NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** European Union **If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** European Commission**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** European CommissionEU-TBT Enquiry PointFax: +(32) 2 299 80 43E-mail: grow-eu-tbt@ec.europa.euWebsite: <http://ec.europa.eu/growth/tools-databases/tbt/en/> |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****],** **other****:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Food; Food products in general (ICS 67.040) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Draft Commission Delegated Regulation amending Delegated Regulation (EU) No 2016/128 as regards the requirements on pesticides in food for special medical purposes developed to satisfy the nutritional requirements of infants and young children (5 page(s), in English; 2 page(s), in English) |
| **6.** | **Description of content:** This draft Commission Delegated Regulation aims at aligning the definition of "pesticide residues" laid down in Commission Delegated Regulation (EU) 2016/128 with the more precise definition provided for in Regulation (EC) No 396/2005 on maximum residue levels of pesticides to ensure legal certainty and clarity. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Commission Delegated Regulation (EU) 2016/128 lays down *inter alia* specific requirements on the use of pesticides in products intended for the production of food for special medical purposes developed to satisfy the nutritional requirements of infants and young children and on pesticide residues in such food. Article 11(2) of Regulation (EU) No 609/2013 on food intended for infants and young children, food for special medical purposes and total diet replacement for weight control empowers the Commission to adopt delegated acts in order to update, amongst others, Delegated Regulation (EU) 2016/128 taking into account relevant technical and scientific progress. The proposed amendments to Delegated Regulation (EU) No 2016/128 relate to the fact that Article 3(2)(c) of Regulation (EC) No 396/2005 provides for a more precise definition of pesticide residues, specifying in addition that they may result from active substances currently or formerly used in plant protection products and that they may arise as a result of use in plant protection, veterinary medicine and as biocides. For reasons of legal certainty and clarity, it is necessary to bring the definition laid down in Delegated Regulation (EU) No 2016/128 in line with the more precise definition provided for in  Regulation (EC) No 396/2005. Furthermore, in view of future Implementing Regulations amending the Annexes to Regulation (EC) No 396/2005 and taking into account that the residue definitions for active substances should apply as defined in Regulation (EC) No 396/2005, it is  appropriate to include only the parent compounds of the active substances in the lists  set out in Annexes II and III to Delegated Regulation (EU) No 2016/128; Protection of human health or safety |
| **8.** | **Relevant documents:** * Commission Delegated Regulation (EU) 2016/128 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32016R0128>
* 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 <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32005R0396>
 |
| **9.** | **Proposed date of adoption:** 2nd quarter 2021**Proposed date of entry into force:** The proposed measure shall enter into force on the 20th day following its publication in the Official Journal of the EU (about a month after adoption approx.). |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [** **]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** European CommissionEU-TBT Enquiry PointFax: + (32) 2 299 80 43E-mail: grow-eu-tbt@ec.europa.euThe text is available on the EU-TBT Website: <http://ec.europa.eu/growth/tools-databases/tbt/en/><https://members.wto.org/crnattachments/2021/TBT/EEC/21_0776_00_e.pdf><https://members.wto.org/crnattachments/2021/TBT/EEC/21_0776_01_e.pdf> |