Commission Regulation (EU) 2016/46 of 18 January 2016 amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for oxadixyl and spinetoram in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2016/46

of 18 January 2016

amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for oxadixyl and spinetoram 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 16(1)(a), and Article 49(2) thereof,

Whereas:

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

(2) As regards oxadixyl, Regulation (EC) No 396/2005, as amended by Commission Regulation (EU) No 592/2012[(2)], establishes temporary MRLs for several products due to the persistence of the active substance in soil. The Commission invited Member States to share monitoring data on the occurrence of the substance in the products concerned. The submitted data show that residues no longer occur in leeks and in the group of root and tuber vegetables at levels above the relevant limits of determination. It is therefore appropriate to lower the temporary MRLs to such values. In contrast, residues of oxadixyl still occur in parsley, celeries and in the group of lettuces and salad plants. Monitoring data show that a temporary MRL of 0,05 mg/kg adequately addresses the occurrence of oxadixyl in those commodities. It is therefore appropriate to lower those temporary MRLs to a value of 0,05 mg/kg. Those MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(3) As regards spinetoram, the MRL set by the Codex Alimentarius Commission (CXL) for meat from mammals other than marine mammals was included in Regulation (EC) No 396/2005 by Commission Regulation (EU) No 459/2010[(3)]. Commission Regulation (EU) No 212/2013[(4)] replaced Annex I to Regulation (EC) No 396/2005. In particular, it replaced in that Annex I the entry for ‘mammalian meat’ by the entry for ‘mammalian muscle’ (codes 1011010, 1012010, 1013010, 1014010, 1015010 and 1017010). At that

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time, the MRLs were not adapted to reflect the changed categories. Since the substance is fat soluble and residues are expected in fat matrices, it is appropriate to provide for such adaptation by correcting the MRLs for the groups of mammalian fat tissue and mammalian muscle.

(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 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

Annex III to Regulation (EC) No 396/2005 is 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 8 February 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*.

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

Done at Brussels, 18 January 2016.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

In Part A of Annex III to Regulation (EC) No 396/2005, the columns for oxadixyl and spinetoram are 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**[b]	**Oxadixyl**	**Spinetoram (XDE-175)**
(1)	(2)	(3)	(4)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**	0,01[a]	
0110000	**Citrus fruits**		0,2
0110010	Grapefruits		
0110020	Oranges		
0110030	Lemons		
0110040	Limes		
0110050	Mandarins		
0110990	Others		
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		
0130000	**Pome fruits**		0,2
0130010	Apples		
0130020	Pears		

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0130030	Quinces		
0130040	Medlars		
0130050	Loquats/Japanese medlars		
0130990	Others		
0140000	**Stone fruits**		
0140010	Apricots		0,2
0140020	Cherries (sweet)		0,05[a]
0140030	Peaches		0,3
0140040	Plums		0,05[a]
0140990	Others		0,05[a]
0150000	**Berries and small fruits**		
0151000	(a) *grapes*		0,5
0151010	Table grapes		
0151020	Wine grapes		
0152000	(b) *strawberries*		0,2
0153000	(c) *cane fruits*		
0153010	Blackberries		0,05[a]
0153020	Dewberries		0,05[a]
0153030	Raspberries (red and yellow)		0,8
0153990	Others		0,05[a]
0154000	(d) *other small fruits and berries*		
0154010	Blueberries		0,2
0154020	Cranberries		0,05[a]
0154030	Currants (black, red and white)		0,05[a]
0154040	Gooseberries (green, red and yellow)		0,05[a]
0154050	Rose hips		0,05[a]
0154060	Mulberries (black and white)		0,05[a]

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0154070	Azaroles/ Mediterranean medlars		0,05[a]
0154080	Elderberries		0,05[a]
0154990	Others		0,05[a]
0160000	**Miscellaneous fruits with**		0,05[a]
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		
0163000	(c) *inedible peel, large*		
0163010	Avocados		
0163020	Bananas		
0163030	Mangoes		
0163040	Papayas		