 29 and 31 of Regulation (EC) No 178/2002,** and Article 43 of Regulation (EC) No 396/2005) (EFSA)

There are two EFSA assessments ongoing under Article 29 of Regulation (EC) No 178/2002, three assessments under Article 31 of Regulation (EC) No 178/2002 and eight assessments under Article 43 of Regulation (EC) No 396/2005.

**4. Other issues**

**a) Codex**

EFSA informed the Committee about its ongoing assessment for fall-back MRLs for the 110 CXLs revoked by the Codex Committee on Pesticide Residues (CCPR) 2024. EFSA launched a call for data inviting Member States to submit information on national good agricultural practices (GAPs), supporting residue trials and other relevant information, e.g. on import tolerances. The deadline to submit information is 2 December 2024.

EFSA has started work to prepare the 2025 CCPR meeting. It launched a consultation to allocate active substances to Member States. The deadline for feedback from Member States is 12 December 2024.

**b) IESTI**

EFSA briefly presented the main conclusions of their draft Scientific report on the International Estimate of Short-Term Intake (IESTI) equations in line with the terms of reference (ToR). Out of the six items included in the ToR, five will be covered in the forthcoming Scientific report, which also presents possible options for the future. The last ($6^{th}$) part, to perform a probabilistic exposure assessment and assess the ability of the existing and alternative IESTI methodology to predicts exposure events above the ARfD, will be delivered in a second step once Commission and Member States will have agreed on the best way forward. Member States welcomed the work performed. Several Member States highlighted the importance to assess the safety of MRL (also in view of communication) which formed the basis for the mandate given to EFSA.

**A.05 Alignment of certain MRLs for multiple-use substances:**

The Commission had mandated EFSA to assess bromide including its toxicology, the existing MRLs, and a possible carry-over from feed into food of animal origin. The Commission announced the adoption of the EFSA opinion, which should be published in the coming weeks. Based on the conclusions of the EFSA opinion the Commission

[8] Each process receives a so called "EFSA question number".

intends to prepare a follow up mandate to launch a call for data in order to assess the dietary exposure to bromide, including all relevant sources of exposure.

**A.06 Screening exercise on temporary MRLs in Regulation (EC) No 396/2005 that expire in 2024-2025:**

**1.** General overview

The Commission provided an update on the outcome of the analysis of the monitoring data collected by EFSA for chlormequat in cultivated fungi and for 1,4-dimethylnapthalene in all food commodities (except potatoes). No decision was taken for any of the two substances. For chlormequat, the Commission would need to receive additional data from relevant stakeholders, e.g. growers' associations, to complete the database. Member States were encouraged to approach their national mushroom growers' associations to request monitoring data.

Member States were invited to send their comments by 16 December 2024.

**A.07 International Matters:**

**1. OECD Guidance document on the definition for risk assessment**

The latest version of the draft guidance document has been discussed with the OECD Residue Chemistry Expert Group. Chapter 11, which describes the final steps of the decision scheme to derive the residue definition for risk assessment, still needs to be revised to ensure that the guidance will be applicable and adapted to the EU legal framework. The finalisation of the Guidance is scheduled by early 2025.

**2. OECD Honey Guidelines**

There were no news regarding this agenda item.

**3. OECD Guidance on Stability of Pesticide Residues in Stored Commodities**

A Member State that had attended the OECD working group gave the latest update on the revision of TG 506 which is at a final stage. Two of the three subgroups still have to discuss open questions from the Residue Chemistry Expert Group (RCEG) commentary. A completed revised of the guidance document will be circulated among the working party on pesticides and the working the Working Party of the National Coordinator for the Test Guidelines Programme for final comments.

**4. OECD Guidance Document on Pesticide Residue Analytical Methods (DE)**

A Member State that had attended the OECD working group gave the latest update. The draft has been circulated for internal review and will be distributed to the RCEG members for commenting by the end of 2024.

**5. Codex Alimentarius/JMPR issues**

**6. Forthcoming meeting of the Codex Alimentarius Commission (CAC)**

The Commission informed that the Codex Alimentarius Commission (CAC) was holding its annual meeting from 25 to 30 November 2024, where it is expected to adopt the CXLs discussed at the meeting of the CCPR in June 2024. The EU has submitted reservations for several CXLs, as previously agreed with Member States. The EU will also submit a concern form asking for review of the toxicology for the substance acetamiprid, in view of the new Toxicological Reference Values (TRVs) derived in the EU.

The Commission also informed on the upcoming meeting of the CCPR from 19 to 24 May 2025. The Council Working Parties in preparation of the meeting are provisionally scheduled on 10 April and 6 May 2025. The electronic working (eWG) on the priority list has circulated a first draft priority table for comments by 30 November 2024. Key extracts of the results of the 2024 Joint FAO/WHO Meeting on Pesticide Residues (JMPR) are already published, with the full summary report expected later. The Commission flagged that JMPR had published a call for data for substances to be evaluated by JMPR in 2025, covering toxicological and residue aspects, with deadlines set on 1 December 2024 and 20 December 2024 respectively. Member States were encouraged to submit any relevant EU GAPs in order to support exports of EU products.

**A.08 Cumulative Risk Assessment (CRA):**

**1.** Feedback from the Working Group meeting

The Commission provided a comprehensive update on the conclusions reached by the Working Group on Cumulative Risk Assessment which met on 10 October 2024. The nine questions requiring of a risk management decision were presented and discussed in detail. Overall, no major objections were voiced. Some Member States indicated the need to consult their national experts on some technical topics. The Commission Working document (SANTE 2015-2016) will be updated accordingly and will be presented at the next meeting of this Committee on 17-18 February 2025 for possible endorsement by Member States.

Member States were invited to send their comments by 10 January 2025.

**A.09 Feedback from the Monitoring Working Group meeting:**

The Commission provided an overview of the annual meeting of the monitoring working group on pesticide residues held on 14 October 2024. The working group including Member States revisions of the Working Document on pesticides to be considered for inclusion in the national control programmes and the EU Multi-Annual Control programme to ensure compliance with MRLs of pesticide residues in and on food of plant and animal origin (SANCO/12745/2013, Rev.16). Substances for which some Member States raised difficulties with regards to implementation were discussed in detail. The Working Document will be presented for endorsement by Member States at the next meeting of this Committee on 17-18 February 2025.

**A.10 Notifications under Article 18(4) to Reg. (EC) No 396/2005:**

The notifying Member State reported actions planned and taken to respect the requirements regarding the use of folpet in pome fruits for which an emergency use under Article 53 of Regulation (EC) No 1107/2009 had been requested and a temporary MRL of 6 mg/kg had been set at national level. Authority controls focus on the areas affected by the severe scab (*Venturia inaequalis*) infestation, informing farmers and communicate in media, checking records of the use of Plant Protections Products (PPPs) and ensuring that the harvested fruit does not leave the national territory.

**A.11 Designation of Member States for maximum residue levels (MRL) applications:**

Nothing was reported under this point.

## A.12 Forthcoming draft Regulations (indicative only):

**1.** Copper

The Commission informed that EFSA is expected to finalise the review of MRLs for copper by 31 January 2025. The deadline had been extended by two months to allow the analysis of data for a GAP on wheat that had been submitted late. Member States will be consulted again on the draft EFSA Statement. In addition, the Commission noted that it was discussing with EFSA the question of how applicants and Member States should conduct the consumer safety risk assessment in the ongoing renewal of approval procedure, in authorising PPPs and in MRL applications. This topic will be brought to Member States at the next meeting of this Committee on 17-18 February 2025.

**2.** Non-approved active substances: azocyclotin, chlorfenapyr, cyhexatin, diazinon, dicofol, endosulfan, fenarimol, fenpropathrin and profenofos

Following to the outcome of the EFSA stakeholder consultation[9], the Commission announced its intention to lower to the limit of quantification (LOQ) all the MRLs for those active substances.

## A.13 MRLs for milk and for infant formula and follow-on formula:

At the last meeting of this Committee on 23-24 September 2024, MRLs for haloxyfop regarding Delegated Regulation (EU) 2016/127 on infant formula and follow-on formula, and Delegated Regulation (EU) 2016/128 on food for special medical purposes were discussed. Based on comments received from Member States and EFSA, it was proposed to evaluate the consistency of the two Regulations and Regulation (EC) No 396/2005 in a more holistic way, targeting not only haloxyfop. The Commission had identified 50 potentially relevant substances with an ADI below the threshold value of 0,0026 mg/kg body weight (bw) established in the EFSA Scientific opinion of 2018[10]. Alignment of MRLs in milk under the two Delegated Regulations and/or under Regulation (EC) No 396/2005 is needed for some of these substances. The Commission presented a prioritisation of the substances and proposed actions to be taken. The Commission also informed that a more detailed overview table would be shared with Member States after the meeting.

Member States were invited to send their comments by 10 January 2025.

## A.14 Issues related to Annex I to Regulation (EC) No 396/2005:

The Commission shared with the Member States a consultation regarding the classification of fresh curcuma rhizomes into Annex I to Regulation (EC) No 396/2005. Several Member States and EFSA proposed to apply inversed processing factors to the MRLs set for the dry grounded commodity 0840030 turmeric/curcuma to derived MRLs for fresh curcuma rhizomes.

The Commission shared a request to include the product *Brassica carinata* in Part B of Annex I to Regulation (EC) No 396/2005 linked to the code 0401060 for Rapeseeds/Canola seeds.

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[9] Outcome of the stakeholder consultation on the reasoned opinions for azocyclotin, bifenthrin, chlorfenapyr, cyhexatin, diazinon, dicofol, endosulfan, fenarimol, fenpropathrin and profenofos. EFSA Journal. 2024; doi: 10.2903/sp.efsa.2024.EN-9002

[10] Scientific opinion on pesticides in foods for infants and young children EFSA Journal 2018;16(6):5286, 75 pp. https://doi.org/10.2903/j.efsa.2018.5286

The Commission also shared a letter from a Member State requesting the reconsideration of applying the MRLs for the category 0630000 -herbal infusions- for a blended product composed by several fresh products included in Annex I (in the example here: apple and peppermint). The Member State proposed to follow the provisions of Article 20 of Regulation (EC) No 396/2005 to calculate the MRL of the final product, i.e. by considering the MRLs for the two specific fresh products, their ratio in the final blended product and their processing factors. The Commission agreed with this approach and requested the views of other Member States.

The Commission also shared the idea of launching a pilot project by EFSA to evaluate, for a limited number of active substances, the feasibility of setting MRLs for feed products. For this pilot project, EFSA could use the available assessments of GAPs in former dietary burden calculations for a limited number of feed products included in the OECD dietary burden calculator and not listed in Annex I.

Member States were invited to send their comments by 16 December 2024.

**A.15 New proposals for Table 3 of the extrapolation guidelines (SANTE/2019/12752 Rev01):**

The Commission provided additional clarifications on the template shared at the last meeting of this Committee on 23-24 September 2024 to compile the details of proposals for new extrapolations.

Member States were invited to send their comments by 16 December 2024.

**A.16 EFSA Guidance on pesticide residues in rotational crops: Action plan:**

The Commission presented an action plan to address the recommendations of the EFSA Guidance on pesticide residues in rotational crops endorsed at the last meeting of this Committee on 23-24 September 2024. For the recommendations, short-term deadlines during 2025, medium-term deadlines by the end of 2025 and long-term deadlines for 2026-2027 are proposed. For recommendations that are less urgent, deadlines for 2026 and for 2028 are proposed.

**A.17 Rules of Procedure of the PAFF Committee specific for Residues section (**based on the Standard Rules of Procedure, and the basic Comitology Regulation (EU) No 182/2011):

The Commission presented two sets of rules of procedure for the PAFF Committee, one based on the comitology Regulation (EU) No 182/2001 for the advisory and the examination procedure and one for the regulatory procedure with scrutiny, which is more relevant for this section of the Committee. These drafts follow the agreed standards rules of procedure (for advisory and examination procedure) or the agreed template (for the regulatory procedure with scrutiny) of the Commission. The Commission highlighted the changes brought to the procedures which mainly related to the minutes and summary records of meetings and were otherwise minor in nature and explained that the changes will better align the procedures with the current practice. A Member State commented on the longer (2 months) period for the chair to submit the minutes to the Committee members and stated that it would prefer the existing 1-month deadline.

## A.18 Other Information points:

### 1. Piperonylbutoxide – question from a Member State

Piperonylbutoxide is a biocide and a synergist. The Commission informed that several Member States have shared information on the national MRLs they have set for piperonylbutoxide. The Commission clarified that, while safeners and synergists are in the scope of Regulation (EC) No 1107/2009, they are not in the scope of Regulation (EC) No 396/2005 according to the definition set in Article 3. A revision of Regulation (EC) No 396/2005 is not foreseen in the short term. A few Member States noted that there would be a real need for harmonised EU MRLs for these substances in the single market.

### 2. Copper in processed cereal-based foods for infants and young children – question from a Member State

At the last meeting of this Committee on 23-24 September 2024, a Member State had raised a question regarding monitoring results of copper compounds in processed cereal-based baby food. Copper compounds may have been added as a nutrient in line with Directive 2006/125/EC, where maximum limits for vitamins, minerals and trace elements, if added, are set. The maximum limit for copper is 0.04 mg per 100 kcal, which may lead to residues in the range of 1.5 mg/kg in processed cereal-based baby food and 0.3 mg/kg in other baby foods like purees. This is higher than the general limit of 0.01 mg/kg for pesticide residues set in that Directive. In addition, Commission Delegated Regulation (EU) 2016/127 sets minimum and maximum limits of copper in infant formula and follow on formula at 0.06 and 0.1 mg per 100 kcal respectively. Commission Delegated Regulation (EU) 2016/128 sets minimum and maximum limits of copper in vitamins and minerals in food for special medical purposes for infants at 0.06 and 0.12 mg per 100 kcal respectively.

The Commission will follow up internally with the unit responsible for the legislation on food for infants and young children. The Commission shared its views that Member States' enforcement measures should be proportional to the level of health risk, considering that EFSA concluded in its recent Scientific Opinion[11] that there is no concern with the level of intake of copper.

### 3. MRLs applicable to variants and metabolites

The Commission informed that questions were regularly received from the public or stakeholders on residues of variants or metabolites of active substances that are not included in the residue definition for enforcement of the active substances, whether no MRL is applicable or whether the default MRL of 0.01 mg/kg applies.

The Commission will share considerations with Member States in writing. Member States were invited to submit any comments by 10 January 2024.

### 4. Forchlorfenuron

The Commission informed that the rapporteur Member State (RMS) of the 2018 renewal of approval for forchlorfenuron was consulted on the need for a possible revision of the residue definition and of a risk assessment considering a more recent metabolism study on cherries submitted in the context of an application for the authorisation of a plant protection product. The consulted RMS concluded that the

[11] EFSA, Scientific Opinion on the Re-evaluation of the existing health-based guidance values for copper and exposure assessment from all sources. EFSA Journal 2023;21(1):7728

existing endpoints are still appropriate and that the residue levels are extremely low. The Commission had invited Member States at the last meeting of this Committee on 23-24 September 2024 to report any new uses of forchlorfenuron on their territories. Based on the conclusion from the RMS, the information previously provided by EFSA on the large margin of safety, and the fact that no new uses have been reported by the Member States, the Commission considered that this revision is currently not a priority.

**5. Belgium Fast track application request for isoxaben (dry beans & dry peas) and pyrimethanil (beans without pods)**

The Commission informed about three ongoing fast track application requests concerning tefluthrin, isoxaben and pyrimethanil. The requesting Member State decided to keep the application on pyrimethanil on hold awaiting the outcome of the ongoing renewal of approval process. The other two applications will be included in the next routine draft measure which will be presented for vote at the next meeting of this Committee on 17-18 February 2025.

**6. Information on corrigenda to Regulations (EU) 2024/2640, (EU) 2024/2612 and (EU) 2023/1049.**

The Commission updated the Member Stats on the details of the ongoing corrigenda concerning Regulation (EU) 2024/2612 and Regulation (EU) 2023/1049.

A corrigendum is not needed to Regulation (EU) 2024/2640 as after investigation of the reported issue it was found that there was no mistake.

**7. EFSA's Performance Evaluation**

The Commission informed the Member States on the ongoing EFSA's Performance Evaluation, highlighting the forthcoming consultation activities for Member States' participation.

On request of a Member State the Commission informed that all different sections of the Committee would be informed separately as the Commission is rather seeking to have (at least) one reply with the views of Member States per policy area/subject matter in relation to interaction with EFSA's work.

**8. Letter from a Food Business Operator**

The Commission shared with Member States a letter received from a Food Business Operator (FBO) in rice highlighting challenges with complying with the application dates of new MRLs. The Commission held a meeting with the stakeholder to clarify the principles behind the duration of the deferral of the application dates and transitional measures. The Commission reminded Member States that in case of transitional measures, products already on the market in the EU may remain on the market for an indefinite period of time. The date of the placing on the market is defined in the General Food Law (Regulation (EC) No 178/2002). In case of imports, it corresponds to the date of arrival in the EU.

**9. Open positions for SNEs**

The Commission informed about two calls for Seconded National Expert (SNE) positions recently sent for distribution to the Permanent Representations.

## Section B Draft(s) presented for an opinion

**B.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) …/… amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cycloxydim, dichlorprop-P, flonicamid, flupyradifurone, methyl nonyl ketone, plant oils/citronella oil, potassium sorbate and potassium phosphonate, in or on certain products**

(PLAN/2024/2411)

The Commission presented revision 4 of the draft Regulation and gave an overview of the comments received from the Member States ahead of the meeting. Regarding the MRL application for flonicamid in honey, some Member States were concerned by the identification of the critical GAP and the use of monitoring data. It was considered too premature to vote on this active substance. In consequence, a new revision (revision 5) without flonicamid was prepared and presented for vote.

**Vote taken:** Favourable opinion.

**B.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) …/… 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 dithiocarbamates in or on certain products**

(PLAN/2023/2019)

The Commission shared two letters from stakeholders, one of them requesting the postponement of the vote of the draft Regulation due the ongoing Court proceeding concerning the non-renewal of the approval of mancozeb. The Commission clarified that the postponement of the vote in September was solely based on the current transition of the existing to the new Commission. Therefore, the vote was further postponed to a forthcoming meeting.

**Vote postponed**.

**B.03 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) …/… 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 isopyrazam in or on certain products**

(PLAN/2023/2927)

Member States were informed on the position of a Non-Governmental Organisation. One Member State indicated a change in the position and is now in favour of the draft Regulation. The Commission explained that due the current transition of the existing to the new Commission, the voting of this draft Regulation was further postponed to a forthcoming meeting.

**Vote postponed**.

## Section C Draft(s) presented for discussion

### C.01 Exchange of views of the Committee on a draft Commission Implementing Regulation as regards methods of sampling and analysis for the control of pesticide residues in and on products of plant origin and repealing Directive 2002/63/EC

(PLAN/2023/636)

The Commission shared revision 7 of the draft Regulation, reflecting the comments submitted by Member States after the last meeting of this Committee on 23-24 September 2024, including on: scope, food business operator (FBO) sampling, FBO own control, replicate sampling, measurement uncertainty and sampling of fish. After a detailed discussion, the Commission emphasised that it will propose feed to be included within the scope of the Sampling Regulation as feed is in the scope of Regulation (EC) No 396/2005 and must be treated in the same way, in particular as many commodities are both food and feed commodities. It was also clarified that, in order to avoid potential conflicting provisions, Regulation (EC) No 152/2009[12] on sampling and analysis of feed could be amended, if necessary.

Member States were invited to send their comments by 10 January 2025.

### C.02 Exchange of views of the Committee on a draft Commission Regulation as regards maximum residue levels for dimoxystrobin, ethephon and propamocarb

(PLAN/2024/1305)

The Commission presented the revised version of the draft Regulation. Regarding propamocarb, based on the feedback received from Member States, the Commission will send a mandate to EFSA under Article 43 of Regulation (EC) No 396/2005 to assess possible fall-back GAPs in lettuce. The draft Regulation will be updated based on the outcome. As a next step, the Commission will notify trading partners under the WTO/SPS agreement.

Member States were invited to send their comments by 6 December 2024.

### C.03 Exchange of views of the Committee on a draft Commission Regulation as regards maximum residue levels for chlorpropham, fuberidazole, ipconazole, methoxyfenozide, s-metolachlor and triflusulfuronmethyl

(PLAN/2024/1823)

The Commission presented revision 1 of the draft Regulation and the modifications made following comments from Member States, the EU Reference Laboratories (EURLs) and EFSA after the last meeting of this Committee on 23-24 September 2024.

The Commission invited Member States to consider the most appropriate limits of quantification (LOQs) for some food commodities in view of the feedback from the EURLs on the current analytical capacity.

Member States were invited to send their comments by 6 December 2024.

[12]OJ L 54, 26.2.2009, p. 1–130, ELI: http://data.europa.eu/eli/reg/2009/152/oj

**C.04 Exchange of views of the Committee on a draft Commission Regulation as regards maximum residue levels for benfluralin, benthiavalicarb and penflufen**

(PLAN/2024/1306)

The Commission announced that sodium silver thiosulfate was withdrawn from the proposal due the natural occurrence of silver in foods and the instability of silver sodium thiosulfate which prevent both to be considered as a workable residue definition. Instead, the Commission plans to propose sodium silver thiosulfate for Annex IV inclusion in a forthcoming draft Regulation. Concerning benthiavalicarb, the EURLs advised to change the residue definition for enforcement to Benthiavalicarb-isopropyl (sum of benthiavalicarb-isopropyl (KIF 230 R-L) and its RS enantiomer (KIF 230-S-D)).

Member States were invited to send their comments by 6 December 2024.

**C.05 Exchange of views of the Committee on a draft Commission Regulation as regards maximum residue levels for aluminium phosphide, magnesium phosphide, myclobutanil, and phenthoate**

(PLAN/2024/1449)

The Commission presented the first revision of the draft Regulation.

In particular, for myclobutanil, no confirmatory data were submitted for blackberries, gooseberries, bananas, aubergines/eggplants, lamb's lettuces/corn salads, beans (with pods), globe artichokes, hops, sugar beet roots and "products of animal origin", therefore, those MRLs will be reviewed.

Phosphine and phosphide salts are shared metabolites of the active substances phosphane, aluminium phosphide, magnesium phosphide, calcium phosphide and zinc phosphide. The residue definition for those phosphane generators is proposed to be harmonised as "phosphane and phosphide salts (sum of phosphane and phosphane generators (relevant phosphide salts), determined and expressed as phosphane)".

Member States were invited to send their comments by 6 December 2024.

**C.06 Exchange of views of the Committee on a draft Commission Regulation as regards inclusion of maximum residue levels for 10 Straight Chain Lepidopteran Pheromones (SCLPs), (Z)-3-Methyl-6-isopropenyl-3,4-decadien-1-yl acetate, and (Z)-3-Methyl-6-isopropenyl-9-decen-1-yl acetate into Annex V to Regulation (EC) No 396/2005**

(PLAN/2024/1772)

The Commission presented the first revision of the draft Regulation concerning twelve substances[13] non-approved under Regulation (EC) No 1107/2009 for which no specific MRLs are established so that the default MRL of 0.01 mg/kg according to Article 18(1)(b) of Regulation (EC) No 396/2005 currently applies. Member States flagged some nomenclature issues and recommended the Commission to list all the approved SCLPs substances covered by Annex IV individually, rather than by class, in order to

[13] (7Z-9Z)-7,9-Dodecadien-1-ol; (E)-10-Dodecen-1-yl acetate; (E)-9-Dodecen-1-yl acetate; (E,Z)-4,7-Tridecadien-1-yl acetate; (E,Z)-8-Dodecen-1-yl acetate; (Z)-9-Dodecen-1-yl acetate; (E,Z)-9-Dodecen-1-yl acetate, (E,Z)-9-Dodecen-1-ol, (Z)-11-Tetradecen-1-yl acetate; (Z)-13-Hexadecen-11-yn-1-yl acetate; (Z)-3-Methyl-6-isopropenyl-3,4-decadien-1-yl acetate; (Z)-3-Methyl-6-isopropenyl-9-decen-1-yl acetate; (Z)-5-Dodecen-1-yl acetate and (Z,Z)-Octadien-1-yl acetate.

prevent double regulation. Advice from the EURLs is awaited on the technical and product specific adaptation of the LOQs.

Member States were invited to send their comments by 6 December 2024.

**C.07 Exchange of views of the Committee on a draft Commission Regulation as regards maximum residue levels for acetamiprid**

(PLAN/2024/2431)

The Commission presented the draft Regulation proposing to implement those MRLs that were confirmed as safe by EFSA in its 2024 Statement[14], considering the lower ADI and ARfD and the new residue definition for risk assessment for fruits and leafy crops, namely: plums, linseeds, poppy seeds, mustard seeds, gold of pleasure seeds, and honey. In addition, the draft Regulation implements the CXL for soyabean (0.01 mg/kg) adopted by the CAC in 2024 and supported by the EU.

Member States were invited to send comments by 6 December 2024.

In addition, the Commission informed about the draft Regulation PLAN/2024/1403 lowering MRLs for acetamiprid in 38 commodities due to health risks, voted by this Committee at its meeting on 23-24 September 2024. The draft Regulation is undergoing the regulatory process with scrutiny and, if no objections are raised by the Council or the Parliament, could be adopted by the Commission around February 2025. The new lower MRLs would become applicable around August 2025.

The Commission informed that it had been alerted that some operators would be using the new lower ARfD for acetamiprid to assess the compliance of the products on the market, which results in assessing some products as unsafe even though they comply with the current MRLs. The Commission shared its initial views, while emphasising that only the European Court of Justice has the power to rule on the interpretation of EU law, that the compliance of the products should be assessed against the currently applicable MRLs. While Article 14(8) of the General Food Law gives, in principle, the possibility to a Member State in certain circumstances to withdraw compliant products from the market, this should be carefully considered case by case and in view of the length of the decision-making process. In the present case, risk management measures have already been taken, with the draft Regulation PLAN/2024/1403 lowering the MRLs already voted. Member States had agreed on a deferred application date of 6 months to provide time for operators to adapt to the new MRLs, which implicitly means that products should be still considered compliant during this period and until the application date of the lowered MRLs.

**C.08 Exchange of views of the Committee on a draft Commission Regulation as regards maximum residue levels for cyantraniliprole, cyflumetofen, deltamethrin, mepiquat and oxathiapiprolin in or on certain products**

(PLAN/2024/2410)

The Commission explained that this proposal is implementing the CXLs that were supported by the EU at the 2024 CCPR meeting. Concerning cyantraniliprole, a Member State proposed the extrapolation of the CXLs for the subgroups of beans and

[14] Statement on the toxicological properties and maximum residue levels of acetamiprid and its metabolites; EFSA Journal. 2024;22:e8759.

peas to the EU group of pulses. This extrapolation allows to maintain the reservation for the CXL on soybean, which, contrary to the Codex classification, does not belong to the EU group of pulses. The Committee supported this extrapolation.

Member States were invited to send their comments by 6 December 2024.

**C.09 Exchange of views of the Committee on a draft Commission Implementing Regulation as regards a coordinated multiannual control programme of the Union for 2026, 2027 and 2028 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin**

(PLAN/ 2024/1771)

The Commission presented the draft Regulation to Member States. The substances to be listed in Annex I to the Regulation will be reviewed. The draft Regulation will be presented for vote by the Member States at a forthcoming meeting of this Committee.

Member States were invited to send their comments by 6 December 2024.

**C.10 Exchange of views of the Committee on a draft Commission Regulation as regards maximum residue levels for difenoconazole**

(PLAN/2024/2476)

The Commission explained the initial work done on the draft Regulation regarding difenoconazole and presented the proposed MRLs. The draft Regulation is based on the EFSA review under Article 12 of Regulation (EC) No 396/2005[15]. EFSA noted in their review data gaps that need to be confirmed by confirmatory data for which the Commission explained the proposed footnotes to be included in the Regulation.

Member States were invited to send their comments by 16 December 2024.

[15] Review of the existing maximum residue levels for difenoconazole according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal. 2024;22:e8987, https://doi.org/10.2903/j.efsa.2024.8987.