Commission Regulation (EU) 2018/1515 of 10 October 2018 amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for diphenylamine and oxadixyl in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2018/1515

of 10 October 2018

amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for diphenylamine and oxadixyl 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 diphenylamine and oxadixyl, maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005.

(2) The active substance diphenylamine was not approved by Commission Implementing Regulation (EU) No 578/2012[(2)]. The active substance oxadixyl was not included in Annex I to Directive 91/414/EEC by Commission Regulation (EC) No 2076/2002[(3)]. All existing authorisations for plant protection products containing these active substances have been revoked. It is therefore appropriate to delete the existing MRLs set out for these substances in Annex III in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof.

(3) For diphenylamine temporary MRLs were set by Regulation (EU) No 772/2013[(4)] for apples and pears until 2 September 2015, to address an unavoidable cross-contamination that affected untreated apples and pears and which was due to the presence of residues of diphenylamine in storage facilities. Commission Regulation (EU) 2016/67[(5)] extended the validity of those MRLs until 22 January 2018 to provide the necessary time for business operators to completely remove the residues of diphenylamine in storage facilities. The European Food Safety Authority ('the Authority') and food business operators submitted recent monitoring data showing that residues of diphenylamine no longer occur at levels above the relevant limit of determination (LOD).

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2018/1515. 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*

(4) For oxadixyl temporary MRLs were set by Regulation (EU) No 592/2012[(6)] for parsley, celeries and the group of lettuces and salad plants until 31 December 2014, to address an unavoidable cross-contamination that affected untreated crops and which was due to the presence of residues of oxadixyl in soil. Commission Regulation (EU) 2016/46[(7)] extended the validity of those MRLs until 19 January 2018 in view of the persistence of that active substance in soil. The Authority and food business operators submitted recent monitoring data showing that residues of oxadixyl no longer occur at levels above the relevant LOD.

(5) In view of the non-approval of the active substance diphenylamine and the non-inclusion of the active substance oxadixyl in Annex I to Directive 91/414/EEC, the MRLs for these substances should be set at the LOD in accordance with Article 18 of Regulation (EC) No 396/2005. 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 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.

(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 III and V 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 1 May 2019.

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.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2018/1515. 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*

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

(1) in Part A of Annex III, the columns for diphenylamine and oxadixyl are deleted;

(2) in Annex V, the columns for diphenylamine and oxadixyl are added:

PESTICIDE RESIDUES AND MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[b]**	**Diphenylamine**	**Oxadixyl**
(1)	(2)	(3)	(4)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**	**0,05[a]**	0,01[a]
0110000	**Citrus fruits**		
0110010	Grapefruits		
0110020	Oranges		
0110030	Lemons		
0110040	Limes		
0110050	Mandarins		
0110990	Others (2)		
0120000	**Tree nuts**		
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		

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.

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0120990	Others (2)		
0130000	**Pome fruits**		
0130010	Apples		
0130020	Pears		
0130030	Quinces		
0130040	Medlars		
0130050	Loquats/Japanese medlars		
0130990	Others (2)		
0140000	**Stone fruits**		
0140010	Apricots		
0140020	Cherries (sweet)		
0140030	Peaches		
0140040	Plums		
0140990	Others (2)		
0150000	**Berries and small fruits**		
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)		
0154000	(d) *other small fruits and berries*		
0154010	Blueberries		

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.