



4 May 2018

(18-2754)

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Committee on Sanitary and Phytosanitary Measures

Original: French

NOTIFICATION OF EMERGENCY MEASURES

1. Notifying Member: <u>FRANCE</u> If applicable, name of local government involved:
2. Agency responsible: <i>Direction générale de l'alimentation - Ministère de l'agriculture, de l'agroalimentaire et de la forêt</i> (Directorate-General of Food and Nutrition - Ministry of Agriculture, Agrifoods and Forestry)
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition where applicable): Fresh cherries
4. Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5. Title of the notified document: <i>Arrêté du 6 avril 2018 portant suspension d'introduction, d'importation et de mise sur le marché en France de cerises fraîches destinées à l'alimentation produites dans un État membre de l'Union européenne ou un pays tiers dans lequel l'utilisation de produits phytopharmaceutiques contenant la substance active diméthoate est autorisée en traitement des cerisiers</i> (Order of 6 April 2018 suspending the entry and importation into France, and the placing on the market in France, of fresh cherries for consumption from member States of the European Union or third countries where the use of phytopharmaceutical products containing the active substance dimethoate is authorized for the treatment of cherry trees) Language(s): French Number of pages: 2 Text available at: https://members.wto.org/crnattachments/2018/SPS/FRA/18_2341_00_f.pdf
6. Description of content: The notified Order prohibits for one year, as from the date of entry into force of the measure, the entry, importation and placing on the market of fresh cherries for consumption from member States of the European Union or third countries where the use of phytopharmaceutical products containing the active substance dimethoate is authorized for the treatment of cherry trees, with the exception of cherries that are produced organically in accordance with the provisions of Council Regulation (EC) No. 834/2007 of 28 June 2007.
7. Objective and rationale: <input checked="" type="checkbox"/> food safety , <input type="checkbox"/> animal health , <input type="checkbox"/> plant protection , <input type="checkbox"/> protect humans from animal/plant pest or disease , <input type="checkbox"/> protect territory from other damage from pests.
8. Nature of the urgent problem(s) and reason for urgent action: In 2016 and 2017, France introduced a protective measure, applicable until the end of the year in question, which suspended the importation and placing on the market in France of fresh cherries for consumption from member States of the European Union or third countries where the use of phytopharmaceutical products containing the active substance dimethoate is authorized for the treatment of cherry trees, with the exception of cherries that are produced organically in accordance with the provisions of Council Regulation (EC) No. 834/2007 of

28 June 2007.

A time limit was set for this measure, pending the preparation of an evaluation report within the context of a request for the renewal of approval. This report, expected at the beginning of 2017, was still not available..

In 2018, it emerged that the information needed to dismiss the possibility of unacceptable risks was still not available. The draft evaluation report prepared by the rapporteur member State, which was recently submitted, indicates that the sections on toxicity and residues of the risk assessment still need to be developed further, particularly in terms of the genotoxic, reprotoxic and toxic potential for development and the endocrine disruptive potential of dimethoate and some of its metabolites, the establishment of toxicological reference values (acute and chronic toxicity in the event of dietary exposure) for dimethoate, omethoate, and metabolites III, X, XI, XII, XX and XXIII, stability during the storage of residues of dimethoate and its metabolites, and the definition of residues for risk assessment and controls.

To date, no new data addressing the concerns about the consumption of cherries treated with dimethoate have been made available, particularly data on the absence of unacceptable toxicological risk for some metabolites. This aspect is all the more important in view of the fact that several European Food Safety Authority (EFSA) notices, most notably those of 8 April 2016 and 14 November 2016, underscore the very rapid metabolism of dimethoate in a large number of metabolites. In this light, in its priority review of the maximum residue limits for dimethoate and omethoate of 14 November 2016, the EFSA concluded that certain information required under the regulatory framework was lacking and that a possible acute risk to consumers had been identified. The EFSA also emphasized that this conclusion did not take into account the possible contribution of metabolites III, X, XXIII, XX, XII and XI, and that the risk assessment may therefore underestimate the real risk to consumers.

In light of the elements indicating that the consumption of fresh cherries picked from cherry trees treated with dimethoate is likely to pose a serious risk to human health, and the proximity of the production and consumption period for fresh cherries, the French authorities requested the European Commission to implement emergency measures aimed at prohibiting the use of dimethoate on cherry trees, and at suspending the placing on the market of fresh cherries from cherry trees treated with dimethoate.

Given the absence of measures taken by the European Commission in accordance with Article 69 of Regulation (EC) No. 1107/2009 and Article 53 of Regulation (EC) No. 178/2002, and in light of the elements indicating that the consumption of fresh cherries picked from cherry trees treated with dimethoate is likely to pose a serious risk to human health, and the proximity of the production and consumption period for fresh cherries, France has decided to introduce the notified national emergency measure.

9. Is there a relevant international standard? If so, identify the standard:

☒ **Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):** Codex maximum residue limits for dimethoate

☐ **World Organisation for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):**

☐ **International Plant Protection Convention (e.g. ISPM number):**

☐ **None**

Does this proposed regulation conform to the relevant international standard?

☐ Yes ☒ No

If no, describe, whenever possible, how and why it deviates from the international standard: See point 8.

10.	Relevant documents and language(s) in which these are available:
11.	Date of entry into force (dd/mm/yy)/period of application (as applicable): 11 April 2018 [] Trade facilitating measure
12.	Agency or authority designated to handle comments: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and email address (if available) of other body: European Commission Directorate-General of Food and Nutrition Unit D2 - International Trade Relations Rue Froissart 101, B-1049 Brussels Tel.: (+32 2) 295 4263 Fax: (+32 2) 299 8090 Email: sps@ec.europa.eu
13.	Text(s) available from: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and email address (if available) of other body: European Commission Directorate-General of Food and Nutrition Unit D2 - International Trade Relations Rue Froissart 101, B-1049 Brussels Tel.: (+32 2) 295 4263 Fax: (+32 2) 299 8090 Email: sps@ec.europa.eu