NOTIFICATION OF EMERGENCY MEASURES

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** FRANCE  **If applicable, name of local government involved:** |
| **2.** | **Agency responsible:** *Direction générale de l'alimentation - Ministère de l'agriculture, de l'agroalimentaire et de la forêt* (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:**  **[X] All trading partners**  **[ ]** **Specific regions or countries:** |
| **5.** | **Title of the notified document:** *Arrêté du 18 avril 2019 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* (Order of 18 April 2019 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  <https://members.wto.org/crnattachments/2019/SPS/FRA/19_2715_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: [X] food safety, [ ] animal health, [ ] plant protection, [ ] protect humans from animal/plant pest or disease, [ ] 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 (which was renewed in 2018 and made applicable until 10 April 2019) suspending 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 was expected at the beginning of 2017. In April 2018, the information needed to dismiss the possibility of unacceptable risks was still not available.  Following several reports, the conclusions of the European Food Safety Authority (EFSA) were adopted in October 2018. They confirm the serious concerns regarding this substance, particularly in relation to problems with technical specifications, possible mutagenic effects, suspected endocrine-disrupting effects on the thyroid, the significant risk posed to mammals, bees and non-target arthropods, and the numerous risk assessment aspects that are yet to be finalized. It has not been possible to establish the toxicological reference values (acceptable daily intake and acute reference dose) for dimethoate, omethoate and metabolites III, X, XI, XII, XX and XXIII. EFSA's conclusions do not make it possible to identify a safe form of usage, and confirm that the consumption of fresh cherries picked from cherry trees treated with dimethoate is likely to pose a serious risk to human health.  In light of the foregoing, the French authorities asked the European Commission to take emergency measures to ban the use of dimethoate for cherry trees, and to suspend the placing on the European 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:**  **[X] 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 [X] 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):** 20 April 2019  **[ ] 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:**  Commission européenne  Direction générale de la santé et sécurité alimentaire  Unité D2-Relations multilatérales internationales  Rue Froissart 101, B-1049 Bruxelles  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:**  Commission européenne  Direction générale de la santé et sécurité alimentaire  Unité D2-Relations multilatérales internationales  Rue Froissart 101, B-1049 Bruxelles  Tel.: (+32 2) 295 4263  Fax: (+32 2) 299 8090  Email: sps@ec.europa.eu |