Resolution on the draft Commission regulation amending Annexes II, III and IV to Regulation (EC) No 396/2005 as regards maximum residue levels for cycloxydim, flonicamid, haloxyfop, mandestrobin, mepiquat, Metschnikowia fructicola strain NRRL Y-27328 and prohexadione in or on certain products

2020/2734(RPS) - 17/09/2020 - Text adopted by Parliament, single reading

The European Parliament adopted by 372 votes to 275, with 39 abstentions, a resolution on the draft Commission regulation 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, flonicamid, haloxyfop, mandestrobin, mepiquat, Metschnikowia fructicola strain NRRL Y-27328 and prohexadione in or on certain products.

Parliament opposed the adoption of the draft Commission Regulation as it was not compatible with the aim and content of Regulation (EC) No 396/2005 on maximum residue levels (MRLs) of pesticides in or on food and feed of plant and animal origin.

In support of its objection, Parliament put forward the following considerations:

Flonicamide

Flonicamide is a selective insecticide used on, inter alia, potatoes, wheat, apples, pears, peaches and peppers. In the opinion of 5 June 2013 of the Committee for Risk Assessment of the European Chemicals Agency (‘ECHA’), which proposed harmonised classification and labelling of flonicamid, the Danish Member State Competent Authority observes ‘clear effects on visceral malformations occurring at non-maternally toxic levels in the rabbit’. In addition, flonicamid is currently under close scrutiny in the US as it may pose a higher risk to pollinators than previously thought.

Under the proposed regulations, MRLs for flonicamid would be increased from 0.03 to 0.5 mg/kg for strawberries, from 0.03 to 1 mg/kg for blackberries and raspberries, from 0.03 to 0.7 mg/kg for other small fruits and berries, and from 0, 03 to 0.3 mg/kg for other root and tuber vegetables in general, but 0.03 to 0.6 mg/kg for radishes, 0.03 to 0.07 mg/kg for lettuce and salads, and 0.03 to 0.8 mg/kg for dried legumes.

Members considered that the MRL for flonicamid should remain at 0.03 mg/kg.

Haloxyfop-P and mandestrobin

Haloxyfop-P is a herbicide used on, *inter alia*, carrots, fodder legumes, rapeseed, soyabean and sugarbeet. It is harmful if swallowed and is harmful to aquatic life with long-lasting effects based on the ECHA classification. The manufacture, distribution and use of haloxyfop-P is banned in France for all agricultural and non-agricultural purposes since 4 September 2007.

Haloxyfop-P was approved as an active substance by Commission Implementing Regulation (EU) No 540 /2011 for a very limited use, imposing strict requirements on Member States with regard to the protection of groundwater, the protection of aquatic organisms and the safety of operators. The Commission decided to extend the period of approval of haloxyfop-P as an active substance until 31 December 2023.

Members recalled that applications for import tolerances were submitted for haloxyfop P used in Australia on linseeds and mandestrobin used in Canada on strawberries and grapes. The applicants claim that the authorised uses of those substances on such crops in those countries lead to residues exceeding the MRLs contained in Regulation (EC) No 396/2005 and that higher MRLs are necessary to avoid trade barriers for the importation of those crops.

Parliament stated that the Union and the Commission should respect the principle of environmental responsibility and should not encourage the use in third countries of products that some Member States ban on their territory and of which the EU is trying to restrain the use. It also stated that free trade rules should never lead to a lowering of the EU's protective standards.

While the Commission proposes to increase the MRL for haloxyfop-P from 0.01 to 0.05 mg/kg for linseeds and to increase the MRL for mandestrobin from 0.01 to 5 mg/kg for grapes and from 0.01 to 3 mg /kg for strawberries, Members considered that the MRL should remain at 0.01 mg/kg.

Parliament called on the Commission to withdraw its draft regulation and submit a new one to the committee.