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Objection to an implementing act: Maximum residue levels for tricyclazole

European Parliament resolution of 14 December 2023 on the proposal for a Council regulation 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 tricyclazole in or on certain products (COM(2023)0499 – 2023/2998(RPS))

(C/2024/4176)

The European Parliament,

— having regard to the proposal for a Council regulation 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 tricyclazole in or on certain products (COM(2023)0499),

— 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), thereof,

— having regard to the vote of the Standing Committee on Plants, Animals, Food and Feed, on 11 May 2023, at which no opinion was delivered,

— having regard to the reasoned opinion adopted by the European Food Safety Authority on 7 December 2022, and published on 18 January 2023 ([2]),

— having regard to its resolution of 16 January 2019 on the Union's authorisation procedure for pesticides ([3]),

— having regard to Article 5a(4), point (e), and Article 5a(5) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([4]),

— having regard to Rule 112(2) and (3), and (4)(c) of its Rules of Procedure,

— having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

A. whereas the vote on 11 May 2023 of the Standing Committee on Plants, Animals, Food and Feed delivered no opinion, meaning that the proposal for a regulation was not supported by a qualified majority of Member States; whereas the vote on 20 September 2023 of the Council again delivered no opinion;

B. whereas the proposal for a Council regulation seeks to increase the maximum residue level ('MRL') for tricyclazole in rice from 0,01 to 0,09 mg/kg;

C. whereas Regulation (EC) No 396/2005 aims at ensuring a high level of consumer protection and harmonised Union provisions relating to maximum levels of pesticide residues in or on food and feed of plant and animal origin;

D. whereas Article 1 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council ([5]) provides that the purpose of that Regulation is to ensure a high level of protection of both human and animal health and the environment and to improve the functioning of the internal market through the harmonisation of the rules on the placing on the market of plant protection products, while improving agricultural production;

([1]) OJ L 70, 16.3.2005, p. 1.
([2]) Reasoned opinion on the setting of import tolerance for tricyclazole in rice, EFSA Journal 2023;21(1):7757, https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2023.7757.
([3]) OJ C 411, 27.11.2020, p. 48.
([4]) OJ L 184, 17.7.1999, p. 23.
([5]) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

E. whereas the communication of the Commission of 20 May 2020 entitled 'A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system' acknowledges that the 'European food is already a global standard for food that is safe, plentiful, nutritious and of high quality';

F. whereas tricyclazole is a systemic and protective fungicide for the efficacious control of rice blast (*Pyricularia grisea Sacc.*) that occurs at all the stages of progression (leaf blast, stem blast and panicle blast);

G. whereas tricyclazole was not included in Annex I to Council Directive 91/414/EEC in 2008, after the Standing Committee on the Food Chain and Animal Health concluded that 'there are clear indications that it may be expected that it has harmful effects on human health and in particular the crucial missing data does not allow to set reliable ADI, ARfD and AOEL and such values are necessary to conduct the risk assessment' ([6]); whereas since 30 March 2009, tricyclazole has not been allowed for use in the Union;

H. whereas in its peer review, following an application for approval for use in the Union in 2015, EFSA concluded ([7]) that there were multiple critical areas of concern with regard to the toxicology of tricyclazole; whereas EFSA could not disregard the genotoxicity and carcinogenicity potential of tricyclazole, and therefore reference values (ADI, ARfD and AOEL) for use in human health risk assessments could not be established; whereas consequently, the risk assessments for operators, workers, bystanders, residents and consumers could not be conducted; whereas, furthermore, EFSA could also not exclude potential endocrine-disrupting properties; whereas the application for approval was therefore denied ([8]);

I. whereas, since 2016, the use of tricyclazole has been banned in the Union as well as imports of products with residues above the analytical quantification level;

J. whereas, because of the ban on that fungicide, European farmers were compelled to invest in finding alternative agricultural practices;

K. whereas the ban on that fungicide in the Union has led to a major reduction in the production of rice among European producers;

L. whereas, since the MRL for tricyclazole in rice was lowered to the limit of determination and became applicable across the Union in 2017, non-EU rice producers have resorted to agronomic techniques and adapted their business models allowing them to continue exporting to the Union;

M. whereas the European rice production chain has consistently supported the need for a reciprocity of rules regarding the use of pesticides;

N. whereas the ban on tricyclazole in the Union creates a situation of complete lack of reciprocity to the detriment of rice producers employing Union standards;

O. whereas this situation may in the long-term lead to unfair competition to rice producers meeting Union standards;

P. whereas trade-enabling policies remain a priority for the European Parliament;

Q. whereas, in the 2022 marketing year (01.09.2021 - 31.07.2022), rice imports into the Union reached a record 1,67 million tonnes, milled basis, recording a 36 % increase year-to-year ([9]);

R. whereas the imports coming from countries allowing for the use of tricyclazole amounted to a total volume of almost 194 000 tonnes, corresponding to approximately 12 % of the total imports ([10]);

([6]) 2008/770/EC: Commission Decision of 30 September 2008 concerning the non-inclusion of tricyclazole in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (notified under document number C(2008) 5108), OJ L 263, 2.10.2008, p. 16.

([7]) Conclusion on the peer review of the pesticide risk assessment of the active substance tricyclazole, EFSA Journal 2015;13(2):4032, https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2015.4032.

([8]) Commission Implementing Regulation (EU) 2016/1826 of 14 October 2016 concerning the non-approval of the active substance tricyclazole, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 279, 15.10.2016, p. 88).

([9]) EUROSTAT, 2023.

([10]) EUROSTAT, 2023.

S. whereas, while Union farmers would be subject to the highest possible consumer safety requirements, the adoption of the proposal for a Council regulation would allow imports into the Union, which do not comply with the Union standards;

T. whereas the proposal for a Council regulation, according to the Rapid Alert System for Food and Feed (RASFF), would have reduced the notifications by 76 % in 2021 and 73 % in 2022;

U. whereas the adoption of the proposal for a Council regulation would undermine food security and, in the absence of appropriate traceability and information means, could generate deceptive practices for consumers;

V. whereas Article 191(2) of the Treaty on the Functioning of the European Union sets out the precautionary principle as one of the fundamental principles of the Union;

W. whereas, in order to reduce the risks and impacts of pesticide use on human and animal health and the environment, the Commission and the Member States are encouraged to address the issue of imported agricultural products treated with chemicals that are either banned or restricted in the Union;

1. Opposes adoption of the proposal for a Council regulation;

2. Considers that the proposal for a Council regulation exceeds the implementing powers provided for in Regulation (EC) No 396/2005;

3. Considers that the proposal for a Council regulation is not compatible with the aim and content of Regulation (EC) No 396/2005;

4. Notes that the proposal for a Council regulation does not comply with the commitments made to high consumer safety;

5. Notes that, as risk-based trading standards, MRLs help to avoid barriers and trade disruptions, and underlines that a different playing field could lead to barriers and potential trade disruption that could significantly impact consumers, farmers and the food sector in Europe and beyond;

6. Insists that the MRL for tricyclazole in imported rice in the Union should remain at 0,01 mg/kg as for the European rice producers;

7. Calls on the Commission to withdraw the proposal for a regulation;

8. Calls on the Commission to safeguard a level playing field for the European farmers;

9. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.