



EUROPEAN
COMMISSION

Brussels, XXX
PLAN/2024/1306/rev3
[...] (2025) XXX draft

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

of XXX

**amending Annexes II and V to Regulation (EC) No 396/2005 of the European
Parliament and of the Council as regards maximum residue levels for benfluralin,
benthiavalicarb and penflufen in or on certain products**

(Text with EEA relevance)

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

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amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for benfluralin, benthiavalicarb and penflufen 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), and Article 18(1), point (b), thereof,

Whereas:

- (1) For the active substances benfluralin, benthiavalicarb and penflufen, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005.
- (2) The approval of the active substance benfluralin was not renewed by Commission Implementing Regulation (EU) 2023/149². The approval of that active substance thus expired on 12 February 2023. All existing authorisations for plant protection products containing benfluralin have been revoked and no Codex MRLs (CXLs) or import tolerances exist for that active substance. It is therefore appropriate to delete the MRLs set for benfluralin in Annex II to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1), point (a), thereof. MRLs for that active substance are already set at the limit of determination ('LOD') and should therefore be set at the LOD in Annex V to Regulation (EC) No 396/2005 in accordance with Article 18(1), point (b), of that Regulation.
- (3) The approval of the active substance benthiavalicarb was not renewed by Commission Implementing Regulation (EU) 2023/2657³. The approval of that active substance thus expired on 13 December 2023. All authorisations for plant protection products

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

² Commission Implementing Regulation (EU) 2023/149 of 20 January 2023 concerning the non-renewal of the approval of the active substance benfluralin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 20, 23.1.2023, p. 30, ELI: http://data.europa.eu/eli/reg_impl/2023/149/oj).

³ Commission Implementing Regulation (EU) 2023/2657 of 6 November 2023 concerning the non-renewal of the approval of the active substance benthiavalicarb, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) No 540/2011 (OJ L, 2023/2657, 23.11.2023, ELI: http://data.europa.eu/eli/reg_impl/2023/2657/oj).

containing benthiavalicarb have been revoked and no CXLs or import tolerances exist for that active substance. It is therefore appropriate to delete the MRLs set for benthiavalicarb in Annex II to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1), point (a), thereof. MRLs for that active substance in all products should therefore be set at the LOD in Annex V to Regulation (EC) No 396/2005 in accordance with Article 18(1), point (b), of that Regulation.

- (4) The approval of penflufen expired on 31 January 2024⁴ and no application for its renewal was submitted. It is therefore appropriate to delete the MRLs set for penflufen in Annex II to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1), point (a), thereof. MRLs for that active substance are already set at the LOD and should therefore be set at the same value in Annex V to Regulation (EC) 396/2005 in accordance with Article 18(1), point (b), of that Regulation.
- (5) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to set and to adapt certain LODs. For all the active substances covered by this Regulation those laboratories proposed product-specific LODs that are analytically achievable. For benthiavalicarb, they also proposed to change the residue definitions for enforcement purposes for benthiavalicarb (sum of benthiavalicarb-isopropyl (KIF-230 R-L) and its enantiomer (KIF-230 S-D)). The Commission considers it appropriate to establish this new residue definition.
- (6) 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.
- (7) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (8) To allow for the normal marketing, processing and consumption of products, this Regulation should not apply to products which have been placed on the market before the new MRLs become applicable and for which a high level of consumer protection is maintained.
- (9) 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 amendments to the relevant MRLs.
- (10) 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 V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

⁴ Commission Implementing Regulation (EU) 2023/1447 of 12 July 2023 amending Implementing Regulation (EU) No 540/2011 as regards the approval periods of the active substances *Bacillus pumilus* QST 2808 and penflufen (OJ L 178, 13.7.2023, p. 7, ELI: http://data.europa.eu/eli/reg_impl/2023/1447/oj).

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 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.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN