Commission Regulation (EU) 2019/91 of 18 January 2019 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2019/91

of 18 January 2019

amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim 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), Article 18(1)(b) and Article 49(2) thereof,

Whereas:

(1) For buprofezin and diflubenzuron, maximum residue levels (MRLs) were set in in Part A of Annex III to Regulation (EC) No 396/2005. For ethoxysulfuron, MRLs were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For ioxynil, molinate, picoxystrobin and tepraloxydim, MRLs were set in Annex II to Regulation (EC) No 396/2005.

(2) The approval of the active substance buprofezin was restricted to uses on non-edible crops by Commission Implementing Regulation (EU) 2017/360[(2)]. The approval of the active substance diflubenzuron was restricted to uses on non-edible crops by Commission Implementing Regulation (EU) 2017/855[(3)]. All existing authorisations for plant protection products containing these active substances for uses on edible crops have been revoked. It is therefore appropriate to delete the existing MRLs set out for these substances in Annex III 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.

(3) The approval of the active substance ethoxysulfuron expired on 31 March 2014. The approval of the active substance ioxynil expired on 28 February 2015. The approval of the active substance molinate expired on 31 July 2014. The approval of the active substance picoxystrobin was not renewed by Commission Implementing Regulation (EU) 2017/1455[(4)]. The approval of the active substance tepraloxydim expired on 31 May 2015. All existing authorisations for plant protection products containing these

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active substances have been revoked. It is therefore appropriate to delete the existing MRLs set out for these substances in Annexes II and III 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 view of the restriction of the approval of the active substances buprofezin and diflubenzuron, the expiry of the approval of the active substances ethoxysulfuron, ioxynil, molinate and tepraloxydim, and the non-renewal of approval of the active substance picoxystrobin, the MRLs for these substances should be set at the relevant limit of determination (LOD) in accordance with Article 18 of Regulation (EC) No 396/2005. For ioxynil, it is also appropriate to change the residue definition, as a less complex residue definition facilitates enforcement by official control laboratories.

(5) The Commission consulted the European Union reference laboratories as regards the need to adapt certain LODs. Those laboratories concluded that for certain commodities technical development permits the setting of lower LODs. For the active substances for which all MRLs should be reduced to the relevant LOD, default values should be listed in Annex V in accordance with Article 18(1)(b) of Regulation (EC) No 396/2005.

(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) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional measure 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.

(9) 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.

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

Article 2

As regards the active substances ethoxysulfuron, ioxynil, molinate and tepraloxydim in and on all products, 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 13 August 2019.

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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 13 August 2019.

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

Done at Brussels, 18 January 2019.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

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

(1) In Annex II, the columns for ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim are deleted.

(2) In Annex III, the columns for buprofezin, diflubenzuron and ethoxysulfuron are deleted.

(3) In Annex V, the following columns for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim are added:

PESTICIDE RESIDUES AND MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[b]**	**Buprofezin (F)**	**Diflubenzuron (F) (R)**	**Ethoxysulfuron**	**Ioxynil (sum of ioxynil and its salts, expressed as ioxynil)**	**Molinate**	**Picoxystrobin (F)**	**Tepraloxydim (sum of tepraloxydim and its metabolites that can be hydrolysed either to the moiety 3-(tetrahydro-pyran-4-yl)-glutaric acid or to the moiety 3-hydroxy-(tetrahydro-pyran-4-yl)-glutaric**

a Limit of analytical determination

b 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

Diflubenzuron (F) (R)

(R) = The residue definition differs for the following combinations pesticide-code number:
Diflubenzuron - code 1000000: Sum of Diflubenzuron and 4 – chlorophenylurea expressed as Diflubenzuron

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								acid, expressed as tepraloxydim)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**	**0,01[a]**	**0,01[a]**		**0,01[a]**		0,01[a]	0,1[a]
0110000	**Citrus fruits**			0,01[a]		0,01[a]		
0110010	Grapefruits							
0110020	Oranges							
0110030	Lemons							
0110040	Limes							
0110050	Mandarins							
0110990	Others (2)							
0120000	**Tree nuts**			0,02[a]		0,02[a]		
0120010	Almonds							
0120020	Brazil nuts							
0120030	Cashew nuts							
0120040	Chestnuts							
0120050	Coconuts							
0120060	Hazelnuts/ cobnuts							
0120070	Macadamias							
0120080	Pecans							

a Limit of analytical determination

b 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

Diflubenzuron (F) (R)

(R) = The residue definition differs for the following combinations pesticide-code number:
Diflubenzuron - code 1000000: Sum of Diflubenzuron and 4 – chlorophenylurea expressed as Diflubenzuron