Commission Regulation (EU) 2020/785 of 9 June 2020 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chromafenozide, fluometuron, pencycuron, sedaxane, tau-fluvalinate and triazoxide in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2020/785

of 9 June 2020

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(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 49(2) thereof,

Whereas:

(1) For chromafenozide, fluometuron, pencycuron, sedaxane and tau-fluvalinate maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005. For triazoxide no MRLs were set in Regulation (EC) No 396/2005 and as this active substance is not included in Annex IV to that Regulation, the default value of 0,01 mg/kg laid down in Article 18(1)(b) of that Regulation applies.

(2) For chromafenozide the European Food Safety Authority ('the Authority'), submitted a reasoned opinion on the review of the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(2)]. No uses are authorised and no import tolerances exist for chromafenozide in the Union. The Authority concluded that setting the MRL at the Limit of Determination (LOD) would provide a satisfactory level of protection for consumers in the Union. Therefore, MRLs should be set in Annex II to Regulation (EC) No 396/2005 at the specific LOD.

(3) For fluometuron the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(3)]. It recommended keeping the existing MRL for cotton seeds. No other authorisations exist for this substance. As there is no risk for consumers, the MRL for that product should be set in Annex II to Regulation (EC) No 396/2005 at the existing level.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2020/785. (See end of Document for details)*

(4) For pencycuron the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[4]. It proposed to change the residue definition and concluded that concerning the MRLs for all commodities some information was not available and that further consideration by risk managers was required. As a risk for consumers cannot be excluded, MRLs should be set in Annex II to Regulation (EC) No 396/2005 at the specific LOD.

(5) For sedaxane the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[5]. It proposed to change the residue definition and recommended keeping the existing MRLs. As there is no risk for consumers, MRLs should be set in Annex II to Regulation (EC) No 396/2005 at the existing level.

(6) For tau-fluvalinate the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[6]. It proposed to change the residue definition and recommended lowering the MRLs for cherries (sweet), strawberries, beetroots, carrots, broccoli, beans (without pods), peas (without pods), sesame seeds, rapeseeds/canola seeds, cotton seeds, barley, oats, swine (muscle, fat, kidney), kidney (bovine, sheep, goat, equine), milk (cattle, sheep, goat, horse). For other products, the Authority recommended raising or keeping the existing MRLs. As there is no risk for consumers, the MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. It concluded that concerning the MRLs for cucumbers, poultry fat and poultry edible offals (other than liver and kidney) some information was not available and that further consideration by risk managers was required. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(7) For triazoxide the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[7]. It recommended lowering the MRLs for barley, oats, rye and wheat. No other authorisations exist for this substance. As there is no risk for consumers, the MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the specific LOD or the level identified by the Authority.

(8) As regards products on which the use of the plant protection product concerned is not authorised, and for which no import tolerances or Codex maximum residue limits (CXLs) exist, MRLs should be set at the specific LOD or the default MRL should apply, as provided for in Article 18(1)(b) of Regulation (EC) No 396/2005.

(9) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain limits of determination. As regards several substances, those laboratories concluded that for certain commodities technical development requires the setting of specific limits of determination.

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

(11) 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.

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

(13) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained.

(14) 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.

(15) 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 III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were produced in the Union or imported into the Union before 6 January 2021.

Article 3

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 6 January 2021.

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

Done at Brussels, 9 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2020/785. (See end of Document for details)*

ANNEX

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

(1) in Annex II, the following columns for chromafenozide, fluometuron, pencycuron, sedaxane, tau-fluvalinate and triazoxide are added:

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply (a)	Chromafenozide	Fluometuron	Pencycuron (sum of pencycuron and pencycuron-PB-amine, expressed as pencycuron) (F) (R) (A)	Sedaxane (sum of isomers)	Fluvalinate (sum of isomers) (F) resulting from the use of tau-fluvalinate	Triazoxide
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**	**0,01(*)**	0,01(*)	**0,02(*)**	**0,01(*)**		
0110000	**Citrus fruits**					0,4	**0,001(*)**
0110010	Grapefruits						
0110020	Oranges						
0110030	Lemons						
0110040	Limes						
0110050	Mandarins						
0110990	Others (2)						
0120000	**Tree nuts**					0,01(*)	**0,005(*)**
0120010	Almonds						
0120020	Brazil nuts						
0120030	Cashew nuts						
0120040	Chestnuts						

0120050	Coconuts						
0120060	Hazelnuts/ cobnuts						
0120070	Macadamias						
0120080	Pecans						
0120090	Pine nut kernels						
0120100	Pistachios						
0120110	Walnuts						
0120990	Others (2)						
0130000	**Pome fruits**					0,3	**0,001(*)**
0130010	Apples						
0130020	Pears						
0130030	Quinces						
0130040	Medlars						
0130050	Loquats/ Japanese medlars						
0130990	Others (2)						
0140000	**Stone fruits**						**0,001(*)**
0140010	Apricots					0,3	
0140020	Cherries (sweet)					**0,4**	
0140030	Peaches					0,3	
0140040	Plums					**0,01(*)**	
0140990	Others (2)					0,01(*)	
0150000	**Berries and small fruits**						**0,001(*)**
0151000	**(a) grapes**					1	
0151010	Table grapes						