Commission Regulation (EU) 2020/1565 of 27 October 2020 amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 1,4# diaminobutane, 1-methylcyclopropene, ammonium acetate, bifenazate, chlorantraniliprole, chlormequat, cyprodinil, limestone, mandipropamid, pepper, pyridaben, repellants: blood meal, seaweed extracts and trimethylamine hydrochloride in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2020/1565

of 27 October 2020

amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 1,4#diaminobutane, 1-methylcyclopropene, ammonium acetate, bifenazate, chlorantraniliprole, chlormequat, cyprodinil, limestone, mandipropamid, pepper, pyridaben, repellants: blood meal, seaweed extracts and trimethylamine hydrochloride in or on certain products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC[(1)], and in particular Article 5(1) and Article 14(1)(a) thereof,

Whereas:

(1) For 1-methylcyclopropene, bifenazate, cyprodinil, mandipropamid and pyridaben, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005. For chlorantraniliprole and chlormequat, MRLs were set in Part A of Annex III to that Regulation. 1,4#diaminobutane, ammonium acetate, limestone, pepper, repellants: blood meal, seaweed extracts and trimethylamine hydrochloride are included in Annex IV to that Regulation.

(2) In the context of a procedure for the authorisation of the use of a plant protection product containing the active substance 1-methylcyclopropene on apples and bananas, an application was submitted in accordance with Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRLs.

(3) As regards bifenazate, such an application was submitted for elderberries. As regards chlormequat, such an application was submitted for barley. As regards cyprodinil, such an application was submitted for rhubarbs. As regards mandipropamid, such an application was submitted for kohlrabies and “herbs and edible flowers”. As regards pyridaben, such an application was submitted for sweet peppers/bell peppers.

Changes to legislation: *Commission Regulation (EU) 2020/1565 is up to date with all changes known to be in force on or before 26 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) In accordance with Article 6(2) and (4) of Regulation (EC) No 396/2005 applications for import tolerances were submitted for chlorantraniliprole used in Malaysia on oil palms kernels and oil palms fruits, and pyridaben used in the United States on tree nuts. The applicants state that the authorised uses of those substances on such crops in those countries lead to residues exceeding the MRLs contained in Regulation (EC) No 396/2005 and that higher MRLs are necessary to avoid trade barriers for the importation of those crops.

(5) In accordance with Article 8 of Regulation (EC) No 396/2005, those applications were evaluated by the Member States concerned and the evaluation reports were forwarded to the Commission.

(6) The European Food Safety Authority ('the Authority') assessed the applications and the evaluation reports, examining in particular the risks to the consumer and, where relevant, to animals and gave reasoned opinions on the proposed MRLs[(2)]. It forwarded those opinions to the applicants, the Commission and the Member States and made them available to the public.

(7) As regards 1-methylcyclopropene, the applicant submitted information previously unavailable during the review conducted in accordance with Article 12 of Regulation (EC) No 396/2005. That information concerns residue trials and metabolism studies.

(8) As regards chlormequat, the Authority recommended increasing the MRLs for certain products of animal origin following the use of the substance on barley.

(9) As regards all other applications, the Authority concluded that all requirements with respect to data were met and that the modifications to the MRLs requested by the applicants were acceptable with regard to consumer safety on the basis of a consumer exposure assessment for 27 specific European consumer groups. It took into account the most recent information on the toxicological properties of the substances. Neither the lifetime exposure to these substances via consumption of all food products that may contain them, nor the short-term exposure due to high consumption of the relevant products showed that there is a risk that the acceptable daily intake or the acute reference dose is exceeded.

(10) 1,4-diaminobutane, ammonium acetate, limestone, pepper, repellants: blood meal, seaweed extracts and trimethylamine hydrochloride[(3)] were temporarily included in Annex IV to Regulation (EC) No 396/2005 pending the finalisation of their evaluation under Council Directive 91/414/EEC[(4)] or Regulation (EC) No 1107/2009 of the European Parliament and of the Council[(5)]. The Authority evaluated those substances and concluded that it is appropriate to retain limestone, pepper, repellants: blood meal, seaweed extracts and trimethylamine hydrochloride in Annex IV to Regulation (EC) No 396/2005 permanently.[(6)(7)] As regards 1,4-diaminobutane and ammonium acetate, it concluded that further consideration by risk managers was required. From a risk management perspective, it is appropriate to retain these substances in Annex IV to Regulation (EC) No 396/2005 permanently in view of their natural occurrence in the environment.

***Changes to legislation:** Commission Regulation (EU) 2020/1565 is up to date with all changes known to be in force on or before 26 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(11) Based on the reasoned opinions, the statement and the conclusion of the Authority and taking into account the factors relevant to the matter under consideration, the respective modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.

(12) Regulation (EC) No 396/2005 should therefore be amended accordingly.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II, III and IV to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 October 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *Commission Regulation (EU) 2020/1565 is up to date with all changes known to be in force on or before 26 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX

Annexes II, III and IV to Regulation (EC) No 396/2005 are amended as follows:

(1) In Annex II, the columns for 1-methylcyclopropene, bifenazate, cyprodinil, mandipropamid and pyridaben are replaced by the following:

[ANNEX II] Pesticide residues and maximum residue levels (mg/kg)Limit of analytical determinationFor the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.(F)Fat solubleBifenazate (sum of bifenazate plus bifenazate-diazene expressed as bifenazate) (F)(+) The European Food Safety Authority identified some information on hydrolysis as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 30 January 2016, or, if that information is not submitted by that date, the lack of it.0130000Pome fruitsCyprodinil (F) (R)(R)The residue definition differs for the following combinations pesticide-code number:Cyprodinil - code 1000000 except 1020000, 1040000: Cyprodinil (sum of cyprodinil and CGA 304075 (free), expressed as cyprodinil)Cyprodinil-1020000: Cyprodinil (Sum of cyprodinil and CGA 304075 (free and conjugated), expressed as cyprodinil)(+) The European Food Safety Authority identified some information on analytical and/or confirmatory methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 14 March 2017, or, if that information is not submitted by that date, the lack of it.0120010Almonds0633000(c) roots0840010Liquorice0840030Turmeric/ curcuma0840990Others (2)1000000PRODUCTS OF ANIMAL ORIGIN - TERRESTRIAL ANIMALSMandipropamid (any ratio of constituent isomers)(+) The European Food Safety Authority identified some information on toxicity of metabolites as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 11 July 2021, or, if that information is not submitted by that date, the lack of it.0220020Onions0220040Spring onions/green onions and Welsh onions(+) The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 11 July 2021, or, if that information is not submitted by that date, the lack of it.0231010Tomatoes0232030CourgettesPyridaben (F)(+) The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 24 January 2021, or, if that information is not submitted by that date, the lack of it.0130010Apples0130020Pears0130030Quinces0130040Medlars0130050Loquats/ Japanese medlars0140010Apricots0140030Peaches0260010Beans (with pods)(+) The European Food Safety Authority identified some information on storage stability, feeding studies and analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 24 January 2021, or, if that information is not submitted by that date, the lack of it.1012010Muscle1012020Fat1012030Liver1012040Kidney1013010Muscle1013020Fat1013030Liver10 numberGroups and examples of individual products to which the MRLs apply1-methylcyclopropeneBifenazate (sum of bifenazate plus bifenazate-diazene expressed as bifenazate) (F)Cyprodinil (F) (R)Mandipropamid (any ratio of constituent isomers)Pyridaben (F)0100000FRUITS, FRESH or FROZEN; TREE NUTS0110000Citrus

***Changes to legislation:** Commission Regulation (EU) 2020/1565 is up to date with all changes known to be in force on or before 26 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

fruits0,010,90,020,010,30110010Grapefruits0110020Oranges0110030Lemons0110040Limes0110050Ma
(2)0120000Tree nuts0,020,20,010,050120010Almonds0,02 (+)0120020Brazil nuts0,040120030Cashew nuts0,040120040Chestnuts0,040120050Coconuts0,040120060Hazelnuts/ cobnuts0,040120070Macadamias0,040120080Pecans0,040120090Pine nut kernels0,040120100Pistachios0,020120110Walnuts0,040120990Others (2)0,040130000Pome fruits0,010,7 (+)20,010,90130010Apples(+)0130020Pears(+)0130030Quinces(+)0130040Medlars(+)0130050Loquats/ Japanese medlars(+)0130990Others (2)0140000Stone fruits0,01220,010140010Apricots0,3 (+)0140020Cherries (sweet)0,010140030Peaches0,3 (+)0140040Plums0,010140990Others (2)0,010150000Berries and small fruits0,010151000(a)

grapes

0,7320,010151010Table grapes0151020Wine grapes0152000(b)

strawberries

350,010,90153000(c)

cane fruits

70,010,010153010Blackberries30153020Dewberries0,020153030Raspberries (red and yellow)30153990Others (2)0,020154000(d)

other small fruits and berries

30,010,010154010Blueberries0,70154020Cranberries0,70154030Currants (black, red and white)0,70154040Gooseberries (green, red and yellow)0,70154050Rose hips0,020154060Mulberries (black and white)0,020154070Azaroles/Mediterranean medlars0,70154080Elderberries0,40154990Others (2)0,020160000Miscellaneous fruitswith0,010,020,010,010161000(a)

edible peel

0161010Dates0,020161020Figs0,020161030Table olives0,020161040Kumquats0,020161050Carambolas0,020161060Kaki/Japanese persimmons20161070Jambuls/jambolans0,020161990Others (2)0,020162000(b)

inedible peel, small

0,020162010Kiwi fruits (green, red, yellow)0162020Litchis/ lychees0162030Passionfruits/maracujas0162040Prickly pears/cactus fruits0162050Star apples/cainitos0162060American persimmons/Virginia kaki0162990Others (2)0163000(c)

inedible peel, large

0163010Avocados10163020Bananas0,020163030Mangoes0,020163040Papayas0,020163050Granate apples/ pomegranates50163060Cherimoyas0,020163070Guavas1,50163080Pineapples0,020163090Breadfruits0, guanabanas0,020163990Others (2)0,020200000VEGETABLES, FRESH or FROZEN0210000Root and tuber vegetables0,010,020,010211000(a)

potatoes

0,020,10212000(b)

tropical root and tuber vegetables

0,020,010212010Cassava roots/manioc0212020Sweet potatoes0212030Yams0212040Arrowroots0212990Others (2)0213000(c)

other root and tuber vegetables except sugar beets

0213010Beetroots1,50,10213020Carrots1,50,010213030Celeriacs/turnip rooted celeries0,30,010213040Horseradishes1,50,010213050Jerusalem artichokes0,020,010213060Parsnips1,50,010213070Parsley roots/Hamburg roots parsley1,50,010213080Radishes0,30,30213090Salsifies1,50,010213100Swedes/ rutabagas0,020,010213110Turnips0,020,010213990Others (2)0,020,010220000Bulb vegetables0,010,020,010220010Garlic0,070,010220020Onions0,30,1 (+)0220030Shallots0,070,010220040Spring onions/green onions and Welsh