NOTIFICATION OF EMERGENCY MEASURES

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| **1.** | **Notifying Member:** FRANCE  **If applicable, name of local government involved:** |
| **2.** | **Agency responsible:** *Direction générale de l'Alimentation* (Directorate-General for Food) - *Ministère de l'agriculture et de la souveraineté alimentaire* (Ministry of Agriculture and Food Sovereignty) |
| **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 16 mars 2023 portant suspension d'introduction, d'importation et de mise sur le marché en France de cerises fraîches destinées à l'alimentation produites dans un pays autorisant le traitement des cerisiers avec des produits phytopharmaceutiques contenant la substance active phosme*t (Order of 16 March 2023 suspending the entry and importation into France, and the placing on the market in France, of fresh cherries for consumption from countries where the use of plant protection products containing the active substance phosmet is authorized for the treatment of cherry trees) **Language(s):** French **Number of pages:** 2  <https://members.wto.org/crnattachments/2023/SPS/FRA/23_9254_00_f.pdf> |
| **6.** | **Description of content:** The notified Order suspends, for one year from the date of entry into force of the measure, the entry and importation into France, and the placing on the market in France, whether free of charge or in return for payment, of fresh cherries for consumption from countries where the use of plant protection products containing the active substance phosmet is authorized for the treatment of cherry trees. The measure excludes cherries that are grown organically in accordance with the provisions of Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018. |
| **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:** European Commission Implementing Regulation (EU) 2022/94 of 24 January 2022 ended the approval of the active substance phosmet on account of an unacceptable risk to operators, workers, bystanders and residents, and evidence of a high acute and chronic risk to consumers and aquatic organisms and a high risk to birds, mammals and non-target arthropods (including bees).  Member States were to withdraw marketing authorizations for plant protection products containing phosmet by 1 May 2022, and were not permitted to grant grace periods beyond 1 November 2022 for the disposal and use of stocks.  With regard to the risks to human health arising from dietary exposure, EFSA's assessment could not be completed, in the absence of full information on potentially relevant products and metabolites. In view of an acute reference dose (ARfD) set at 1 microgram of residue per kilogram of body weight, the current maximum residue level (MRL) for cherries (1 mg/kg) represents an acute exposure level of 1,223% of the ARfD for children and 1,000% for adults.  The European Commission has begun work to lower MRLs for phosmet in different foodstuffs. Accordingly, it proposes to lower the MRL for cherries to the limit of quantification set at 0.01 mg/kg, with entry into effect three months after the entry into force of the regulation. Given the anticipated timetable for the exercise, the measure will not come into effect until July 2023, and the importation of cherries treated with phosmet will still be possible in 2023, during the usual consumption period, despite the risks identified for this foodstuff.  In view of the serious risks to human health that may arise from the consumption of fresh cherries picked from cherry trees treated with phosmet, and given 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)*:**  **[ ] World Organisation for Animal Health (OIE) *(e.g. Terrestrial or Aquatic Animal Health Code, chapter number)*:**  **[ ] International Plant Protection Convention *(e.g. ISPM number)*:**  **[X] 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:** |
| **10.** | **Other relevant documents and language(s) in which these are available:** |
| **11.** | **Date of entry into force *(dd/mm/yy)*/period of application (as applicable):** 26 March 2023  **[ ] Trade facilitating measure** |
| **12.** | **Agency or authority designated to handle comments: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and email address (if available) of other body:**  European Commission  Directorate-General for Health and Food Safety  Unit D2 - Multilateral International Relations  Rue Froissart 101, B-1049 Bruxelles  Tel.: (+32 2) 295 4263  Email: [sps@ec.europa.eu](mailto:sps@ec.europa.eu) |
| **13.** | **Text(s) available from: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and email address (if available) of other body:**  European Commission  Directorate-General for Health and Food Safety  Unit D2 - Multilateral International Relations  Rue Froissart 101, B-1049 Bruxelles  Tel.: (+32 2) 295 4263  Email: [sps@ec.europa.eu](mailto:sps@ec.europa.eu) |