Commission Regulation (EU) No 1096/2014 of 15 October 2014 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 carbaryl, procymidone and profenofos in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 1096/2014

of 15 October 2014

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 carbaryl, procymidone and profenofos 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)(d), Article 18(1)(b) and Article 49(2) thereof,

Whereas:

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

(2) As regards the three substances, Regulation (EC) No 396/2005, as amended by Commission Regulation (EU) No 899/2012[(2)], establishes temporary MRLs for fresh herbs and herbal infusions, pending the submission of monitoring data on the occurrence of those substances in the concerned products. Such data was submitted by the European Herbal Infusions Association (EHIA) to the Commission,which shows that residues of those substances no longer occur in those products, except for profenofos in fresh herbs and rose petals. It is therefore appropriate to extend the validity of the temporary MRLs for profenofos in fresh herbs and rose petals, pending the submission of further monitoring data, and to lower the temporary MRLs for all other pesticide and product combinations, within the groups of fresh herbs and herbal infusions, to the relevant LODs.

(3) 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.

(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.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 1096/2014. 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*

(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 lawfully produced before the modification of the MRLs 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 the Food Chain and Animal Health,

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 lawfully produced before 7 May 2015.

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 7 May 2015.

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

Done at Brussels, 15 October 2014.

For the Commission

The President

José Manuel BARROSO

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ANNEX

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

(1) Annex II is amended as follows:

(a) the columns for carbaryl and profenofos 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**[c]	**Carbaryl (F)**	**Profenofos (F)**
0100000	1. **FRUIT FRESH OR FROZEN NUTS**		
0110000	(i) **Citrus fruit**	0,01[a]	0,01[a]
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)		
0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)		
0110030	Lemons (Citron, lemon, Buddha's hand (*Citrus medica* var. *sarcodactylis*))		
0110040	Limes		
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids tangor (*Citrus*		

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	reticulata × *sinensis*))		
0110990	Others		
0120000	(ii) **Tree nuts**	0,02[a]	0,02[a]
0120010	Almonds		
0120020	Brazil nuts		
0120030	Cashew nuts		
0120040	Chestnuts		
0120050	Coconuts		
0120060	Hazelnuts (Filbert)		
0120070	Macadamia		
0120080	Pecans		
0120090	Pine nuts		
0120100	Pistachios		
0120110	Walnuts		
0120990	Others		
0130000	(iii) **Pome fruit**	0,01[a]	0,01[a]
0130010	Apples (Crab apple)		
0130020	Pears (Oriental pear)		
0130030	Quinces		
0130040	Medlar	[b]	[b]
0130050	Loquat	[b]	[b]
0130990	Others		
0140000	(iv) **Stone fruit**	0,01[a]	0,01[a]
0140010	Apricots		
0140020	Cherries (Sweet cherries, sour cherries)		
0140030	Peaches (Nectarines and similar hybrids)		

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0140040	Plums (Damson, greengage, mirabelle, sloe, red date/Chinese date/Chinese jujube (*Ziziphus zizyphus*))		
0140990	Others		
0150000	(v) **Berries & small fruit**	0,01[a]	0,01[a]
0151000	(a) *Table and wine grapes*		
0151010	Table grapes		
0151020	Wine grapes		
0152000	(b) *Strawberries*		
0153000	(c) *Cane fruit*		
0153010	Blackberries		
0153020	Dewberries (Loganberries, tayberries, boysenberries, cloudberries and other *Rubus* hybrids)		
0153030	Raspberries (Wineberries, arctic bramble/ raspberry, (*Rubus arcticus*), nectar raspberries (*Rubus arcticus* × *Rubus idaeus*))		
0153990	Others		
0154000	(d) *Other small fruit & berries*		
0154010	Blueberries (Bilberries)		
0154020	Cranberries (Cowberries/		