

STATEMENT

TRANSITIONAL PROVISIONS FOR TRICYCLAZOLE MRL

January 2017

The December 2016 redrafted proposal regarding the maximum residue level for tricyclazole in rice is welcome in that it takes account of the normal marketing, processing and consumption of rice. In particular;

- Legal clarity as regards the European 2016 crop; the term "placed on the market before" gives greater legal certainty than the standard term used in transitional measures, "produced before", due to the definition of "placed on the market" provided by Article 3 (8) of Regulation (EC) No 178/2002 and existing *Guidance on the Implementation of Articles 11, 12, 14, 17, 18, 19 and 20 of Regulation 178/2002 on General Food Law* (26 January 2010).
- Recognises the need for specific measures regarding basmati rice due to the lengthy process of bringing basmati to the market.

However, we believe that further reflection is required on the wording of the transitional measures, both to provide appropriate legal certainty in this specific case and to ensure a wording that is applicable to future transitional measures.

1. *Processed products*

Recital 7 of the proposal makes it clear that the transitional arrangement applies not only to rice but "products made thereof". However, this is ambiguous in the text of Article 2, which refers only to "all rice".

2. *"Imported before"*

Crop cycles differ across continents. The capacity of an exporting country to ensure its food is "imported before" a given date is dependent upon this crop cycle. There is therefore an inherent risk with the term "imported before" of discriminating between regions.

In the case of tricyclazole, rice due to be harvested in February to April in Brazil and Uruguay (both users of tricyclazole) will not be fully imported before June 2017, placing them in a detrimental position compared to Asian competitors.

Proposed wording

A clear standard wording for transitional measures must be established which ensures the inclusion of processed products within their scope and is origin-neutral for imported products. In the case of tricyclazole, for example:



"Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to rice harvested (OR treated¹) with tricyclazole before xxx and products made thereof."

In this way, rice from all origins – EU and non-EU – would be subject to the same transitional measures. Specific measures for Basmati rice would not be required.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Chris Downes".

Chris DOWNES, FERM
Secretary General

A handwritten signature in blue ink, appearing to read "Beate Kettlitz".

Beate KETTLITZ, FoodDrinkEurope
Food Policy, Science and R&D

cc:

DG Sante : Mr Michael Flüh, Mrs Almut Bitterhof

DG Agri : Mr Damien Plan, Mr Jeroen Smits

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Mr Roberto Cecutti

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¹ In the case of tricyclazole which is applied late in the crop cycle, the distinction between 'treated' and 'harvested' may not be so significant. However, for other crops, for example, where a substance is used in seed treatment, 'harvested' could create compliance problems.