Commission Regulation (EU) 2017/983 of 9 June 2017 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 tricyclazole in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2017/983

of 9 June 2017

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 tricyclazole 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 17, Article 18(1)(b) and Article 49(2) thereof,

Whereas:

(1) For tricyclazole maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005. All MRLs, except the one for rice, are set at the limit of determination (LOD).

(2) The non-inclusion of tricyclazole in Annex I to Directive 91/414/EEC was provided for in Commission Decision 2008/770/EC.[(2)] Following a new application in accordance with Article 7(1) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council[(3)], this active substance was not approved by Commission Implementing Regulation (EU) 2016/1826[(4)]. All existing authorisations for plant protection products containing the active substance tricyclazole have been revoked. It is therefore appropriate to delete the MRL for rice set out for this substance in Annex III in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof.

(3) In view of the non-approval of the active substance tricyclazole, the MRLs for this substance 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.

(4) 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.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2017/983. 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) 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.

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

(7) In view of the long shelf life of rice, this Regulation should provide for a transitional arrangement for rice grown in 2016 or before, in order to allow for the normal marketing, processing and consumption of rice. However taking into account the uncertainties regarding certain properties of tricyclazole, the timelines foreseen in this Regulation do not allow for any treatment with tricyclazole in 2017 or thereafter.

(8) With a view of applying the same approach to Basmati rice, bearing in mind that Basmati rice undergoes a specific procedure of maturation before it can be placed on the market, for such rice grown in 2016 or before an additional period of 6 months should be allowed to elapse before the modified MRL for Basmati rice becomes applicable, in order to allow for the normal marketing, processing and consumption of Basmati rice.

(9) 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 all rice, except to Basmati rice, which was imported or placed on the market before 30 June 2017.

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue apply to Basmati rice which was imported before 30 December 2017.

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 to all products except to Basmati rice from 30 June 2017.

It shall apply to Basmati rice from 30 December 2017.

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

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2017/983. 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*

Done at Brussels, 9 June 2017.

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 column for tricyclazole is deleted.

(2) In Annex V the column for tricyclazole is added:

PESTICIDE RESIDUES AND MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[b]**	**Tricyclazole**
(1)	(2)	(3)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**	**0,01[a]**
0110000	**Citrus fruits**	
0110010	Grapefruits	
0110020	Oranges	
0110030	Lemons	
0110040	Limes	
0110050	Mandarins	
0110990	Others	
0120000	**Tree nuts**	
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	
0120070	Macadamias	
0120080	Pecans	

a Indicates lower 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.

(**) Pesticide-code combination for which the MRL as set in Annex III Part B applies.

Tricyclazole

(+) The applicable maximum residue level for horseradish (Armoracia rusticana) in the spice group (code 0840040) is the one set for horseradish (Armoracia rusticana) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish

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0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others	
0130000	**Pome fruits**	
0130010	Apples	
0130020	Pears	
0130030	Quinces	
0130040	Medlars	
0130050	Loquats/Japanese medlars	
0130990	Others	
0140000	**Stone fruits**	
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others	
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	

a Indicates lower 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.

(**) Pesticide-code combination for which the MRL as set in Annex III Part B applies.

Tricyclazole

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0840040	**Horseradish**