Commission Regulation (EU) 2016/60 of 19 January 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 chlorpyrifos in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2016/60

of 19 January 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 chlorpyrifos 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) thereof,

Whereas:

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

(2) In accordance with Article 21 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council[(2)], the Commission requested the European Food Safety Authority, hereinafter 'the Authority', to carry out a toxicological review of chlorpyrifos. The conclusion of the Authority was published on 22 April 2014[(3)].

(3) In accordance with Article 43 of Regulation (EC) No 396/2005, the Commission requested the Authority to provide a reasoned opinion on the existing MRLs for chlorpyrifos based on the new toxicological reference values. The Authority submitted its reasoned opinion on 12 June 2015[(4)].

(4) The Authority concluded that the current MRLs for mandarins, apples, pears, peaches, table grapes, blackberries, raspberries, currants, gooseberries, kiwi, pineapples, potatoes, tomatoes, peppers, aubergines, melons, watermelons, head cabbage, chinese cabbage, globe artichokes, leek and sugar beet may raise concerns of consumer protection. The Authority therefore recommended lowering the existing MRLs for these commodities. It indicated that the uses on blackberries, currants, gooseberries, kiwi, pineapples, potatoes, melons, watermelons, chinese cabbage and leek are no longer supported and that, concerning the MRLs for these commodities, further consideration by risk managers was required. The MRLs for these commodities should be set at the specific limit of determination.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2016/60. 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) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain limits of determination. Those laboratories concluded that for certain commodities technical development requires the setting of specific limits of determination.

(6) Based on the reasoned 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.

(7) 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.

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

(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 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*.

It shall apply from 10 August 2016.

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

Done at Brussels, 19 January 2016.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2016/60. 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) In Annex II, the column for chlorpyrifos is replaced by the following:

PESTICIDE RESIDUES AND MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[c]**	**Chlorpyrifos (F)**
(1)	(2)	(3)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**	
0110000	**Citrus fruits**	
0110010	Grapefruits	0,3
0110020	Oranges	0,3
0110030	Lemons	0,2
0110040	Limes	0,3
0110050	Mandarins	**1,5**
0110990	Others	0,3
0120000	**Tree nuts**	0,05[a]
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	

a Indicates lower limit of analytical determination

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

c 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

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2016/60. 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*

0130000	**Pome fruits**	
0130010	Apples	**0,01**[a]
0130020	Pears	**0,01**[a]
0130030	Quinces	0,5
0130040	Medlars	[b]
0130050	Loquats/Japanese medlars	[b]
0130990	Others	0,5
0140000	**Stone fruits**	
0140010	Apricots	0,05
0140020	Cherries (sweet)	0,3
0140030	Peaches	**0,01**[a]
0140040	Plums	0,2
0140990	Others	0,05[a]
0150000	**Berries and small fruits**	
0151000	(a) *grapes*	
0151010	Table grapes	**0,01**[a]
0151020	Wine grapes	0,5
0152000	(b) *strawberries*	0,2
0153000	(c) *cane fruits*	
0153010	Blackberries	**0,01**[a]
0153020	Dewberries	0,05[a]
0153030	Raspberries (red and yellow)	**0,01**[a]
0153990	Others	0,05[a]
0154000	(d) *other small fruits and berries*	
0154010	Blueberries	0,05[a]
0154020	Cranberries	0,05[a]

a Indicates lower limit of analytical determination

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

c 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

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2016/60. 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*

0154030	Currants (black, red and white)	**0,01**[a]
0154040	Gooseberries (green, red and yellow)	**0,01**[a]
0154050	Rose hips	[b]
0154060	Mulberries (black and white)	[b]
0154070	Azaroles/Mediterranean medlars	[b]
0154080	Elderberries	[b]
0154990	Others	0,05[a]
0160000	**Miscellaneous fruits with**	
0161000	(a) *edible peel*	0,05[a]
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	[b]
0161060	Kaki/Japanese persimmons	[b]
0161070	Jambuls/jambolans	[b]
0161990	Others	
0162000	(b) *inedible peel, small*	
0162010	Kiwi fruits (green, red, yellow)	**0,01**[a]
0162020	Litchis/lychees	0,05[a]
0162030	Passionfruits/maracujas	0,05[a]
0162040	Prickly pears/cactus fruits	[b]
0162050	Star apples/cainitos	[b]
0162060	American persimmons/ Virginia kaki	[b]

a	Indicates lower limit of analytical determination
b	Pesticide-code combination for which the MRL as set in Annex III Part B applies.
c	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