Commission Regulation (EU) 2016/1785 of 7 October 2016 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 cymoxanil, phosphane and phosphide salts and sodium 5-nitroguaiacolate, sodium o-nitrophenolate and sodium p-nitrophenolate in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2016/1785

of 7 October 2016

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 cymoxanil, phosphane and phosphide salts and sodium 5-nitroguaiacolate, sodium o-nitrophenolate and sodium p-nitrophenolate 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 cymoxanil and phosphines and phosphides, maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005. For hydrogen phosphide MRLs were set in Annex II and Part B of Annex III to that Regulation. For sodium 5-nitroguaiacolate, sodium o-nitrophenolate and sodium p-nitrophenolate no MRLs are set in Regulation (EC) No 396/2005, and as those active substances are not included in Annex IV to that Regulation, the default value of 0,01 mg/kg laid down in Article 18(1)(b) of that Regulation applies.

(2) For cymoxanil, the European Food Safety Authority, hereinafter 'the Authority', submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(2)]. It recommended lowering the MRLs for potatoes, garlic, onions, cucumbers, gherkins, courgettes, broccoli, cauliflower, peas (fresh, with pods), globe artichokes and leek. For other products it recommended raising or keeping the existing MRLs. It concluded that concerning the MRLs for table grapes, wine grapes, lettuce, spinach, beans (dry), lentils (dry), peas (dry), lupines (dry), herbal infusions (dried, flowers) and hops 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

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2016/1785. 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*

from the publication of this Regulation. The Authority concluded that concerning the MRLs for sunflower seed and soya bean no 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.

(3) For phosphane and phosphide salts 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 recommended lowering the MRLs for herbs, beans (dry), lentils (dry), peas (dry), lupines (dry), tea, herbal infusions, cocoa and spices. For coffee beans it recommended raising the existing MRL. It concluded that concerning the MRLs for almonds, brazil nuts, cashew nuts, chestnuts, coconuts, hazelnuts, macadamia, pecans, pine nuts, pistachios, walnuts, linseed, peanuts, poppy seed, sesame seed, sunflower seed, rape seed, soya bean, mustard seed, cotton seed, pumpkin seeds, safflower, borage, gold of pleasure, hempseed, castor bean, barley grain, buckwheat grain, maize grain, millet grain, oats grain, rice grain, rye grain, sorghum grain, wheat grain and commodities of animal origin 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.

(4) For sodium 5-nitroguaiacolate, sodium o-nitrophenolate and sodium p-nitrophenolate the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(4)]. It proposed a residue definition and recommended setting MRLs for tomatoes, aubergines, melons and watermelons. It concluded that concerning the MRLs for table grapes, wine grapes, strawberries, raspberries, currants, maize grain, rice grain, wheat grain and hops 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 table olives and olives for oil production no 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.

(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 (CXLs) 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 several substances, those laboratories concluded that for certain commodities technical development requires the setting of specific limits of determination.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2016/1785. 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*

(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 which were produced before 28 April 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 from 28 April 2017.

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

Done at Brussels, 7 October 2016.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2016/1785. 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*

ANNEX

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

(1) Annex II is amended as follows:

(a) the following columns for cymoxanil, phosphane and phosphide salts and sodium 5-nitroguaiacolate, sodium o-nitrophenolate and sodium p-nitrophenolate are added:

PESTICIDE RESIDUES AND
MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[b]**	**Cymoxanil**	**Phosphane and phosphide salts (sum of phosphane and phosphane generators (relevant phosphide salts), determined and expressed as phosphane)**	**Sum of sodium 5-nitroguaiacolate, sodium o-nitrophenolate and sodium p-nitrophenolate, expressed as sodium 5-nitroguaiacolate**
(1)	(2)	(3)	(4)	(5)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**			**0,03[a]**
0110000	**Citrus fruits**	**0,01[a]**	**0,01[a]**	
0110010	Grapefruits			
0110020	Oranges			
0110030	Lemons			
0110040	Limes			
0110050	Mandarins			
0110990	Others			
0120000	**Tree nuts**	**0,01[a]**		
0120010	Almonds		**0,09 (+)**	
0120020	Brazil nuts		**0,09 (+)**	

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2016/1785. 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*

0120030	Cashew nuts		**0,09 (+)**	
0120040	Chestnuts		**0,09 (+)**	
0120050	Coconuts		**0,09 (+)**	
0120060	Hazelnuts/ cobnuts		**0,09 (+)**	
0120070	Macadamias		**0,09 (+)**	
0120080	Pecans		**0,09 (+)**	
0120090	Pine nut kernels		**0,09 (+)**	
0120100	Pistachios		**0,1 (+)**	
0120110	Walnuts		**0,09 (+)**	
0120990	Others		**0,01**[a]	
0130000	**Pome fruits**	**0,01**[a]	**0,01**[a]	
0130010	Apples			
0130020	Pears			
0130030	Quinces			
0130040	Medlars			
0130050	Loquats/ Japanese medlars			
0130990	Others			
0140000	**Stone fruits**	**0,01**[a]	**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*	**0,3 (+)**		**(+)**
0151010	Table grapes			
0151020	Wine grapes			
0152000	(b) *strawberries*	**0,01**[a]		**(+)**