Commission Regulation (EU) 2018/1516 of 10 October 2018 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 penoxsulam, triflumizole and triflumuron in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2018/1516

of 10 October 2018

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 penoxsulam, triflumizole and triflumuron 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 penoxsulam, triflumizole and triflunuron, maximum residue levels (MRLs) were set in Part B of Annex III to Regulation (EC) No 396/2005.

(2) For penoxsulam, 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)]. It recommended keeping the existing MRLs. Those MRLs should be set in Annex II to Regulation (EC) No 396/2005 at the existing levels

(3) For triflumizole, 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 and concluded that concerning the MRLs of tomato, aubergines/eggplant, cucumber, gherkin, courgettes 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. The Authority concluded that concerning the MRLs for cherries, table grapes, wine grapes, papaya and hops no or insufficient information was available and that further consideration by risk managers was required. The MRLs for these products should be set at the specific limit of determination.

(4) For triflumuron, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(4)]. It concluded

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that concerning the MRLs for apricots and plums 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.

(5) 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 exist, MRLs should be set at the specific limit of determination or the default MRL should apply, as provided for in Article 18(1)(b) of Regulation (EC) No 396/2005.

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

(7) 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.

(8) 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.

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

(10) 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.

(11) 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.

(12) 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 produced in the Union or imported into the Union before 1 May 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 1 May 2019.

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

Done at Brussels, 10 October 2018.

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 penoxsulam, triflumizole and triflumuron are added:

PESTICIDE RESIDUES AND MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[b]**	**Penoxsulam**	**Triflumizole: Triflumizole and metabolite FM-6-1(N-(4-chloro-2-trifluoromethylphenyl)-n-propoxyacetamidine), expressed as Triflumizole (F)**	**Triflumuron (F)**
(1)	(2)	(3)	(4)	(5)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**	0,01[a]	**0,02[a]**	
0110000	**Citrus fruits**			**0,01[a]**
0110010	Grapefruits			
0110020	Oranges			
0110030	Lemons			
0110040	Limes			
0110050	Mandarins			
0110990	Others (2)			
0120000	**Tree nuts**			**0,01[a]**
0120010	Almonds			
0120020	Brazil nuts			
0120030	Cashew nuts			
0120040	Chestnuts			
0120050	Coconuts			
0120060	Hazelnuts/ cobnuts			
0120070	Macadamias			
0120080	Pecans			

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0120090	Pine nut kernels			
0120100	Pistachios			
0120110	Walnuts			
0120990	Others (2)			
0130000	**Pome fruits**			
0130010	Apples			**0,5 (+)**
0130020	Pears			**0,5 (+)**
0130030	Quinces			**0,01**[a]
0130040	Medlars			**0,01**[a]
0130050	Loquats/ Japanese medlars			**0,01**[a]
0130990	Others (2)			**0,01**[a]
0140000	**Stone fruits**			
0140010	Apricots			**1 (+)**
0140020	Cherries (sweet)			**0,01**[a]
0140030	Peaches			**0,4 (+)**
0140040	Plums			**0,1 (+)**
0140990	Others (2)			**0,01**[a]
0150000	**Berries and small fruits**			**0,01**[a]
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)			
0153990	Others (2)			