# Commission Regulation (EU) 2020/1085 of 23 July 2020 amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorpyrifos and chlorpyrifos-methyl in or on certain products (Text with EEA relevance)

## COMMISSION REGULATION (EU) 2020/1085

## of 23 July 2020

## amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorpyrifos and chlorpyrifos-methyl 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 14(1)(a) and Article 18(1)(b) thereof,

Whereas:

(1) For chlorpyrifos and chlorpyrifos-methyl, maximum residue levels (MRLs) were set in Annex II to Regulation (EC) No 396/2005.

(2) The approvals of the active substances chlorpyrifos and chlorpyrifos-methyl were not renewed by Commission Implementing Regulation (EU) 2020/18[(2)] and Commission Implementing Regulation (EU) 2020/17[(3)], respectively.

(3) All existing authorisations for plant protection products containing chlorpyrifos and chlorpyrifos-methyl have been revoked. It is therefore appropriate to delete the MRLs set out for these substances in Annex II to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof.

(4) The Commission consulted the European Union reference laboratories as regards the need to adapt certain limits of determination (LODs) for the two substances. Those laboratories concluded that technical development permits the setting of LODs at 0,01 mg/kg for chlorpyrifos and chlorpyrifos-methyl in all products. Those default values should be listed in Annex V in accordance with Article 18(1)(b) of Regulation (EC) No 396/2005.

(5) In the context of the non-renewal of the approval of chlorpyrifos and chlorpyrifos-methyl, the European Food Safety Authority ('the Authority') published statements on the human health assessment for those active substances[(4)(5)]. In those statements the Authority confirmed developmental neurotoxicity of both active substances in children

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and could not exclude a genotoxic potential due to the exposure to residues of the two substances in food.

(6) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.

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

(8) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.

(9) 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 and V 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*.

It shall apply from **[**[X1]13 November 2020**]**.

**Editorial Information**

**X1** Substituted by Corrigendum to Commission Regulation (EU) 2020/1085 of 23 July 2020 amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorpyrifos and chlorpyrifos-methyl in or on certain products (Official Journal of the European Union L 239 of 24 July 2020).

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

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[X2ANNEX

**Editorial Information**

**X2** Inserted by Corrigendum to Commission Regulation (EU) 2020/1085 of 23 July 2020 amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorpyrifos and chlorpyrifos-methyl in or on certain products (Official Journal of the European Union L 239 of 24 July 2020).

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

(1) In Annex II, the columns for chlorpyrifos and chlorpyrifos-methyl are deleted.

(2) In Annex V, the following columns for chlorpyrifos and chlorpyrifos-methyl are added:

Pesticide residues and maximum residue levels (mg/kg)

| Code number | Groups and examples of individual products to which the MRLs apply (a) | **Chlorpyrifos (F)** | **Chlorpyrifos-methyl (F) (R)** |
|---|---|---|---|
| 0100000 | **FRUITS, FRESH or FROZEN; TREE NUTS** | **0.01*** | **0.01*** |
| 0110000 | **Citrus fruits** | | |
| 0110010 | Grapefruits | | |
| 0110020 | Oranges | | |
| 0110030 | Lemons | | |
| 0110040 | Limes | | |
| 0110050 | Mandarins | | |
| 0110990 | Others (2) | | |
| 0120000 | **Tree nuts** | | |
| 0120010 | Almonds | | |
| 0120020 | Brazil nuts | | |
| 0120030 | Cashew nuts | | |
| 0120040 | Chestnuts | | |

(*)Limit of analytical determination

(a)For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(F) = Fat soluble

**Chlorpyrifos-methyl (F) (R)**

(R) = The residue definition differs for the following combinations pesticide-code number: Chlorpyrifos-methyl - code 500000: sum of chlorpyrifos-methyl and desmethyl chlorpyrifos-methyl**]**

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| | | | |
|---|---|---|---|
| 0120050 | Coconuts | | |
| 0120060 | Hazelnuts/cobnuts | | |
| 0120070 | Macadamias | | |
| 0120080 | Pecans | | |
| 0120090 | Pine nut kernels | | |
| 0120100 | Pistachios | | |
| 0120110 | Walnuts | | |
| 0120990 | Others (2) | | |
| 0130000 | **Pome fruits** | | |
| 0130010 | Apples | | |
| 0130020 | Pears | | |
| 0130030 | Quinces | | |
| 0130040 | Medlars | | |
| 0130050 | Loquats/Japanese medlars | | |
| 0130990 | Others (2) | | |
| 0140000 | **Stone fruits** | | |
| 0140010 | Apricots | | |
| 0140020 | Cherries (sweet) | | |
| 0140030 | Peaches | | |
| 0140040 | Plums | | |
| 0140990 | Others (2) | | |
| 0150000 | **Berries and small fruits** | | |
| 0151000 | **(a) grapes** | | |
| 0151010 | Table grapes | | |
| 0151020 | Wine grapes | | |
| 0152000 | **(b) strawberries** | | |
| 0153000 | **(c) cane fruits** | | |
| 0153010 | Blackberries | | |

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| | | | |
|---|---|---|---|
| 0153020 | Dewberries | | |
| 0153030 | Raspberries (red and yellow) | | |
| 0153990 | Others (2) | | |
| 0154000 | **(d) other small fruits and berries** | | |
| 0154010 | Blueberries | | |
| 0154020 | Cranberries | | |
| 0154030 | Currants (black, red and white) | | |
| 0154040 | Gooseberries (green, red and yellow) | | |
| 0154050 | Rose hips | | |
| 0154060 | Mulberries (black and white) | | |
| 0154070 | Azaroles/ Mediterranean medlars | | |
| 0154080 | Elderberries | | |
| 0154990 | Others (2) | | |
| 0160000 | **Miscellaneous fruitswith** | | |
| 0161000 | **(a) edible peel** | | |
| 0161010 | Dates | | |
| 0161020 | Figs | | |
| 0161030 | Table olives | | |
| 0161040 | Kumquats | | |
| 0161050 | Carambolas | | |
| 0161060 | Kaki/Japanese persimmons | | |
| 0161070 | Jambuls/jambolans | | |
| 0161990 | Others (2) | | |

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