

**REPLY FROM THE EUROPEAN UNION TO THE COMMENTS RECEIVED FROM
THE UNITED STATES REGARDING NOTIFICATION**

G/TBT/N/EU/508

**DRAFT COMMISSION IMPLEMENTING REGULATION AMENDING IMPLEMENTING REGULATION (EU)
NO 540/2011 AS REGARDS THE CONDITIONS OF APPROVAL OF THE ACTIVE SUBSTANCE
BIFENTHRIN**

The European Union (EU) would like to thank the United States (US) for their comments of 9 November 2017 on the draft notified under reference G/TBT/N/EU/508.

The EU has carefully examined the comments provided and would like to provide the following reply.

In its comments, the US is concerned that the EU will substantially reduce or delete the existing EU Maximum Residue Levels (MRLs) for the substance bifenthrin as a consequence of the proposed restriction of use to greenhouses.

The EU would like to underline that the intended restriction is specifically motivated by the need to protect the environment and not by any concerns as regards human intakes. The European Food Safety Authority identified a high risk to non-target arthropods in relation to uses in fields that host them. In addition, the monitoring data provided by the applicant of the active substance have been considered insufficient to preclude bifenthrin's potential for bioaccumulation and biomagnification in the terrestrial and aquatic food chain.

In view of the above, the EU intends to restrict the use of the active substance at issue, without lowering the existing MRLs in the current framework.

The outstanding Codex levels for bifenthrin, which were adopted in 2016 by the Codex Alimentarius Commission, will be transposed into EU legislation in the coming months. A draft measure was voted on and received a favourable opinion on 22 November 2017 at the Standing Committee on Plants, Animals, Food and Feed. There is therefore no need for the US to submit an import tolerance request for almonds and grapes.

The EU would like to thank the US again for providing comments on the notified draft and hopes that the responses conveyed clarify the concerns raised.
