

COMMISSION REGULATION (EU) 2018/73**of 16 January 2018****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 mercury compounds 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 mercury compounds, maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005.
- (2) Council Directive 79/117/EEC prohibited the placing on the market and use of plant protection products containing mercury compounds. All authorisations of plant protection products containing mercury compounds were revoked and consequently all MRLs were set at the relevant limit of determination (LOD).
- (3) The Commission received information from food business operators and Member States showing the presence of mercury compounds in several products leading to higher residues than the LOD laid down in Regulation (EC) No 396/2005.
- (4) Recent monitoring data confirms that residues of mercury compounds occur in several products at levels higher than the LOD. Taking into account the 95th percentile of all the sample results, the following occurrences were reported: tree nuts at 0,02 mg/kg; fresh herbs at 0,03 mg/kg; cultivated fungi at 0,05 mg/kg; wild fungi at 0,50 mg/kg, except for ceps at 0,90 mg/kg; oilseeds at 0,02 mg/kg; teas, coffee beans, herbal infusions and cocoa beans at 0,02 mg/kg; spices at 0,02 mg/kg, except ginger, nutmeg, mace and turmeric at 0,05 mg/kg; meat at 0,01 mg/kg, except for meat of wild game animals at 0,015 mg/kg and duck meat (farmed and wild) at 0,04 mg/kg; animal fat at 0,01 mg/kg; edible offal at 0,02 mg/kg except for offal of wild game animals at 0,025 mg/kg and offal of wild boar at 0,10 mg/kg; milk at 0,01 mg/kg; and honey at 0,01 mg/kg.
- (5) As mercury containing pesticides have been phased out since more than thirty years in the Union, the presence of mercury in food can be considered due to environmental contamination. It is therefore appropriate to replace the default values with the ones listed in recital 4, thus reflecting environmental background of mercury in Regulation (EC) No 396/2005. This will enable national competent authorities to take appropriate enforcement action on the basis of realistic MRLs.
- (6) The Scientific Panel on contaminants in the Food Chain (CONTAM Panel) of the European Food Safety Authority, hereinafter 'the Authority', adopted an opinion on mercury and methylmercury in food ⁽²⁾.
- (7) As mercury compounds occur at low levels in the products listed in recital 4 and taking into account the available consumption data within the Union, the overall contribution to the dietary exposure is considered low and there is no health risk for consumers. The MRLs for those products should be set as temporary in Annex III to Regulation (EC) No 396/2005. Those MRLs will be reviewed; the review will take into account the information available within 10 years from the publication of this Regulation.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on the risk for public health related to the presence of mercury and methylmercury in food. EFSA Journal 2012;10(12):2985. [241 pp.].

- (8) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt the LODs. Those laboratories concluded that the current LODs should be maintained.
- (9) Based on the 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.
- (10) 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.
- (11) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (12) 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*.

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

Done at Brussels, 16 January 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

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

(1) In Annex II, the column for mercury compounds is deleted.

(2) Annex III is amended as follows:

(a) In Part A, the column for mercury compounds is added:

***Pesticide residues and maximum residue levels (mg/kg)**

Code number	Groups and examples of individual products to which the MRLs apply ⁽⁴⁾	Mercury compounds (sum of mercury compounds expressed as mercury)
(1)	(2)	(3)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	
0110000	Citrus fruits	0,01 (*)
0110010	Grapefruits	
0110020	Oranges	
0110030	Lemons	
0110040	Limes	
0110050	Mandarins	
0110990	Others	
0120000	Tree nuts	0,02 (+)
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	0,01 (*)
0130010	Apples	
0130020	Pears	
0130030	Quinces	
0130040	Medlars	
0130050	Loquats/Japanese medlars	
0130990	Others	

(1)	(2)	(3)
0140000	Stone fruits	0,01 (*)
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others	
0150000	Berries and small fruits	0,01 (*)
0151000	(a) <i>grapes</i>	
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>strawberries</i>	
0153000	(c) <i>cane fruits</i>	
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others	
0154000	(d) <i>other small fruits and berries</i>	
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	0,01 (*)
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	
0162000	(b) <i>inedible peel, small</i>	
0162010	Kiwi fruits (green, red, yellow)	
0162020	Litchis/lychees	
0162030	Passionfruits/maracujas	
0162040	Prickly pears/cactus fruits	

(1)	(2)	(3)
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 (*)
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	
0213070	Parsley roots/Hamburg roots parsley	
0213080	Radishes	
0213090	Salsifies	
0213100	Swedes/rutabagas	
0213110	Turnips	
0213990	Others	
0220000	Bulb vegetables	0,01 (*)
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others	

(1)	(2)	(3)
0230000	Fruiting vegetables	0,01 (*)
0231000	(a) <i>solanacea</i>	
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>	
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others	
0233000	(c) <i>cucurbits with inedible peel</i>	
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>sweet corn</i>	
0239000	(e) <i>other fruiting vegetables</i>	
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)	0,01 (*)
0241000	(a) <i>flowering brassica</i>	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others	
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>	0,01 (*)
0251010	Lamb's lettuces/corn salads	
0251020	Lettuces	
0251030	Escaroles/broad-leaved endives	
0251040	Cresses and other sprouts and shoots	
0251050	Land cresses	

(1)	(2)	(3)
0251060	Roman rocket/rucola	
0251070	Red mustards	
0251080	Baby leaf crops (including brassica species)	
0251990	Others	
0252000	(b) <i>spinaches and similar leaves</i>	0,01 (*)
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others	
0253000	(c) <i>grape leaves and similar species</i>	0,01 (*)
0254000	(d) <i>watercresses</i>	0,01 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	0,01 (*)
0256000	(f) <i>herbs and edible flowers</i>	0,03 (+)
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	
0256080	Basil and edible flowers	
0256090	Laurel/bay leave	
0256100	Tarragon	
0256990	Others	
0260000	Legume vegetables	0,01 (*)
0260010	Beans (with pods)	
0260020	Beans (without pods)	
0260030	Peas (with pods)	
0260040	Peas (without pods)	
0260050	Lentils	
0260990	Others	
0270000	Stem vegetables	0,01 (*)
0270010	Asparagus	
0270020	Cardoons	
0270030	Celeries	
0270040	Florence fennels	
0270050	Globe artichokes	
0270060	Leeks	
0270070	Rhubarbs	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others	

(1)	(2)	(3)
0280000	Fungi, mosses and lichens	
0280010	Cultivated fungi	0,05 (+)
0280020	Wild fungi	0,5 (+)
0280990	Mosses and lichens	0,01 (*)
0290000	Algae and prokaryotes organisms	0,01 (*)
0300000	PULSES	0,01 (*)
0300010	Beans	
0300020	Lentils	
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others	
0400000	OILSEEDS AND OIL FRUITS	
0401000	Oilseeds	0,02 (+)
0401010	Linseeds	
0401020	Peanuts/groundnuts	
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	0,01 (*)
0402020	Oil palms kernels	0,02 (*)
0402030	Oil palms fruits	0,02 (*)
0402040	Kapok	0,02 (*)
0402990	Others	0,02 (*)
0500000	CEREALS	0,01 (*)
0500010	Barley	
0500020	Buckwheat and other pseudo-cereals	
0500030	Maize/corn	
0500040	Common millet/proso millet	
0500050	Oat	
0500060	Rice	
0500070	Rye	

(1)	(2)	(3)
0500080	Sorghum	
0500090	Wheat	
0500990	Others	
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	
0610000	Teas	0,02 (+)
0620000	Coffee beans	0,02 (+)
0630000	Herbal infusions from	0,02 (+)
0631000	(a) <i>flowers</i>	
0631010	Chamomile	
0631020	Hibiscus/roselle	
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	0,02 (+)
0650000	Carobs/Saint John's breads	0,02 (*)
0700000	HOPS	0,02 (*)
0800000	SPICES	(+)
0810000	Seed spices	
0810010	Anise/aniseed	0,02
0810020	Black caraway/black cumin	0,02
0810030	Celery	0,02
0810040	Coriander	0,02
0810050	Cumin	0,02
0810060	Dill	0,02
0810070	Fennel	0,02
0810080	Fenugreek	0,02
0810090	Nutmeg	0,05
0810990	Others	0,02

(1)	(2)	(3)
0820000	Fruit spices	0,02
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	0,02
0830010	Cinnamon	
0830990	Others	
0840000	Root and rhizome spices	
0840010	Liquorice	0,02
0840020	Ginger	0,05
0840030	Turmeric/curcuma	0,05
0840040	Horseradish	
0840990	Others	0,02
0850000	Bud spices	0,02
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	Flower pistil spices	0,02
0860010	Saffron	
0860990	Others	
0870000	Aril spices	
0870010	Mace	0,05
0870990	Others	0,02
0900000	SUGAR PLANTS	0,01 (*)
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others	
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	
1010000	Tissues from	
1011000	(a) <i>swine</i>	(+)
1011010	Muscle	0,01
1011020	Fat tissue	0,01
1011030	Liver	0,02

(1)	(2)	(3)
1011040	Kidney	0,02
1011050	Edible offals (other than liver and kidney)	0,02
1011990	Others	0,01 (*)
1012000	(b) <i>bovine</i>	(+)
1012010	Muscle	0,01
1012020	Fat tissue	0,01
1012030	Liver	0,02
1012040	Kidney	0,02
1012050	Edible offals (other than liver and kidney)	0,02
1012990	Others	0,01 (*)
1013000	(c) <i>sheep</i>	(+)
1013010	Muscle	0,01
1013020	Fat tissue	0,01
1013030	Liver	0,02
1013040	Kidney	0,02
1013050	Edible offals (other than liver and kidney)	0,02
1013990	Others	0,01 (*)
1014000	(d) <i>goat</i>	(+)
1014010	Muscle	0,01
1014020	Fat tissue	0,01
1014030	Liver	0,02
1014040	Kidney	0,02
1014050	Edible offals (other than liver and kidney)	0,02
1014990	Others	0,01 (*)
1015000	(e) <i>equine</i>	(+)
1015010	Muscle	0,01
1015020	Fat tissue	0,01
1015030	Liver	0,02
1015040	Kidney	0,02
1015050	Edible offals (other than liver and kidney)	0,02
1015990	Others	0,01 (*)
1016000	(f) <i>poultry</i>	
1016010	Muscle	0,01 (+)
1016020	Fat tissue	0,01 (+)
1016030	Liver	0,02 (+)
1016040	Kidney	0,02 (+)
1016050	Edible offals (other than liver and kidney)	0,02 (+)
1016990	Others	0,01 (*)
1017000	(g) <i>other farmed terrestrial animals</i>	(+)
1017010	Muscle	0,01
1017020	Fat tissue	0,01
1017030	Liver	0,02

(1)	(2)	(3)
1017040	Kidney	0,02
1017050	Edible offals (other than liver and kidney)	0,02
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	0,01 (+)
1050000	Amphibians and Reptiles	0,01 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)
1070000	Wild terrestrial vertebrate animals	0,04 (+)

(*) Limit of analytical determination

(e) 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

Mercury compounds (sum of mercury compounds expressed as mercury)

(+) Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.

0120000 Tree nuts

0256000 (f) herbs and edible flowers

0280010 Cultivated fungi

(+) The following MRL applies to ceps: 0,9 mg/kg. Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.

0280020 Wild fungi

(+) Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.

0401000 Oilseeds

0610000 Teas

0620000 Coffee beans

0630000 Herbal infusions from

0640000 Cocoa beans

0800000 SPICES

(+) 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

- (+) Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.
- 1011000 (a) Tissues from swine**
 - 1012000 (b) Tissues from bovine**
 - 1013000 (c) Tissues from sheep**
 - 1014000 (d) Tissues from goat**
 - 1015000 (e) Tissues from equine**
- (+) The following MRL applies to duck meat: 0,04 mg/kg. Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.
- 1016010 Muscle (poultry)**
- (+) Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.
- 1016020 Fat tissue (poultry)**
 - 1016030 Liver (poultry)**
 - 1016040 Kidney (poultry)**
 - 1016050 Edible offals (poultry)**
 - 1017000 (g) Tissues from other farmed terrestrial animals**
 - 1020000 Milk**
 - 1040000 Honey and other apiculture products**
- (+) The following MRL applies to offal of wild boar: 0,1 mg/kg. Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.
- 1070000 Wild terrestrial vertebrate animals'**
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(b) In Part B, the column for mercury compounds is deleted.
