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[...] (2025) XXX draft

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

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 cyflufenamid, fenazaquin and nicotine in or on certain products

(Text with EEA relevance)

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

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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 cyflufenamid, fenazaquin and nicotine 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), point (a), thereof,

Whereas:

- (1) For the active substances cyflufenamid and fenazaquin, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005. For the active substance nicotine, temporary MRLs were set in Part A of Annex III to that Regulation.
- (2) As regards cyflufenamid, an application requesting a modification of the existing MRLs was submitted for parsley, blackberries, raspberries (red and yellow) and 'other small fruits and berries' pursuant to Article 6(1) of Regulation (EC) No 396/2005. As regards fenazaquin, such an application was submitted for sweet/bell peppers, tomatoes and aubergines.
- (3) In accordance with Articles 8 and 9 of Regulation (EC) No 396/2005, all those applications were evaluated by the Member States concerned and the evaluation reports were forwarded to the Commission. The Commission forwarded the applications, the evaluation reports and the supporting dossiers to the European Food Safety Authority ('the Authority').
- (4) The Authority assessed the applications and the evaluation reports, examining in particular the risks to consumers and, where relevant, to animals, and gave reasoned opinions on the proposed MRLs². It forwarded those opinions to the applicants, the Commission and Member States and made them available to the public.
- (5) As regards all those applications, the Authority concluded that the data were appropriate to derive or confirm the MRL proposals for the commodities under assessment. It is therefore appropriate to set the requested MRLs for cyflufenamid in

¹ OJ L 70, 16.3.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/396/oj>.

² Modification of the existing maximum residue levels for cyflufenamid in various crops. EFSA Journal 2025;23(8): e9611, <https://doi.org/10.2903/j.efsa.2025.9611>.

Modification of the existing maximum residue levels for fenazaquin in strawberries, sweet peppers, tomatoes and aubergines. EFSA Journal 2025;23(7): e9604, <https://doi.org/10.2903/j.efsa.2025.9604>.

parsley, blackberries, raspberries (red and yellow) and ‘other small fruits and berries’; and for fenazaquin in sweet/bell peppers, tomatoes and aubergines at the levels recommended by the Authority. For the sake of clarity, the footnote indicating a lack of information concerning residue trials for fenazaquin on tomatoes should be deleted from Annex II to Regulation (EC) No 396/2005.

- (6) As regards nicotine in tea, a temporary MRL of 0.5 mg/kg was set by Commission Regulation (EU) 2025/115³ with a deadline for review by February 2026. After this date, the MRL would automatically be lowered to 0.4 mg/kg unless it is modified before, in the light of new data to be provided by 30 June 2025. Monitoring data submitted within the set deadline by food business operators indicate that a level of 0.4 mg/kg is not widely achievable. The presence of nicotine residues in food is often due to factors such as environmental and/or manufacture contamination or endogenous production rather than to its use as pesticide. Since the Authority concluded that a level of 0.5 mg/kg of nicotine in tea is safe for consumers⁴, it is appropriate to maintain the current temporary MRL of 0.5 mg/kg for nicotine in tea to take into account residues resulting from potential sources other than pesticide use and to extend the validity of that temporary MRL until 22 February 2030.

- (7) Regulation (EC) No 396/2005 should therefore be amended accordingly.

- (8) 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
Annex II and III 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*.

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

³ Commission Regulation (EU) 2025/115 of 21 January 2025 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, lambda-cyhalothrin, metalaxyl, and nicotine in or on certain products (OJ L, 2025/115, 22.1.2025, ELI: <http://data.europa.eu/eli/reg/2025/115/oj>).

⁴ Statement on the short-term (acute) dietary risk assessment for the temporary maximum residue levels for nicotine in rose hips, teas and capers. EFSA Journal 2022;20(9): e07566, <https://doi.org/10.2903/j.efsa.2022.7566>.