# Commission Regulation (EU) 2018/73 of 16 January 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 mercury compounds in or on certain products (Text with EEA relevance)

## COMMISSION REGULATION (EU) 2018/73

## of 16 January 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 mercury compounds 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 16(1)(a) thereof,

Whereas:

(1) For mercury compounds, maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005.

(2) Council Directive 79/117/EEC prohibited the placing on the market and use of plant protection products containing mercury compounds. All authorisations of plant protection products containing mercury compounds were revoked and consequently all MRLs were set at the relevant limit of determination (LOD).

(3) The Commission received information from food business operators and Member States showing the presence of mercury compounds in several products leading to higher residues than the LOD laid down in Regulation (EC) No 396/2005.

(4) Recent monitoring data confirms that residues of mercury compounds occur in several products at levels higher than the LOD. Taking into account the 95th percentile of all the sample results, the following occurrences were reported: tree nuts at 0,02 mg/kg; fresh herbs at 0,03 mg/kg; cultivated fungi at 0,05 mg/kg; wild fungi at 0,50 mg/kg, except for ceps at 0,90 mg/kg; oilseeds at 0,02 mg/kg; teas, coffee beans, herbal infusions and cocoa beans at 0,02 mg/kg; spices at 0,02 mg/kg, except ginger, nutmeg, mace and turmeric at 0,05 mg/kg; meat at 0,01 mg/kg, except for meat of wild game animals at 0,015 mg/kg and duck meat (farmed and wild) at 0,04 mg/kg; animal fat at 0,01 mg/kg; edible offal at 0,02 mg/kg except for offal of wild game animals at 0,025 mg/kg and offal of wild boar at 0,10 mg/kg; milk at 0,01 mg/kg; and honey at 0,01 mg/kg.

**Changes to legislation:** *There are outstanding changes not yet made to Commission Regulation (EU) 2018/73. 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*

(5) As mercury containing pesticides have been phased out since more than thirty years in the Union, the presence of mercury in food can be considered due to environmental contamination. It is therefore appropriate to replace the default values with the ones listed in recital 4, thus reflecting environmental background of mercury in Regulation (EC) No 396/2005. This will enable national competent authorities to take appropriate enforcement action on the basis of realistic MRLs.

(6) The Scientific Panel on contaminants in the Food Chain (CONTAM Panel) of the European Food Safety Authority, hereinafter 'the Authority', adopted an opinion on mercury and methylmercury in food[(2)].

(7) As mercury compounds occur at low levels in the products listed in recital 4 and taking into account the available consumption data within the Union, the overall contribution to the dietary exposure is considered low and there is no health risk for consumers. The MRLs for those products should be set as temporary in Annex III to Regulation (EC) No 396/2005. Those MRLs will be reviewed; the review will take into account the information available within 10 years from the publication of this Regulation.

(8) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt the LODs. Those laboratories concluded that the current LODs should be maintained.

(9) Based on the opinion 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.

(10) 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.

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

(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*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

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Done at Brussels, 16 January 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 column for mercury compounds is deleted.

(2) Annex III is amended as follows:

(a) In Part A, the column for mercury compounds is added:

PESTICIDE RESIDUES AND
MAXIMUM RESIDUE LEVELS (MG/KG)

| **Code number** | **Groups and examples of individual products to which the MRLs apply**[b] | **Mercury compounds (sum of mercury compounds expressed as mercury)** |
|---|---|---|
| (1) | (2) | (3) |
| 0100000 | **FRUITS, FRESH or FROZEN; TREE NUTS** | |
| 0110000 | **Citrus fruits** | 0,01[a] |
| 0110010 | Grapefruits | |
| 0110020 | Oranges | |
| 0110030 | Lemons | |
| 0110040 | Limes | |
| 0110050 | Mandarins | |
| 0110990 | Others | |
| 0120000 | **Tree nuts** | **0,02 (+)** |
| 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 | |
| 0120990 | Others | |

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| | | |
|---|---|---|
| 0130000 | **Pome fruits** | 0,01[a] |
| 0130010 | Apples | |
| 0130020 | Pears | |
| 0130030 | Quinces | |
| 0130040 | Medlars | |
| 0130050 | Loquats/Japanese medlars | |
| 0130990 | Others | |
| 0140000 | **Stone fruits** | 0,01[a] |
| 0140010 | Apricots | |
| 0140020 | Cherries (sweet) | |
| 0140030 | Peaches | |
| 0140040 | Plums | |
| 0140990 | Others | |
| 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 | |
| 0154000 | (d) *other small fruits and berries* | |
| 0154010 | Blueberries | |
| 0154020 | Cranberries | |
| 0154030 | Currants (black, red and white) | |
| 0154040 | Gooseberries (green, red and yellow) | |