

COMMISSION REGULATION (EU) 2016/75**of 21 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 fosetyl 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 16(1)(a) thereof,

Whereas:

- (1) For fosetyl, maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005.
- (2) The residue definition for monitoring applicable to fosetyl comprises the parent compound fosetyl, the degradation product phosphorous acid and their salts. Salts of phosphorous acid are named phosphonates.
- (3) Commission Regulation (EU) No 991/2014 ⁽²⁾ amended Annex III to Regulation (EC) No 396/2005, setting temporary MRLs for fosetyl to avoid significant market disruptions in the trade of certain products. Those temporary MRLs were based on the available monitoring data and on a statement ⁽³⁾ of the European Food Safety Authority, hereinafter 'the Authority', in which it concluded that the proposed temporary MRLs are expected to sufficiently protect consumers.
- (4) Some temporary MRLs set by Regulation (EU) No 991/2014 apply only until 31 December 2015, after which the previous MRL of 2 mg/kg corresponding to the limit of determination should be applicable, as it was expected that by then the measures foreseen to prevent the occurrence of phosphonate residues in relevant crops in future growing seasons would take effect. However, the Commission received information from food business operators showing that for certain products belonging to the group of tree nuts, the period provided was insufficient for those measures to take effect. Monitoring data indicate the continued presence of phosphonates in or on those products at levels higher than 2 mg/kg.
- (5) Trading partners of the Union informed the Commission of ongoing efforts and timetables to generate supervised residue trial data with a view to submitting an application concerning MRLs for products belonging to the group of tree nuts according to Article 6(2) and (4) of Regulation (EC) No 396/2005.
- (6) To avoid significant market disruptions in the trade of the concerned products belonging to the group of tree nuts and as there is no risk for consumers identified from the current scientific data, it is appropriate to change the end date of applicability of those temporary MRLs for fosetyl. Those temporary MRLs should apply until an application for MRLs according to Article 6(2) and (4) of Regulation (EC) No 396/2005 has been evaluated and decided upon. Taking into account the information received on ongoing supervised residue trials and the planned submission of such an application, the entry into force of a decision on that application is expected not later than 1 March 2019.
- (7) Based on the statement of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modification to the MRL fulfils the requirements of Article 14(2) of Regulation (EC) No 396/2005.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Regulation (EU) No 991/2014 of 19 September 2014 amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for fosetyl in or on certain products (OJ L 279, 23.9.2014, p. 1).

⁽³⁾ European Food Safety Authority; Statement on the dietary risk assessment for proposed temporary maximum residue levels (t-MRLs) for fosetyl-Al in certain crops. EFSA Journal 2014;12(5):3695, 22 pp.

- (8) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (9) MRLs for several products, including certain products belonging to the group of tree nuts, were modified by Regulation (EU) No 991/2014, with 31 December 2015 as the end date of applicability of those temporary MRLs. For those products belonging to the group of tree nuts, this Regulation sets MRLs at the same level as provided for in Regulation (EU) No 991/2014 for an additional period. In the interest of legal certainty, this Regulation should therefore apply from 1 January 2016.
- (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

Annex III to Regulation (EC) No 396/2005 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2016.

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

Done at Brussels, 21 January 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In part A of Annex III to Regulation (EC) No 396/2005, the column for fosetyl 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 ^(*)	Fosetyl-AI (sum of fosetyl, phosphonic acid and their salts, expressed as fosetyl)
(1)	(2)	(3)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	
0110000	Citrus fruits	75
0110010	Grapefruits	
0110020	Oranges	
0110030	Lemons	
0110040	Limes	
0110050	Mandarins	
0110990	Others	
0120000	Tree nuts	
0120010	Almonds	75 (+)
0120020	Brazil nuts	2 (*)
0120030	Cashew nuts	75 (+)
0120040	Chestnuts	2 (*)
0120050	Coconuts	2 (*)
0120060	Hazelnuts/cobnuts	75 (+)
0120070	Macadamias	75 (+)
0120080	Pecans	2 (*)
0120090	Pine nut kernels	2 (*)
0120100	Pistachios	75 (+)
0120110	Walnuts	75 (+)
0120990	Others	2 (*)
0130000	Pome fruits	75
0130010	Apples	
0130020	Pears	
0130030	Quinces	
0130040	Medlars	
0130050	Loquats/Japanese medlars	
0130990	Others	

(1)	(2)	(3)
0140000	Stone fruits	2 (*)
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others	
0150000	Berries and small fruits	
0151000	(a) <i>grapes</i>	100
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>strawberries</i>	75
0153000	(c) <i>cane fruits</i>	2 (*)
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others	
0154000	(d) <i>other small fruits and berries</i>	2 (*)
0154010	Blueberries	
0154020	Cranberries	
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) <i>edible peel</i>	2 (*)
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others	

(1)	(2)	(3)
0162000	(b) <i>inedible peel, small</i>	
0162010	Kiwi fruits (green, red, yellow)	150
0162020	Litchis/lychees	2 (*)
0162030	Passionfruits/maracujas	2 (*)
0162040	Prickly pears/cactus fruits	2 (*)
0162050	Star apples/cainitos	2 (*)
0162060	American persimmons/Virginia kaki	2 (*)
0162990	Others	2 (*)
0163000	(c) <i>inedible peel, large</i>	
0163010	Avocados	50
0163020	Bananas	2 (*)
0163030	Mangoes	2 (*)
0163040	Papayas	2 (*)
0163050	Granate apples/pomegranates	2 (*)
0163060	Cherimoyas	2 (*)
0163070	Guavas	2 (*)
0163080	Pineapples	50
0163090	Breadfruits	2 (*)
0163100	Durians	2 (*)
0163110	Soursops/guanabanas	2 (*)
0163990	Others	2 (*)
0200000	VEGETABLES, FRESH or FROZEN	
0210000	Root and tuber vegetables	
0211000	(a) <i>potatoes</i>	30
0212000	(b) <i>tropical root and tuber vegetables</i>	2 (*)
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others	
0213000	(c) <i>other root and tuber vegetables except sugar beets</i>	
0213010	Beetroots	2 (*)
0213020	Carrots	2 (*)
0213030	Celeriacs/turnip rooted celeries	2 (*)
0213040	Horseradishes	2 (*)
0213050	Jerusalem artichokes	2 (*)
0213060	Parsnips	2 (*)
0213070	Parsley roots/Hamburg roots parsley	2 (*)

(1)	(2)	(3)
0213080	Radishes	25
0213090	Salsifies	2 (*)
0213100	Swedes/rutabagas	2 (*)
0213110	Turnips	2 (*)
0213990	Others	2 (*)
0220000	Bulb vegetables	
0220010	Garlic	2 (*)
0220020	Onions	50
0220030	Shallots	2 (*)
0220040	Spring onions/green onions and Welsh onions	30
0220990	Others	2 (*)
0230000	Fruiting vegetables	
0231000	(a) <i>solanacea</i>	
0231010	Tomatoes	100
0231020	Sweet peppers/bell peppers	130
0231030	Aubergines/eggplants	100
0231040	Okra/lady's fingers	2 (*)
0231990	Others	2 (*)
0232000	(b) <i>cucurbits with edible peel</i>	75
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others	
0233000	(c) <i>cucurbits with inedible peel</i>	75
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>sweet corn</i>	5
0239000	(e) <i>other fruiting vegetables</i>	5
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)	10
0241000	(a) <i>flowering brassica</i>	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others	

(1)	(2)	(3)
0242000	(b) <i>head brassica</i>	
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others	
0243000	(c) <i>leafy brassica</i>	
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others	
0244000	(d) <i>kohlrabies</i>	
0250000	Leaf vegetables, herbs and edible flowers	
0251000	(a) <i>lettuces and salad plants</i>	75
0251010	Lamb's lettuces/corn salads	
0251020	Lettuces	
0251030	Escaroles/broad-leaved endives	
0251040	Cresses and other sprouts and shoots	
0251050	Land cresses	
0251060	Roman rocket/rucola	
0251070	Red mustards	
0251080	Baby leaf crops (including brassica species)	
0251990	Others	
0252000	(b) <i>spinaches and similar leaves</i>	
0252010	Spinaches	75
0252020	Purslanes	2 (*)
0252030	Chards/beet leaves	15
0252990	Others	2 (*)
0253000	(c) <i>grape leaves and similar species</i>	2 (*)
0254000	(d) <i>watercresses</i>	2 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	75
0256000	(f) <i>herbs and edible flowers</i>	75
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	

(1)	(2)	(3)
0256080	Basil and edible flowers	
0256090	Laurel/bay leave	
0256100	Tarragon	
0256990	Others	
0260000	Legume vegetables	2 (*)
0260010	Beans (with pods)	
0260020	Beans (without pods)	
0260030	Peas (with pods)	
0260040	Peas (without pods)	
0260050	Lentils	
0260990	Others	
0270000	Stem vegetables	
0270010	Asparagus	2 (*)
0270020	Cardoons	2 (*)
0270030	Celeries	2 (*)
0270040	Florence fennels	2 (*)
0270050	Globe artichokes	50
0270060	Leeks	30
0270070	Rhubarbs	2 (*)
0270080	Bamboo shoots	2 (*)
0270090	Palm hearts	2 (*)
0270990	Others	2 (*)
0280000	Fungi, mosses and lichens	2 (*)
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	Algae and prokaryotes organisms	2 (*)
0300000	PULSES	2 (*)
0300010	Beans	
0300020	Lentils	
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others	
0400000	OILSEEDS AND OIL FRUITS	2 (*)
0401000	Oilseeds	
0401010	Linseeds	
0401020	Peanuts/groundnuts	
0401030	Poppy seeds	
0401040	Sesame seeds	

(1)	(2)	(3)
0401050	Sunflower seeds	
0401060	Rapeseeds/canola seeds	
0401070	Soyabeans	
0401080	Mustard seeds	
0401090	Cotton seeds	
0401100	Pumpkin seeds	
0401110	Safflower seeds	
0401120	Borage seeds	
0401130	Gold of pleasure seeds	
0401140	Hemp seeds	
0401150	Castor beans	
0401990	Others	
0402000	Oil fruits	
0402010	Olives for oil production	
0402020	Oil palms kernels	
0402030	Oil palms fruits	
0402040	Kapok	
0402990	Others	
0500000	CEREALS	2 (*)
0500010	Barley	
0500020	Buckwheat and other pseudo-cereals	
0500030	Maize/corn	
0500040	Common millet/proso millet	
0500050	Oat	
0500060	Rice	
0500070	Rye	
0500080	Sorghum	
0500090	Wheat	
0500990	Others	
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	
0610000	Teas	2 (*)
0620000	Coffee beans	2 (*)
0630000	Herbal infusions from	500
0631000	(a) <i>flowers</i>	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others	

(1)	(2)	(3)
0632000	(b) <i>leaves and herbs</i>	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others	
0633000	(c) <i>roots</i>	
0633010	Valerian	
0633020	Ginseng	
0633990	Others	
0639000	(d) <i>any other parts of the plant</i>	
0640000	Cocoa beans	2 (*)
0650000	Carobs/Saint John's breads	2 (*)
0700000	HOPS	1 500
0800000	SPICES	
0810000	Seed spices	400
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	
0810060	Dill	
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others	
0820000	Fruit spices	400
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others	
0830000	Bark spices	400
0830010	Cinnamon	
0830990	Others	

(1)	(2)	(3)
0840000	Root and rhizome spices	
0840010	Liquorice	400
0840020	Ginger	400
0840030	Turmeric/curcuma	400
0840040	Horseradish	(+)
0840990	Others	400
0850000	Bud spices	400
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	Flower pistil spices	400
0860010	Saffron	
0860990	Others	
0870000	Aril spices	400
0870010	Mace	
0870990	Others	
0900000	SUGAR PLANTS	
0900010	Sugar beet roots	2 (*)
0900020	Sugar canes	2 (*)
0900030	Chicory roots	75
0900990	Others	2 (*)
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	
1010000	Tissues from	0,5 (*)
1011000	(a) <i>swine</i>	
1011010	Muscle	
1011020	Fat tissue	
1011030	Liver	
1011040	Kidney	
1011050	Edible offals (other than liver and kidney)	
1011990	Others	
1012000	(b) <i>bovine</i>	
1012010	Muscle	
1012020	Fat tissue	
1012030	Liver	
1012040	Kidney	
1012050	Edible offals (other than liver and kidney)	
1012990	Others	

(1)	(2)	(3)
1013000	(c) <i>sheep</i>	
1013010	Muscle	
1013020	Fat tissue	
1013030	Liver	
1013040	Kidney	
1013050	Edible offals (other than liver and kidney)	
1013990	Others	
1014000	d) <i>goat</i>	
1014010	Muscle	
1014020	Fat tissue	
1014030	Liver	
1014040	Kidney	
1014050	Edible offals (other than liver and kidney)	
1014990	Others	
1015000	(e) <i>equine</i>	
1015010	Muscle	
1015020	Fat tissue	
1015030	Liver	
1015040	Kidney	
1015050	Edible offals (other than liver and kidney)	
1015990	Others	
1016000	(f) <i>poultry</i>	
1016010	Muscle	
1016020	Fat tissue	
1016030	Liver	
1016040	Kidney	
1016050	Edible offals (other than liver and kidney)	
1016990	Others	
1017000	(g) <i>other farmed terrestrial animals</i>	
1017010	Muscle	
1017020	Fat tissue	
1017030	Liver	
1017040	Kidney	
1017050	Edible offals (other than liver and kidney)	
1017990	Others	
1020000	Milk	0,1 (*)
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others	

(1)	(2)	(3)
1030000	Birds eggs	0,1 (*)
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others	
1040000	Honey and other apiculture products	0,5 (*)
1050000	Amphibians and Reptiles	0,5 (*)
1060000	Terrestrial invertebrate animals	0,5 (*)
1070000	Wild terrestrial vertebrate animals	0,5 (*)

(*) Indicates lower limit of analytical determination

(^a) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

Fosetyl-Al (sum of fosetyl, phosphonic acid and their salts, expressed as fosetyl)

(+) MRL applicable until 1 March 2019, after that date 2 (*) will be applicable unless modified by a Regulation.

0120010 Almonds

0120030 Cashew nuts

0120060 Hazelnuts/cobnuts

0120070 Macadamias

0120100 Pistachios

0120110 Walnuts

(+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish'