Commission Regulation (EU) 2016/440 of 23 March 2016 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for atrazine in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2016/440

of 23 March 2016

amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for atrazine 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) in conjunction with Article 17 and Article 49(2) thereof,

Whereas:

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

(2) All existing authorisations for plant protection products containing atrazine have been revoked. In accordance with Article 17 of Regulation (EC) No 396/2005, the MRLs set out for that active substance in Annexes II and III should be deleted.

(3) In accordance with Article 43 of Regulation (EC) No 396/2005, the Commission requested the European Food Safety Authority, hereinafter 'the Authority', to provide a scientific opinion on the temporary MRLs, which were set for cereals, following an import tolerance request made by Argentina. Based on residue trials submitted by the applicant in support of the use of atrazine on maize in accordance with Argentinian Good Agricultural Practices, the Authority concluded[(2)] that the MRLs for atrazine in cereals should be lowered to a level of 0,05 mg/kg. Such level corresponds to the existing relevant limit of determination for atrazine in products of plant origin. The proposed MRLs do not pose a consumer health risk for the European consumers.

(4) 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.

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

(6) 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

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been produced before the modification of the MRLs made by this Regulation and for which information shows that a high level of consumer protection is maintained.

(7) 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.

(8) 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, 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 before 13 October 2016.

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 13 October 2016.

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

Done at Brussels, 23 March 2016.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

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

(1) In Annex II, the column for atrazine is deleted.

(2) In Part B of Annex III, the column for atrazine is deleted.

(3) In Annex V, the following column for atrazine is added:

PESTICIDE RESIDUES AND MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[b]**	**Atrazine (F)**
(1)	(2)	(3)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**	0,05[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	
0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	

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.

(F) = Fat soluble

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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	
0153030	Raspberries (red and yellow)	
0153990	Others	
0154000	(d) *other small fruits and berries*	
0154010	Blueberries	
0154020	Cranberries	

a Indicates lower limit of analytical determination

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0154030	Currants (black, red and white)	
0154040	Gooseberries (green, red and yellow)	
0154050	Rose hips	
0154060	Mulberries (black and white)	
0154070	Azaroles/Mediterranean medlars	
0154080	Elderberries	
0154990	Others	
0160000	**Miscellaneous fruits with**	
0161000	(a) *edible peel*	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others	
0162000	(b) *inedible peel, small*	
0162010	Kiwi fruits (green, red, yellow)	
0162020	Litchis/lychees	
0162030	Passionfruits/maracujas	
0162040	Prickly pears/cactus fruits	
0162050	Star apples/cainitos	
0162060	American persimmons/ Virginia kaki	
0162990	Others	

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