

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 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.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Regulation (EU) No 592/2012 of 4 July 2012 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 bifenazate, captan, cyprodinil, fluopicolide, hexythiazox, isoprothiolane, metaldehyde, oxadixyl and phosmet in or on certain products (OJ L 176, 6.7.2012, p. 1).

⁽³⁾ Commission Regulation (EU) No 459/2010 of 27 May 2010 amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for certain pesticides in or on certain products (OJ L 129, 28.5.2010, p. 3).

⁽⁴⁾ Commission Regulation (EU) No 212/2013 of 11 March 2013 replacing Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards additions and modifications with respect to the products covered by that Annex (OJ L 68, 12.3.2013, p. 30).

- (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

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 ^(a)	Oxadixyl	Spinetoram (XDE-175)
(1)	(2)	(3)	(4)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	0,01 (*)	
0110000	Citrus fruits		0,2
0110010	Grapefruits		
0110020	Oranges		
0110030	Lemons		
0110040	Limes		
0110050	Mandarins		
0110990	Others		
0120000	Tree nuts		0,05 (*)
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		
0130030	Quinces		
0130040	Medlars		
0130050	Loquats/Japanese medlars		
0130990	Others		

(1)	(2)	(3)	(4)
0140000	Stone fruits		
0140010	Apricots		0,2
0140020	Cherries (sweet)		0,05 (*)
0140030	Peaches		0,3
0140040	Plums		0,05 (*)
0140990	Others		0,05 (*)
0150000	Berries and small fruits		
0151000	(a) <i>grapes</i>		0,5
0151010	Table grapes		
0151020	Wine grapes		
0152000	(b) <i>strawberries</i>		0,2
0153000	(c) <i>cane fruits</i>		
0153010	Blackberries		0,05 (*)
0153020	Dewberries		0,05 (*)
0153030	Raspberries (red and yellow)		0,8
0153990	Others		0,05 (*)
0154000	(d) <i>other small fruits and berries</i>		
0154010	Blueberries		0,2
0154020	Cranberries		0,05 (*)
0154030	Currants (black, red and white)		0,05 (*)
0154040	Gooseberries (green, red and yellow)		0,05 (*)
0154050	Rose hips		0,05 (*)
0154060	Mulberries (black and white)		0,05 (*)
0154070	Azaroles/Mediterranean medlars		0,05 (*)
0154080	Elderberries		0,05 (*)
0154990	Others		0,05 (*)
0160000	Miscellaneous fruits with		0,05 (*)
0161000	(a) <i>edible peel</i>		
0161010	Dates		
0161020	Figs		
0161030	Table olives		
0161040	Kumquats		
0161050	Carambolas		
0161060	Kaki/Japanese persimmons		
0161070	Jambuls/jambolans		
0161990	Others		

(1)	(2)	(3)	(4)
0162000	(b) <i>inedible peel, small</i>		
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) <i>inedible peel, large</i>		
0163010	Avocados		
0163020	Bananas		
0163030	Mangoes		
0163040	Papayas		
0163050	Granate apples/pomegranates		
0163060	Cherimoyas		
0163070	Guavas		
0163080	Pineapples		
0163090	Breadfruits		
0163100	Durians		
0163110	Soursops/guanabanas		
0163990	Others		
0200000	VEGETABLES, FRESH or FROZEN		
0210000	Root and tuber vegetables	0,01 (*)	0,05 (*)
0211000	(a) <i>potatoes</i>		
0212000	(b) <i>tropical root and tuber vegetables</i>		
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		
0213020	Carrots		
0213030	Celeriacs/turnip rooted celeries		
0213040	Horseradishes		
0213050	Jerusalem artichokes		
0213060	Parsnips		

(1)	(2)	(3)	(4)
0213070	Parsley roots/Hamburg roots parsley		
0213080	Radishes		
0213090	Salsifies		
0213100	Swedes/rutabagas		
0213110	Turnips		
0213990	Others		
0220000	Bulb vegetables	0,01 (*)	
0220010	Garlic		0,05 (*)
0220020	Onions		0,05 (*)
0220030	Shallots		0,05 (*)
0220040	Spring onions/green onions and Welsh onions		0,8
0220990	Others		0,05 (*)
0230000	Fruiting vegetables	0,01 (*)	
0231000	(a) <i>solanacea</i>		0,5
0231010	Tomatoes		
0231020	Sweet peppers/bell peppers		
0231030	Aubergines/eggplants		
0231040	Okra/lady's fingers		
0231990	Others		
0232000	(b) <i>cucurbits with edible peel</i>		0,2
0232010	Cucumbers		
0232020	Gherkins		
0232030	Courgettes		
0232990	Others		
0233000	(c) <i>cucurbits with inedible peel</i>		0,05 (*)
0233010	Melons		
0233020	Pumpkins		
0233030	Watermelons		
0233990	Others		
0234000	(d) <i>sweet corn</i>		0,05 (*)
0239000	(e) <i>other fruiting vegetables</i>		0,05 (*)
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)	0,01 (*)	0,05 (*)
0241000	(a) <i>flowering brassica</i>		
0241010	Broccoli		
0241020	Cauliflowers		
0241990	Others		

(1)	(2)	(3)	(4)
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>	0,05 (+)	
0251010	Lamb's lettuces/corn salads		0,05 (*)
0251020	Lettuces		10
0251030	Escaroles/broad-leaved endives		0,05 (*)
0251040	Cresses and other sprouts and shoots		0,05 (*)
0251050	Land cresses		0,05 (*)
0251060	Roman rocket/rucola		0,05 (*)
0251070	Red mustards		0,05 (*)
0251080	Baby leaf crops (including brassica species)		0,05 (*)
0251990	Others		0,05 (*)
0252000	(b) <i>spinaches and similar leaves</i>	0,01 (*)	0,05 (*)
0252010	Spinaches		
0252020	Purslanes		
0252030	Chards/beet leaves		
0252990	Others		
0253000	(c) <i>grape leaves and similar species</i>	0,01 (*)	0,05 (*)
0254000	(d) <i>watercresses</i>	0,01 (*)	0,05 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	0,01 (*)	0,05 (*)
0256000	(f) <i>herbs and edible flowers</i>		0,05 (*)
0256010	Chervil	0,01 (*)	
0256020	Chives	0,01 (*)	
0256030	Celery leaves	0,01 (*)	
0256040	Parsley	0,05 (+)	
0256050	Sage	0,01 (*)	
0256060	Rosemary	0,01 (*)	
0256070	Thyme	0,01 (*)	

(1)	(2)	(3)	(4)
0256080	Basil and edible flowers	0,01 (*)	
0256090	Laurel/bay leave	0,01 (*)	
0256100	Tarragon	0,01 (*)	
0256990	Others	0,01 (*)	
0260000	Legume vegetables	0,01 (*)	
0260010	Beans (with pods)		0,1
0260020	Beans (without pods)		0,05 (*)
0260030	Peas (with pods)		0,1
0260040	Peas (without pods)		0,05 (*)
0260050	Lentils		0,05 (*)
0260990	Others		0,05 (*)
0270000	Stem vegetables		0,05 (*)
0270010	Asparagus	0,01 (*)	
0270020	Cardoons	0,01 (*)	
0270030	Celeries	0,05 (+)	
0270040	Florence fennels	0,01 (*)	
0270050	Globe artichokes	0,01 (*)	
0270060	Leeks	0,01 (*)	
0270070	Rhubarbs	0,01 (*)	
0270080	Bamboo shoots	0,01 (*)	
0270090	Palm hearts	0,01 (*)	
0270990	Others	0,01 (*)	
0280000	Fungi, mosses and lichens	0,01 (*)	0,05 (*)
0280010	Cultivated fungi		
0280020	Wild fungi		
0280990	Mosses and lichens		
0290000	Algae and prokaryotes organisms	0,01 (*)	0,05 (*)
0300000	PULSES	0,01 (*)	0,05 (*)
0300010	Beans		
0300020	Lentils		
0300030	Peas		
0300040	Lupins/lupini beans		
0300990	Others		
0400000	OILSEEDS AND OIL FRUITS	0,02 (*)	0,05 (*)
0401000	Oilseeds		
0401010	Linseeds		
0401020	Peanuts/groundnuts		

(1)	(2)	(3)	(4)
0401030	Poppy seeds		
0401040	Sesame seeds		
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	0,01 (*)	0,05 (*)
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	0,02 (*)	0,1 (*)
0610000	Teas		
0620000	Coffee beans		
0630000	Herbal infusions from		
0631000	(a) <i>flowers</i>		
0631010	Chamomile		
0631020	Hibiscus/roselle		

(1)	(2)	(3)	(4)
0631030	Rose		
0631040	Jasmine		
0631050	Lime/linden		
0631990	Others		
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		
0650000	Carobs/Saint John's breads		
0700000	HOPS	0,02 (*)	0,1 (*)
0800000	SPICES		
0810000	Seed spices	0,02 (*)	0,1 (*)
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	0,02 (*)	0,1 (*)
0820010	Allspice/pimento		
0820020	Sichuan pepper		
0820030	Caraway		
0820040	Cardamom		
0820050	Juniper berry		
0820060	Peppercorn (black, green and white)		

(1)	(2)	(3)	(4)
0820070	Vanilla		
0820080	Tamarind		
0820990	Others		
0830000	Bark spices	0,02 (*)	0,1 (*)
0830010	Cinnamon		
0830990	Others		
0840000	Root and rhizome spices		
0840010	Liquorice	0,02 (*)	0,1 (*)
0840020	Ginger	0,02 (*)	0,1 (*)
0840030	Turmeric/curcuma	0,02 (*)	0,1 (*)
0840040	Horseradish	(+)	(+)
0840990	Others	0,02 (*)	0,1 (*)
0850000	Bud spices	0,02 (*)	0,1 (*)
0850010	Cloves		
0850020	Capers		
0850990	Others		
0860000	Flower pistil spices	0,02 (*)	0,1 (*)
0860010	Saffron		
0860990	Others		
0870000	Aril spices	0,02 (*)	0,1 (*)
0870010	Mace		
0870990	Others		
0900000	SUGAR PLANTS	0,01 (*)	0,05 (*)
0900010	Sugar beet roots		
0900020	Sugar canes		
0900030	Chicory roots		
0900990	Others		
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	0,01 (*)	
1010000	Tissues from		
1011000	(a) <i>swine</i>		
1011010	Muscle		0,01 (*)
1011020	Fat tissue		0,2
1011030	Liver		0,01 (*)
1011040	Kidney		0,01 (*)
1011050	Edible offals (other than liver and kidney)		0,01 (*)
1011990	Others		0,01 (*)

(1)	(2)	(3)	(4)
1012000	(b) <i>bovine</i>		
1012010	Muscle		0,01 (*)
1012020	Fat tissue		0,2
1012030	Liver		0,01 (*)
1012040	Kidney		0,01 (*)
1012050	Edible offals (other than liver and kidney)		0,01 (*)
1012990	Others		0,01 (*)
1013000	(c) <i>sheep</i>		
1013010	Muscle		0,01 (*)
1013020	Fat tissue		0,2
1013030	Liver		0,01 (*)
1013040	Kidney		0,01 (*)
1013050	Edible offals (other than liver and kidney)		0,01 (*)
1013990	Others		0,01 (*)
1014000	(d) <i>goat</i>		
1014010	Muscle		0,01 (*)
1014020	Fat tissue		0,2
1014030	Liver		0,01 (*)
1014040	Kidney		0,01 (*)
1014050	Edible offals (other than liver and kidney)		0,01 (*)
1014990	Others		0,01 (*)
1015000	(e) <i>equine</i>		
1015010	Muscle		0,01 (*)
1015020	Fat tissue		0,2
1015030	Liver		0,01 (*)
1015040	Kidney		0,01 (*)
1015050	Edible offals (other than liver and kidney)		0,01 (*)
1015990	Others		0,01 (*)
1016000	(f) <i>poultry</i>		
1016010	Muscle		0,01
1016020	Fat tissue		0,01 (*)
1016030	Liver		0,01 (*)
1016040	Kidney		0,01 (*)
1016050	Edible offals (other than liver and kidney)		0,01 (*)
1016990	Others		0,01 (*)
1017000	(g) <i>other farmed terrestrial animals</i>		
1017010	Muscle		0,01 (*)
1017020	Fat tissue		0,2

(1)	(2)	(3)	(4)
1017030	Liver		0,01 (*)
1017040	Kidney		0,01 (*)
1017050	Edible offals (other than liver and kidney)		0,01 (*)
1017990	Others		0,01 (*)
1020000	Milk		0,01 (*)
1020010	Cattle		
1020020	Sheep		
1020030	Goat		
1020040	Horse		
1020990	Others		
1030000	Birds eggs		0,01 (*)
1030010	Chicken		
1030020	Duck		
1030030	Geese		
1030040	Quail		
1030990	Others		
1040000	Honey and other apiculture products		0,05 (*)
1050000	Amphibians and Reptiles		0,01 (*)
1060000	Terrestrial invertebrate animals		0,01 (*)
1070000	Wild terrestrial vertebrate animals		0,01 (*)

(*) 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.

Oxadixyl

(+) Recent monitoring data show that residues of oxadixyl occur in lettuces and salad plants. It is therefore appropriate to set temporary MRLs at a value of 0,05 mg/kg, pending the submission of further monitoring data. When reviewing the MRLs, the Commission will take into account the information, if it is submitted by 19 January 2018, or, if that information is not submitted by that date, the lack of it.

0251000 (a) lettuces and salad plants

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

- (+) Recent monitoring data show that residues of oxadixyl occur in parsley. It is therefore appropriate to set temporary MRLs at a value of 0,05 mg/kg, pending the submission of further monitoring data. When reviewing the MRL, the Commission will take into account the information, if it is submitted by 19 January 2018, or, if that information is not submitted by that date, the lack of it.

0256040 Parsley

- (+) Recent monitoring data show that residues of oxadixyl occur in celeries. It is therefore appropriate to set temporary MRLs at a value of 0,05 mg/kg, pending the submission of further monitoring data. When reviewing the MRL, the Commission will take into account the information, if it is submitted by 19 January 2018, or, if that information is not submitted by that date, the lack of it.

0270030 Celeries

- (+) 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

Spinetoram (XDE-175)

- (+) 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'
