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| |  | | --- | | **FRUCOM NEWSLETTER 27/11/2023**   * FRUCOM ACTIVITIES   + [Official controls: FRUCOM meeting minutes and presentation](javascript:void(0);) * ALL PRODUCTS   + [Official Journal: scheme of generalised tariff preferences (GSP) extended](javascript:void(0);)   + [Packaging and Packaging Waste: EU Parliament plenary vote result](javascript:void(0);)   + [Parliament rejected a Commission proposal on the Sustainable Use of Plant Protection Products (SUR)](javascript:void(0);)   + [Pesticides: draft MRLs for fosetyl-Al, potassium phosphonates and disodium phosphonates](javascript:void(0);)   + [Pesticides: U.S. comments to the WTO on EU import tolerance policy](javascript:void(0);)   + [Pesticides: U.S. comments to the WTO on EU pesticides policy](javascript:void(0);)   + [Pesticides: draft MRLs for deltamethrin, metalaxyl and thiabendazole](javascript:void(0);)   + [Pesticides: draft MRLs for benomyl, carbendazim and thiophanate‐methyl](javascript:void(0);)   + [Pesticides: draft on approval of safeners and synergists](javascript:void(0);)   + [Pesticides: EFSA proposed MRLs for dicofol](javascript:void(0);) | |  | |
| |  | | --- | |  | | **FRUCOM ACTIVITIES**  [**OFFICIAL CONTROLS: FRUCOM MEETING MINUTES AND PRESENTATION**](javascript:void(0);)  The FRUCOM meeting regarding recent developments in national official controls (including the destruction of goods) was organized on Wednesday 22 November. The meeting minutes and the presentation by the secretariat are below.  Additionally, as discussed in the meeting please inform FRUCOM if you know your country's up-to-date list of reprocessing facilities.  Presentation: [official controls 22Nov23](https://frucom.eu/component/attachments/attachments.html?task=attachment&id=2210)  Minutes: [WG DF N Nov23 report](https://frucom.eu/component/attachments/attachments.html?task=attachment&id=2211)  **ALL PRODUCTS**  [**OFFICIAL JOURNAL: SCHEME OF GENERALISED TARIFF PREFERENCES (GSP) EXTENDED**](javascript:void(0);)  On 27th November, the Regulation (EU) 2023/2663 amending Regulation (EU) No 978/2012 applying the EU scheme of generalised tariff preferences was published in the Official Journal.    The application of the scheme is now extended until 31 December 2027,  to provide the time needed for the completion of the legislative procedure for the adoption of the proposed successor regulation.  The Regulation should enter into force on the day of its publication in the Official Journal and should apply from the day following that of its publication, or from 1 January 2024, if the publication takes place after 31st December 2023.  Link to the Regulation: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202302663>    [**PACKAGING AND PACKAGING WASTE: EU PARLIAMENT PLENARY VOTE RESULT**](javascript:void(0);)  The proposed Packaging and Packaging Waste Regulation (PPWR) went through a vote during the plenary session of the European Parliament on Wednesday 22nd November.  Packaging that is in direct contact with food is exempted from reusing obligations (see new amendment below).  The results of the vote are below:  Article 22, Annex V – Compromise 12   |  |  |  |  | | --- | --- | --- | --- | | Proposal for a regulation Annex V – row 1 | | | | |  | | | | | Text proposed by the Commission | | | | | 1. | Single-use plastic grouped packaging | Plastic packaging used at *retail level* to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage *end users* to purchase more than one product. This excludes grouped packaging necessary to facilitate handling distribution. | Collation films, shrink wrap | | **Amendment** **328 - adopted** | | | | | 1. | Single-use plastic grouped packaging | Plastic packaging used at *the point of sale* to group goods sold in cans, tins, pots, tubs, and packets designed as convenience packaging to enable or encourage *consumers* to purchase more than one product. This excludes grouped packaging necessary to facilitate handling in *business-to-business* distribution. | Collation films, shrink wrap | | Proposal for a regulation Annex V – row 4 | | | | | Text proposed by the Commission - Amendment 391 cp3 - deleted | | | | | 4. | Single use packaging for condiments, preserves, sauces, coffee creamer, sugar, and seasoning in HORECA sector | Single use packaging in the HORECA sector, containing individual portions or servings, used for condiments, preserves, sauces, coffee creamer, sugar and seasoning, except such packaging provided together with take-away ready-prepared food intended for immediate consumption without the need of any further preparation | Sachets, tubs, trays, boxes | |  | | | |    Article 26 (Reuse of packaging in transport) - Compromise 10   |  |  | | --- | --- | | Proposal for a regulation Article 26 – paragraph 12 – subparagraph 1 – introductory part | | | Text proposed by the Commission | **Amendment** **218 - adopted** | | Transport packaging used by an economic operator shall be reusable where it is used for transporting products: | *From 1 January 2030, 95%* of the transport packaging used by an economic operator shall be reusable where it is used for transporting products: | |  |  | | Article 26 – paragraph 13 – subparagraph 1 | | | Text proposed by the Commission | **Amendment** **219 - adopted** | | Economic operators delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products. | *From 1 January 2030*, economic operators, *including online platforms*, delivering products to another economic operator within the same Member State shall use only reusable transport packaging for the purpose of the transportation of such products. | |  | |   New amendment:    **Amendment 506**  Proposal for a regulation  Article 26 – paragraph 15 b (new): *Economic operators shall be exempted from the obligation to meet the targets laid down in paragraphs 7, 12 and 13 of this Article for all transport packaging that is in direct contact with food as defined in Regulation (EC) No 178/2002 and feed.*    The complete text can be found here: https://www.europarl.europa.eu/doceo/document/TA-9-2023-0425\_EN.pdf  As per previous [FRUCOM communication](https://www.frucom.eu/circulars/4351:frucom-letter-to-mep-de-meo-and-eu-member-states-permanent-representations.html), FRUCOM had sent a letter to MEP De Meo and EU Member States on PPWR.  Please find Parliament's press release here: here: <https://www.europarl.europa.eu/news/en/press-room/20231117IPR12213/parliament-adopts-revamped-rules-to-reduce-reuse-and-recycle-packaging> and FoodDrinkEurope communication here: <https://www.fooddrinkeurope.eu/resource/meps-see-the-complexity-of-packaging-and-adopt-a-pragmatic-negotiating-position/>  Next step: EU Council's General Approach (=position of the EU member States).  [**PARLIAMENT REJECTED A COMMISSION PROPOSAL ON THE SUSTAINABLE USE OF PLANT PROTECTION PRODUCTS (SUR)**](javascript:void(0);)  The European Parliament has effectively rejected the Commission proposal on the Sustainable Use of Plant Protection Products (SUR). Following a debate on Tuesday 21 November, 299 MEPs voted on Wednesday to reject the Commission’s proposal on the Sustainable use of plant protection products as amended by MEPs in plenary, with 207 supporting the proposal and 121 abstaining.  With this vote, the Parliament has effectively rejected the Commission proposal and closed its first reading. The Parliament calls on the Commission to withdraw its proposal.  The Council still has to decide on its own position on the proposal to determine whether it is definitively rejected or returns to Parliament for a second reading.  More information : <https://www.europarl.europa.eu/doceo/document/TA-9-2023-0424_EN.pdf> , <https://frucom.eu/circulars/4364:pesticides-commission-s-sur-brieffing.html>  [**PESTICIDES: DRAFT MRLS FOR FOSETYL-AL, POTASSIUM PHOSPHONATES AND DISODIUM PHOSPHONATES**](javascript:void(0);)  The EU notified the WTO on its draft Commission Regulation 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 fosetyl-Al, potassium phosphonates and disodium phosphonates in or on certain products. The proposed draft Regulation concerns the update of existing MRLs for fosetyl-Al, potassium phosphonates and disodium phosphonates in certain food commodities. MRLs for these substances in certain commodities are lowered or raised. Lower MRLs are set after deleting old uses which are not authorised any more in the European Union or for which a human health concern may not be excluded. Besides their use as active substances in plant protection products, potassium phosphonates are also ingredients in other products of agricultural relevance (e.g., fertilisers, plant strengtheners, manure, soil amendments). Therefore, the authorised treatment of plants with such products may lead to the detection of phosphonic acid residues in pertinent agricultural products, and it is appropriate to consider the contribution of such other uses than for plant protection when setting the relevant MRLs. The Commission requested the Authority to deliver, in accordance with Article 43 of Regulation (EC) No 396/2005, a reasoned opinion on the joint review of MRLs for fosetyl-Al, potassium phosphonates and disodium phosphonate, taking into account also residues from sources other than the use of plant protection products.  The European Union Reference Laboratories noted that the following limits of determination (‘LOD’) are technically achievable: 0,1 mg/kg in high water and acidic plant origin matrices, 0,2 mg/kg in high fat and dry/high starch content plant origin matrices, 0,05 mg/kg in milk, 0,2 mg/kg in fat and 0,5 mg/kg in liver, kidney and muscle. Nevertheless, in view of the persistence of the residues of these substances, and of the potential multitude of residue sources, it was considered appropriate to maintain the existing lowest MRL at 2 mg/kg, adjusted to a level of 1,5 mg/kg as to take into account the revised residue definition. For teas, coffee, herbal infusions, cocoa and carobs, a lowest MRL of 20 mg/kg is appropriate to take into account the occurrence of phosphonic acid from such other sources.  New draft MRLs for Phosphonic acid and its salts expressed as phosphonic acid (R):  Citrus fruits 100  Almonds 1000  Brazil nuts 400  Cashew nuts 400  Chestnuts 1000  Coconuts 400  Hazelnuts/cobnuts 1000  Macadamias 400  Pecans 400  Pine nut kernels 400  Pistachios 1000  Walnuts 1000  Other tree nuts 400  Pome fruits 70  Apricots 60  Cherries (sweet) 8  Peaches 60  Plums 8  Other stone fruits 8  Wine grapes 150  Strawberries 70  Blackberries 200  Dewberries 80  Raspberries (red and yellow) 200  Other cane fruits 80  Blueberries 150  Cranberries 1,5  Currants (black, red and white) 150  Gooseberries (green, red and yellow) 150  Rose hips 1,5  Mulberries (black and white) 1,5  Elderberries 60  Other small fruits and berries 1,5  Dates 1,5  Figs 1,5  Table olives 80  Kumquats 3  Carambolas 1,5  Jambuls/jambolans 1,5  Other Miscellaneous fruits with edible peel 1,5  Kiwi fruits (green, red, yellow) 150  Litchis/lychees 1,5  Passionfruits/maracujas 20  Prickly pears/cactus fruits 1,5  Star apples/cainitos 1,5  American persimmons/Virginia kaki 1,5  Other Other Miscellaneous fruits with inedible peel small and large 1,5  Avocados 50  Bananas 1,5  Mangoes 1,5  Papayas 3  Granate apples/pomegranates 70  Cherimoyas 1,5  Guavas 1,5  Pineapples 20  Breadfruits 1,5  Soursops/guanabanas 1,5  Oilseeds and oil fruits, excluding peanuts, olives for oil production 1,5  Peanuts 3  Olives for oil production 80  Proposed date of adoption (dd/mm/yy): 2 June 2024  Proposed date of publication (dd/mm/yy): 2 July 2024  More information: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/SPS/NEU698.pdf&Open=True>  [**PESTICIDES: U.S. COMMENTS TO THE WTO ON EU IMPORT TOLERANCE POLICY**](javascript:void(0);)  The WTO received the following submission by the United States of America regarding import tolerances for certain pesticides to achieve environmental outcomes in third countries – specific trade concern 534. The United States reiterates its concerns with the application of EU domestic environmental policies to food and agricultural products imported from third countries.  "We recognize the importance of tailoring measures that take into account the economic, social, and environmental dimensions of sustainability that are unique to each Member. However, Members' sustainability actions must be consistent with their obligations under relevant WTO Agreements. According to the U.S. national competent authorities must remain empowered to establish the measures necessary for the protection of human, animal, or plant life or health within their own territories. However, this regulation is a de facto extension of the European Union's production requirements to farming communities outside the European Union because it requires third country imports to satisfy EU environmental policy preferences. From an environmental perspective, the United States shares the European Union's concerns about pollinator health and is actively working to protect bees and other pollinators in the United States. U.S. notes the widely shared scientific understanding that complex interactions among multiple factors affect bee colony and wild pollinator health, including the presence of pests, pathogens, and diseases; pesticide use; poor nutrition due to loss of foraging habitats and monoculture; bee management practices; and lack of genetic diversity.  However, even considering this policy approach from an environmental perspective, the European Union has not provided data demonstrating that the use of these substances at current MRL levels poses an actual risk to pollinators. The studies cited only evaluate a limited number of pollinators found in Europe and do not take into account regional conditions, practices, and fauna in other parts of the world. In place of the EU regulation, the United States requests a collaborative approach to protecting pollinators."  More information: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/SPS/GEN2179.pdf&Open=True>  [**PESTICIDES: U.S. COMMENTS TO THE WTO ON EU PESTICIDES POLICY**](javascript:void(0);)  The WTO received the following submission by the United States of America regarding European Union MRLs and pesticide policies – specific trade concern 448: EU MRLs for alpha-cypermethrin, buprofezin, chlorothalonil, chlorpyrifos, chlorpyrifos-methyl, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, mancozeb, molinate, picoxystrobin and tepraloxydim. The United States, along with a number of other Members, continues to express concern with the European Union's pesticide approval and renewal decisions and the systemic trade barriers that result from the subsequent withdrawal or reduction of pesticide maximum residue levels, or MRLs, to the Limit of Quantification on the basis of uncertainty and insufficient scientific evidence. U.S. writes to remind the European Union that SPS measures must be based on science and risk; should only be imposed when necessary to protect human, animal, or plant life or health. If SPS measures are justified and necessary, they should be imposed in the least trade restrictive manner possible. U.S. requests that the European Union maintain existing MRLs for active substances that do not pose known unacceptable food safety risks, complete a full risk assessment for each MRL prior to any proposed MRL reduction or withdrawal, and complete a science-based review of import tolerance applications based on consumer dietary risk in line with Codex guidance and standards.  More information: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/SPS/GEN2178.pdf&Open=True>  [**PESTICIDES: DRAFT MRLS FOR DELTAMETHRIN, METALAXYL AND THIABENDAZOLE**](javascript:void(0);)  The EU notified the WTO on its draft Commission Regulation amending Annex II to Regulation (EC) No. 396/2005 of the European Parliament and of the Council as regards maximum residue levels for deltamethrin, metalaxyl, thiabendazole and trifloxystrobin in or on certain products.  Deltamethrin (cis-deltamethrin)(F)  Citrus fruits 0.02  Tree nuts 0.01  Pear 0.09  Plums 0.1  Cane fruits 0.08  Miscellaneous fruits with inedible peel, small 0.01  Mangoes 0.05  Papaya 0.1  Oilseeds and oil fruits (expect rapeseed, olives for oil production) 0.01  Metalaxyl and metalaxyl-M (metalaxyl including other mixtures of constituent  Lemons 0.01  Limes 0.4  Mandarins 0.4  Other citrus fruits (0110990) 0.01  Pome fruits 0.01  Grapes 1.5  Thiabendazole(R)  Avocado 15  Papaya 0.01    Proposed date of adoption (dd/mm/yy): 15 April 2024  Proposed date of publication (dd/mm/yy): 15 June 2024  More information: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/SPS/NEU697.pdf&Open=True>  [**PESTICIDES: DRAFT MRLS FOR BENOMYL, CARBENDAZIM AND THIOPHANATE‐METHYL**](javascript:void(0);)  The EU notified the WTO on its draft Commission Regulation amending Annexes II, III and V to Regulation (EC) No. 396/2005 of the European Parliament and of the Council as regards maximum residue levels for benomyl, carbendazim and thiophanate‐methyl in or on certain products. The approvals of carbendazim and thiophanate‐methyl for their use in plant protection products were not renewed. In addition, the European Food Safety Authority published reasoned opinions on the modification of the existing maximum residue (MRLs) for carbendazim and thiophanate‐methyl. Based on the above, Regulation (EC) No. 396/2005 should be amended accordingly.  Benomyl  Fruits, fresh or frozen; tree nuts 0.01  Oilseeds and oil fruits 0.01  Carbendazim (R)  Fruits, fresh or frozen; tree nuts( excluding lemons, limes, mandarins) 0.01  Lemons, limes, mandarins 0.9  Oilseeds and oil fruits 0.01  Thiophanate-methyl (R)  Fruits, fresh or frozen; tree nuts( excluding limes) 0.01  Limes 7  Oilseeds and oil fruits 0.01  Proposed date of adoption (dd/mm/yy): 2 June 2024  Proposed date of publication (dd/mm/yy): 2 July 2024  More information: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/SPS/NEU696.pdf&Open=True>  [**PESTICIDES: DRAFT ON APPROVAL OF SAFENERS AND SYNERGISTS**](javascript:void(0);)  The EU notified the WTO on its draft Commission Regulation defining data requirements for the approval of safeners and synergists and establishing a work programme for the gradual review of safeners and synergists on the market in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council. Article 29 of Regulation (EC) No 1107/2009 requires safeners and synergists contained in a plant protection product to be approved in order for that product to be authorised pursuant to Article 28 of that Regulation. Article 25(1) of that Regulation provides for the approval of safeners and synergists when the criteria for the approval of active substances, laid down in Article 4 of that Regulation, are fulfilled. Furthermore, Article 25(2) of that Regulation provides that the general rules applicable to the procedure for the approval of active substances, or the renewal thereof, set out in Articles 5 to 21 of that Regulation apply to safeners and synergists as well. Therefore, similar data requirements to those applicable for the approval of active substances should be defined for the approval of safeners and synergists, with the addition of a supplementary data requirement related to the demonstration of efficacy of the safeners or synergists. In addition, to assess whether safeners and synergists contained in plant protection products that are already on the market on the date that this Regulation enters into force, a work programme for the gradual review of those safeners and synergists should be established. In order to ensure alignment with the derogation of Article 81(1) of Regulation (EU) No 1107/2009, procedures should be established allowing these safeners and synergists to be reviewed within five years of the adoption of that work programme.  Proposed date of adoption: First half 2024  Proposed date of entry into force: Twenty days following publication in the Official Journal of the EU (The provisions shall apply from six months after the adoption)  More information: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/TBTN23/EU1034.pdf&Open=True>  [**PESTICIDES: EFSA PROPOSED MRLS FOR DICOFOL**](javascript:void(0);)  EFSA published it new targeted review of maximum residue levels (MRLs) for dicofol. In accordance with the terms of reference, EFSA investigated the origin of the current EU MRLs for dicofol, and whether they are sufficiently substantiated. An EU MRL is considered substantiated if it is sufficiently supported by data and established for uses still authorised or based on Codex Maximum Residue Limit (CXL) or import tolerance that are still in place and relevant. Accordingly, MRLs that were derived for previously authorised EU uses are obsolete and should be lowered to the LOQ. Analytical methods are available for the enforcement of the proposed residue definition in all four main plant matrices and tea with a summed LOQ of 0.02 mg/kg. Dicofol can be enforced in food of animal origin with an LOQ of 0.01–0.05 mg/kg for each isomer of dicofol. According to the EURLs, a quick, easy, cheap, effective, rugged, and safe (QuEChERS) multi-residue analytical method is available with a summed LOQ of 0.02 mg/kg for the routine analysis of dicofol in the four main matrix groups of plant origin, and a summed LOQ of 0.04 mg/kg in specific matrices (i.e. tea and cocoa). For high water, high acid content and dry commodities, even lower summed LOQ of 0.01 mg/kg were successfully validated. QuEChERS multi-residue analytical and SweEt based method are also available to monitor dicofol in commodities of animal origin (muscle, milk and liver) with a summed LOQ of 0.02 mg/kg. For these commodities an even lower summed LOQ of 0.01 mg/kg was successfully validated. The origin of all current MRLs set for dicofol (based on formerly approved uses or on CXLs) was investigated, and all MRLs were identified as not sufficiently substantiated: EU MRLs on melons, cotton seeds, teas, hops, poultry commodities, milk and bird's eggs. No fall-back MRLs were identified for any of these crops or animal commodities.  EFSA proposed MRLs (mg/kg):  Melons: LOQ (currently 0.2) The existing EU MRL is not substantiated. Hence, the MRL should be lowered to the LOQ .  Cotton seeds: LOQ (currently 0.1)The existing EU MRL is not substantiated. Hence, the MRL should be lowered to the LOQ.  More information: <https://www.efsa.europa.eu/sites/default/files/2023-11/EFSA%20Journal%20-%202023%20-%20%20-%20Targeted%20review%20of%20maximum%20residue%20levels%20%20MRLs%20%20for%20dicofol.pdf> RASFF NOTIFICATION: 2023/47 (20/11/2023 - 26/11/2023) Please find below a FRUCOM report compiling RASFF notifications of week 2023/47 (20/11/2023 - 26/11/2023).  Information provided in the report is based on RASFF notifications published on the DG SANTE’s online database.  [FRUCOMRASFF2023\_Week47](https://frucom.eu/component/attachments/attachments.html?task=attachment&id=2212) | |