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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 clopyralid 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 clopyralid 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/EEC[1], and in particular Article 14(1), point (a) and Article 49(2) thereof,

Whereas:

(1) Maximum residue levels ('MRLs') for clopyralid were set in Part A of Annex III to Regulation (EC) No 396/2005.

(2) The European Food Safety Authority (the Authority') submitted a reasoned opinion on the review of the existing maximum residue levels for clopyralid according to Article 12 of Regulation (EC) No 396/2005[2].

(3) The Authority recommended lowering the existing MRLs for pome fruits, cherries, blueberries, garlic, shallots, brussels sprouts, herbs and edible flowers, sesame seed, pumpkin seed, gold of pleasure, hempseed, buckwheat grain, maize grain, millet grain, rye grain, sorghum grain, carraway, swine meat, swine fat (free of lean meat), bovine meat, sheep meat, goat meat, horse meat, poultry meat, poultry fat, poultry liver, cattle milk, sheep milk, goat milk, horse milk and birds' eggs, in line with the principle of setting MRLs at levels as low as reasonably achievable and based on sufficient supporting data for the current good agricultural practices ('GAPs'). As there is no risk for consumers with any of those MRLs, it is appropriate to set the MRLs for those products in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.

(4) The Authority recommended keeping the existing MRLs for cranberries, swedes, turnips, broccoli, cauliflower, head cabbage, linseed, poppy seed, rape seed, mustard seed, borage, barley grain, oats grain, wheat grain, swine liver, bovine fat, bovine liver, bovine kidney, sheep fat, sheep liver, sheep kidney, goat fat, goat liver, goat kidney and honey, based on sufficient supporting data for the current GAPs. As there is no risk for consumers with any of those MRLs, it is appropriate to set the MRLs for

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

[2] EFSA (European Food Safety Authority), Cabrera, L. C., Greco, L., Nave, S., Reich, H., Ruocco, S., Scarlato, A. P., Tiramani, M., & Zioga, E. (2026). Review of the existing maximum residue levels for clopyralid according to Article 12 of Regulation (EC) No 396/2005. EFSA Journal, 24(8), e10297. https://doi.org/10.2903/j.efsa.2026.10297.

those products in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.

(5) The Authority recommended increasing the existing MRLs for beetroot, sugar beet (root), swine kidney, horse fat, horse liver and horse kidney, based on sufficient supporting data for the current GAPs. As there is no risk for consumers with any of those MRLs, it is appropriate to set the MRLs for those products in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.

(6) The Authority further concluded that the MRLs for strawberries, Chinese cabbage and kale should be increased, based on the current GAPs. The MRLs for blackberries, dewberries, raspberries, currents (red, black and white), gooseberries, rose hips, mulberries, elderberries, onions, sweet corn, rocket, others (lettuces and salad plants) and asparagus should be decreased, based on the current GAPs and in line with the principle of setting MRLs at levels as low as reasonably achievable. The MRLs for spring onions, spinach, beet leaves (chard) and leek should remain unchanged. However, as some information was not available, further consideration by risk managers was required. Therefore, while these MRLs are considered safe, they will be reviewed. The review will take into account the information available within two years from the publication of this Regulation. As there is no risk for consumers, it is appropriate to set the MRLs for those products in Annex II to Regulation (EC) No 396/2005 at the levels identified by the Authority.

(7) For rhubarb and hops the Authority concluded that the available data are not sufficient to derive MRLs. For those products it is appropriate to set the MRL at the current limit of quantification ('LOQ').

(8) As the Authority identified that no residue trials were available to derive MRL values for clopyralid on 'citrus fruits', 'tree nuts', apricots, peaches, plums, 'grapes', 'miscellaneous fruits with edible peel', 'miscellaneous fruits with inedible peel, small', 'miscellaneous fruits with inedible peel, large', potatoes, 'tropical root and tuber vegetables', carrots, celeriacs, horseradishes, Jerusalem artichokes, parnsips, parsley roots, radishes, salsifies, 'solanaceae and malvaceae', 'cucurbits with edible peel', 'cucurbits with inedible peel', kohlrabies, lamb's lettuces/corm salads, lettuces, escaroles/broad-leaved endives, cresses and other sprouts and shoots, land cresses, red mustards, baby leaf crops (including brassica species), purslanes, grapeleaves, watercresses, witloofs/Belgian endives, 'legume vegetables', cardoons, celeries, florence fennels, globe artichokes, bamboo shoots, palm hearts, 'fungi, mosses and lichens', 'algae and prokaryotes organisms', 'pulses', peanuts/groundnuts, sunflower seeds, soyabeans, safflower seeds, castor beans, 'oil fruits', rice, teas, 'coffee beans', 'herbal infusions', cocoa beans, carobs, 'seed spices', allspice/pimento, Sichuan pepper, cardamom, juniper berry, peppercorn, vanilla, tamarind, 'bark spices', 'root and rhizome spices', 'bud spices', 'flower pistil spices', 'aril spices', sugar canes, chicory roots, swine edible offals (other than liver and kidney), bovine edible offals (other than liver and kidney), sheep edible offals (other than liver and kidney), goat edible offals (other than liver and kidney), equine edible offals (other than liver and kidney), poultry kidney, poultry edible offals (other than liver and kidney), 'other farmed terrestrial animals', amphibians and reptiles, terrestrial invertebrate animals, wild terrestrial vertebrate animals, further consideration by risk managers was required. In the absence of such trials, which are necessary to derive a MRL value, the Commission considers that it is appropriate to set the MRLs for those products at the product specific LOQs set out in Annex II to Regulation (EC) No 396/2005.

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(9) The Authority proposed to change the residue definition to 'clopyralid (sum of clopyralid, its salts and conjugates expressed as clopyralid)'. The Commission considers this new residue definition to be appropriate.

(10) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain LOQs. Those laboratories proposed product specific LOQs that are analytically achievable.

(11) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.

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

(13) To allow for the normal marketing, processing and consumption of products, this Regulation should not apply to products which have been produced in the Union or imported into the Union before the new MRLs become applicable and for which a high level of consumer protection is maintained.

(14) A reasonable period should be allowed to elapse before the new MRLs become applicable, in order to permit Member States, third countries and food business operators to adapt themselves to the requirements which result from the modification of the MRLs.

(15) 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

Annexes II and III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were produced in the Union or imported into the Union before … [*Office of Publications: please insert date = 6 months after the date of entry into force of this Regulation*].

Article 3

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 … [*Office of publications: please insert date = 6 months after the date of entry into force of this Regulation*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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Done at Brussels,

For the Commission
The President
[…]

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