Commission Regulation (EU) 2020/703 of 26 May 2020 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for dimethoate and omethoate in or on cherries (Text with EEA relevance)

COMMISSION REGULATION (EU) 2020/703

of 26 May 2020

amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for dimethoate and omethoate in or on cherries

(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) thereof,

Whereas:

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

(2) The approval of the active substance dimethoate was not renewed by Commission Implementing Regulation (EU) 2019/1090[(2)].

(3) All existing authorisations for plant protection products containing dimethoate have been revoked in relation to uses on cherries. It is therefore appropriate to delete the MRLs for cherries set out for dimethoate and omethoate in Annex II of 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) In the context of the non-renewal of the approval of dimethoate, the European Food Safety Authority ('the Authority') delivered a conclusion on the peer review of the pesticide risk assessment of that active substance[(3)]. In that framework, the Authority could not exclude a risk to consumers due to the exposure to residues of dimethoate, for which the genotoxic potential could not be excluded, and to its main metabolite omethoate which was concluded to be an in vivo mutagenic agent.

(5) 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.

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

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2020/703. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) 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.

(8) 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

Annex II to Regulation (EC) No 396/2005 is 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 16 December 2020.

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

Done at Brussels, 26 May 2020.

For the Commission

The President

Ursula VON DER LEYEN

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ANNEX

In Annex II to Regulation (EC) No 396/2005, the columns for dimethoate and omethoate are replaced by the following:

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply (a)	Dimethoate	Omethoate
1	**2**	**3**	**4**
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**		
0110000	**Citrus fruits**	0.01*	0.01*
0110010	Grapefruits	(+)	(+)
0110020	Oranges	(+)	(+)
0110030	Lemons	(+)	(+)
0110040	Limes	(+)	(+)
0110050	Mandarins	(+)	(+)
0110990	Others (2)		
0120000	**Tree nuts**	0.01*	0.01*
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		

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0120990		Others (2)		
0130000		**Pome fruits**	0.01*	0.01*
0130010		Apples		
0130020		Pears		
0130030		Quinces		
0130040		Medlars		
0130050		Loquats/ Japanese medlars		
0130990		Others (2)		
0140000		**Stone fruits**	**0.01***	**0.01***
0140010		Apricots		
0140020		Cherries (sweet)		
0140030		Peaches		
0140040		Plums		
0140990		Others (2)		
0150000		**Berries and small fruits**	0.01*	0.01*
0151000	(a)	**grapes**		
0151010		Table grapes		
0151020		Wine grapes		
0152000	(b)	**strawberries**		
0153000	(c)	**cane fruits**		
0153010		Blackberries		
0153020		Dewberries		
0153030		Raspberries (red and yellow)		

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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	0.01*	0.01*
0161020		Figs	0.01*	0.01*
0161030		Table olives	3 (+)	1.5 (+)
0161040		Kumquats	0.01*	0.01*
0161050		Carambolas	0.01*	0.01*
0161060		Kaki/ Japanese persimmons	0.01*	0.01*