Commission Regulation (EU) 2019/1559 of 16 September 2019 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 cyflufenamid, fenbuconazole, fluquinconazole and tembotrione in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2019/1559

of 16 September 2019

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 cyflufenamid, fenbuconazole, fluquinconazole and tembotrione 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 49(2) thereof,

Whereas:

(1) For cyflufenamid, fenbuconazole, fluquinconazole and tembotrione maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005.

(2) For cyflufenamid the European Food Safety Authority ('the Authority') submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(2)]. It proposed to change the residue definition for commodities of animal origin. It recommended lowering the MRLs for gherkins and rye. For other products, it recommended raising or keeping the existing MRLs. It concluded that concerning the MRLs for maize/corn, common millet/proso millet, rice, sorghum, wheat, poultry (muscle, fat, liver) and birds' eggs some information was not available and that further consideration by risk managers was required. 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. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(3) For fenbuconazole the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(3)]. It proposed to change the residue definition. It recommended lowering the MRLs for grapefruit, oranges, almonds, Brazil nuts, cashew nuts, chestnuts, coconuts, hazelnuts/cobnuts, macadamias, pecans, pine nut kernels, pistachios, walnuts and blueberries. For other products, the Authority recommended raising or keeping the existing MRLs. It concluded that concerning the MRLs for apricots, peaches, plums, cucumbers, gherkins,

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courgettes, melons, pumpkins and watermelons some information was not available and that further consideration by risk managers was required. 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. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(4) For fluquinconazole the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(4)]. The Authority concluded that no uses or import tolerances are currently authorised for fluquinconazole in the Union and no codex maximum residue limits (CXLs) are available for that active substance. Residues of fluquinconazole are therefore not expected to occur in any plant commodity or in any animal product. As there is no risk for consumers, the MRLs for fluquinconazole should be set in Annex II to Regulation (EC) No 396/2005 at the specific limit of determination (LOD).

(5) For tembotrione the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(5)]. It recommended lowering the MRLs for swine (liver, kidney), bovine (liver, kidney) and equine (liver, kidney). For other products, the Authority recommended raising or keeping the existing MRLs. It concluded that concerning the MRLs for sweet corn and fruit spices some information was not available and that further consideration by risk managers was required. 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. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(6) As regards products on which the use of the plant protection product concerned is not authorised, and for which no import tolerances or 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.

(7) 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.

(8) 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.

(9) 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.

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

(11) 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.

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(12) 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.

(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 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 7 April 2020,

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 7 April 2020,

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

Done at Brussels, 16 September 2019.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

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

(1) In Annex II the following columns for cyflufenamid, fenbuconazole, fluquinconazole and tembotrione are added:

PESTICIDE RESIDUES AND MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[b]**	**Cyflufenamid (sum of cyflufenamid (Z-isomer) and its E-isomer, expressed as cyflufenamid) (A) (R)**	**Fenbuconazole (sum of constituent enantiomers)**	**Fluquinconazole (F)**	**Tembotrione (Sum of parent tembotrione (AE 0172747) and its metabolite M5 (4,6-dihydroxy tembotrione), expressed as tembotrione) (R)**
(1)	(2)	(3)	(4)	(5)	(6)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**			**0,01[a]**	0,02[a]
0110000	**Citrus fruits**	**0,01[a]**			
0110010	Grapefruits		**0,7 (+)**		
0110020	Oranges		**0,9 (+)**		
0110030	Lemons		**1 (+)**		
0110040	Limes		**1 (+)**		
0110050	Mandarins		**0,5 (+)**		
0110990	Others (2)		**0,5**		
0120000	**Tree nuts**	**0,01[a]**	**0,01[a]**		
0120010	Almonds		**(+)**		
0120020	Brazil nuts		**(+)**		
0120030	Cashew nuts		**(+)**		
0120040	Chestnuts		**(+)**		
0120050	Coconuts		**(+)**		

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0120060	Hazelnuts/ cobnuts		**(+)**		
0120070	Macadamias		**(+)**		
0120080	Pecans		**(+)**		
0120090	Pine nut kernels		**(+)**		
0120100	Pistachios		**(+)**		
0120110	Walnuts		**(+)**		
0120990	Others (2)				
0130000	**Pome fruits**	**0,06**	0,5		
0130010	Apples		**(+)**		
0130020	Pears		**(+)**		
0130030	Quinces		**(+)**		
0130040	Medlars		**(+)**		
0130050	Loquats/ Japanese medlars		**(+)**		
0130990	Others (2)				
0140000	**Stone fruits**				
0140010	Apricots	0,06	**0,6 (+)**		
0140020	Cherries (sweet)	0,1	**1 (+)**		
0140030	Peaches	0,06	**0,6 (+)**		
0140040	Plums	**0,07**	**0,6 (+)**		
0140990	Others (2)	0,06	**0,6**		
0150000	**Berries and small fruits**				
0151000	(a) *grapes*	**0,2**	**1,5**		
0151010	Table grapes		**(+)**		
0151020	Wine grapes		**(+)**		
0152000	(b) *strawberries*	0,04	**0,01**[a]		
0153000	(c) *cane fruits*	**0,01**[a]	**0,01**[a]		
0153010	Blackberries				
0153020	Dewberries				