

COMMISSION REGULATION (EU) 2018/1515**of 10 October 2018****amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for diphenylamine and oxadixyl 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 18(1)(b) and Article 49(2) thereof,

Whereas:

- (1) For diphenylamine and oxadixyl, maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005.
- (2) The active substance diphenylamine was not approved by Commission Implementing Regulation (EU) No 578/2012 ⁽²⁾. The active substance oxadixyl was not included in Annex I to Directive 91/414/EEC by Commission Regulation (EC) No 2076/2002 ⁽³⁾. All existing authorisations for plant protection products containing these active substances have been revoked. It is therefore appropriate to delete the existing MRLs set out for these substances in Annex III in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof.
- (3) For diphenylamine temporary MRLs were set by Regulation (EU) No 772/2013 ⁽⁴⁾ for apples and pears until 2 September 2015, to address an unavoidable cross-contamination that affected untreated apples and pears and which was due to the presence of residues of diphenylamine in storage facilities. Commission Regulation (EU) 2016/67 ⁽⁵⁾ extended the validity of those MRLs until 22 January 2018 to provide the necessary time for business operators to completely remove the residues of diphenylamine in storage facilities. The European Food Safety Authority (‘the Authority’) and food business operators submitted recent monitoring data showing that residues of diphenylamine no longer occur at levels above the relevant limit of determination (LOD).
- (4) For oxadixyl temporary MRLs were set by Regulation (EU) No 592/2012 ⁽⁶⁾ for parsley, celeries and the group of lettuces and salad plants until 31 December 2014, to address an unavoidable cross-contamination that affected untreated crops and which was due to the presence of residues of oxadixyl in soil. Commission Regulation (EU) 2016/46 ⁽⁷⁾ extended the validity of those MRLs until 19 January 2018 in view of the persistence of that active substance in soil. The Authority and food business operators submitted recent monitoring data showing that residues of oxadixyl no longer occur at levels above the relevant LOD.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 578/2012 of 29 June 2012 concerning the non approval of the active substance diphenylamine, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 171, 30.6.2012, p. 2).

⁽³⁾ Commission Regulation (EC) No 2076/2002 of 20 November 2002 extending the time period referred to in Article 8(2) of Council Directive 91/414/EEC and concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisations for plant protection products containing these substances (OJ L 319, 23.11.2002, p. 3).

⁽⁴⁾ Commission Regulation (EU) No 772/2013 of 8 August 2013 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 diphenylamine in or on certain products (OJ L 217, 13.8.2013, p. 1).

⁽⁵⁾ Commission Regulation (EU) 2016/67 of 19 January 2016 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 ametoctradin, chlorothalonil, diphenylamine, flonicamid, fluazinam, fluoxastrobin, halauxifen-methyl, propamocarb, prothioconazole, thiacloprid and trifloxystrobin in or on certain products (OJ L 15, 22.1.2016, p. 2).

⁽⁶⁾ 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 bifentazate, captan, cyprodinil, fluopicolide, hexythiazox, isoprothiolane, metaldehyde, oxadixyl and phosmet in or on certain products (OJ L 176, 6.7.2012, p. 1).

⁽⁷⁾ 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 (OJ L 12, 19.1.2016, p. 28).

- (5) In view of the non-approval of the active substance diphenylamine and the non-inclusion of the active substance oxadixyl in Annex I to Directive 91/414/EEC, the MRLs for these substances should be set at the LOD in accordance with Article 18 of Regulation (EC) No 396/2005. For the active substances for which all MRLs should be reduced to the relevant LOD, default values should be listed in Annex V in accordance with Article 18(1)(b) of Regulation (EC) No 396/2005.
- (6) 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.
- (7) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (8) 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 and for which information shows that a high level of consumer protection is maintained.
- (9) 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.
- (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

Annexes 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 produced in the Union or imported into the Union before 1 May 2019.

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 1 May 2019.

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

Done at Brussels, 10 October 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

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

- (1) in Part A of Annex III, the columns for diphenylamine and oxadixyl are deleted;
 (2) in Annex V, the columns for diphenylamine and oxadixyl are added:

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(e)	Diphenylamine	Oxadixyl
(1)	(2)	(3)	(4)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	0,05 (*)	0,01 (*)
0110000	Citrus fruits		
0110010	Grapefruits		
0110020	Oranges		
0110030	Lemons		
0110040	Limes		
0110050	Mandarins		
0110990	Others (2)		
0120000	Tree nuts		
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 (2)		
0130000	Pome fruits		
0130010	Apples		
0130020	Pears		
0130030	Quinces		
0130040	Medlars		
0130050	Loquats/Japanese medlars		
0130990	Others (2)		
0140000	Stone fruits		
0140010	Apricots		
0140020	Cherries (sweet)		
0140030	Peaches		
0140040	Plums		
0140990	Others (2)		

(1)	(2)	(3)	(4)
0150000	Berries and small fruits		
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 (2)		
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 (2)		
0160000	Miscellaneous fruits with		
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 (2)		
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 (2)		
0163000	(c) <i>inedible peel, large</i>		
0163010	Avocados		
0163020	Bananas		
0163030	Mangoes		
0163040	Papayas		

(1)	(2)	(3)	(4)
0163050	Granate apples/pomegranates		
0163060	Cherimoyas		
0163070	Guavas		
0163080	Pineapples		
0163090	Breadfruits		
0163100	Durians		
0163110	Soursops/guanabanas		
0163990	Others (2)		
0200000	VEGETABLES, FRESH or FROZEN	0,05 (*)	0,01 (*)
0210000	Root and tuber vegetables		
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 (2)		
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 (2)		
0220000	Bulb vegetables		
0220010	Garlic		
0220020	Onions		
0220030	Shallots		
0220040	Spring onions/green onions and Welsh onions		
0220990	Others (2)		
0230000	Fruiting vegetables		
0231000	(a) <i>Solanaceae and Malvaceae</i>		
0231010	Tomatoes		
0231020	Sweet peppers/bell peppers		
0231030	Aubergines/eggplants		
0231040	Okra/lady's fingers		
0231990	Others (2)		

(1)	(2)	(3)	(4)
0232000	(b) <i>cucurbits with edible peel</i>		
0232010	Cucumbers		
0232020	Gherkins		
0232030	Courgettes		
0232990	Others (2)		
0233000	(c) <i>cucurbits with inedible peel</i>		
0233010	Melons		
0233020	Pumpkins		
0233030	Watermelons		
0233990	Others (2)		
0234000	(d) <i>sweet corn</i>		
0239000	(e) <i>other fruiting vegetables</i>		
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)		
0241000	(a) <i>flowering brassica</i>		
0241010	Broccoli		
0241020	Cauliflowers		
0241990	Others (2)		
0242000	(b) <i>head brassica</i>		
0242010	Brussels sprouts		
0242020	Head cabbages		
0242990	Others (2)		
0243000	(c) <i>leafy brassica</i>		
0243010	Chinese cabbages/pe-tsai		
0243020	Kales		
0243990	Others (2)		
0244000	(d) <i>kohlrabies</i>		
0250000	Leaf vegetables, herbs and edible flowers		
0251000	(a) <i>lettuces and salad plants</i>		
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 (2)		
0252000	(b) <i>spinaches and similar leaves</i>		
0252010	Spinaches		
0252020	Purslanes		

(1)	(2)	(3)	(4)
0252030	Chards/beet leaves		
0252990	Others (2)		
0253000	(c) <i>grape leaves and similar species</i>		
0254000	(d) <i>watercresses</i>		
0255000	(e) <i>witloofs/Belgian endives</i>		
0256000	(f) <i>herbs and edible flowers</i>		
0256010	Chervil		
0256020	Chives		
0256030	Celery leaves		
0256040	Parsley		
0256050	Sage		
0256060	Rosemary		
0256070	Thyme		
0256080	Basil and edible flowers		
0256090	Laurel/bay leaves		
0256100	Tarragon		
0256990	Others (2)		
0260000	Legume vegetables		
0260010	Beans (with pods)		
0260020	Beans (without pods)		
0260030	Peas (with pods)		
0260040	Peas (without pods)		
0260050	Lentils		
0260990	Others (2)		
0270000	Stem vegetables		
0270010	Asparagus		
0270020	Cardoons		
0270030	Celeries		
0270040	Florence fennels		
0270050	Globe artichokes		
0270060	Leeks		
0270070	Rhubarbs		
0270080	Bamboo shoots		
0270090	Palm hearts		
0270990	Others (2)		
0280000	Fungi, mosses and lichens		
0280010	Cultivated fungi		
0280020	Wild fungi		
0280990	Mosses and lichens		
0290000	Algae and prokaryotes organisms		
0300000	PULSES	0,05 (*)	0,01 (*)
0300010	Beans		
0300020	Lentils		

(1)	(2)	(3)	(4)
0300030	Peas		
0300040	Lupins/lupini beans		
0300990	Others (2)		
0400000	OILSEEDS AND OIL FRUITS	0,05 (*)	0,02 (*)
0401000	Oilseeds		
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 (2)		
0402000	Oil fruits		
0402010	Olives for oil production		
0402020	Oil palms kernels		
0402030	Oil palms fruits		
0402040	Kapok		
0402990	Others (2)		
0500000	CEREALS	0,05 (*)	0,01 (*)
0500010	Barley		
0500020	Buckwheat and other pseudocereals		
0500030	Maize/corn		
0500040	Common millet/proso millet		
0500050	Oat		
0500060	Rice		
0500070	Rye		
0500080	Sorghum		
0500090	Wheat		
0500990	Others (2)		
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	0,05 (*)	0,02 (*)
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 (2)		
0632000	(b) <i>leaves and herbs</i>		
0632010	Strawberry		
0632020	Rooibos		
0632030	Mate/maté		
0632990	Others (2)		
0633000	(c) <i>roots</i>		
0633010	Valerian		
0633020	Ginseng		
0633990	Others (2)		
0639000	(d) <i>any other parts of the plant</i>		
0640000	Cocoa beans		
0650000	Carobs/Saint John's breads		
0700000	HOPS	0,05 (*)	0,02 (*)
0800000	SPICES	0,05 (*)	
0810000	Seed spices		0,02 (*)
0810010	Anise/aniseed		
0810020	Black caraway/black cumin		
0810030	Celery		
0810040	Coriander		
0810050	Cumin		
0810060	Dill		
0810070	Fennel		
0810080	Fenugreek		
0810090	Nutmeg		
0810990	Others (2)		
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 (2)		
0830000	Bark spices		0,02 (*)
0830010	Cinnamon		
0830990	Others (2)		

(1)	(2)	(3)	(4)
0840000	Root and rhizome spices		
0840010	Liquorice		0,02 (*)
0840020	Ginger (10)		0,02 (*)
0840030	Turmeric/curcuma		0,02 (*)
0840040	Horseradish (11)		
0840990	Others (2)		0,02 (*)
0850000	Bud spices		0,02 (*)
0850010	Cloves		
0850020	Capers		
0850990	Others (2)		
0860000	Flower pistil spices		0,02 (*)
0860010	Saffron		
0860990	Others (2)		
0870000	Aril spices		0,02 (*)
0870010	Mace		
0870990	Others (2)		
0900000	SUGAR PLANTS	0,05 (*)	0,01 (*)
0900010	Sugar beet roots		
0900020	Sugar canes		
0900030	Chicory roots		
0900990	Others (2)		
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	0,05 (*)	0,01 (*)
1010000	Commodities from		
1011000	(a) <i>swine</i>		
1011010	Muscle		
1011020	Fat		
1011030	Liver		
1011040	Kidney		
1011050	Edible offals (other than liver and kidney)		
1011990	Others (2)		
1012000	(b) <i>bovine</i>		
1012010	Muscle		
1012020	Fat		
1012030	Liver		
1012040	Kidney		
1012050	Edible offals (other than liver and kidney)		
1012990	Others (2)		
1013000	(c) <i>sheep</i>		
1013010	Muscle		
1013020	Fat		
1013030	Liver		

(1)	(2)	(3)	(4)
1013040	Kidney		
1013050	Edible offals (other than liver and kidney)		
1013990	Others (2)		
1014000	(d) <i>goat</i>		
1014010	Muscle		
1014020	Fat		
1014030	Liver		
1014040	Kidney		
1014050	Edible offals (other than liver and kidney)		
1014990	Others (2)		
1015000	(e) <i>equine</i>		
1015010	Muscle		
1015020	Fat		
1015030	Liver		
1015040	Kidney		
1015050	Edible offals (other than liver and kidney)		
1015990	Others (2)		
1016000	(f) <i>poultry</i>		
1016010	Muscle		
1016020	Fat		
1016030	Liver		
1016040	Kidney		
1016050	Edible offals (other than liver and kidney)		
1016990	Others (2)		
1017000	(g) <i>other farmed terrestrial animals</i>		
1017010	Muscle		
1017020	Fat		
1017030	Liver		
1017040	Kidney		
1017050	Edible offals (other than liver and kidney)		
1017990	Others (2)		
1020000	Milk		
1020010	Cattle		
1020020	Sheep		
1020030	Goat		
1020040	Horse		
1020990	Others (2)		
1030000	Birds eggs		
1030010	Chicken		
1030020	Duck		
1030030	Geese		
1030040	Quail		
1030990	Others (2)		

(1)	(2)	(3)	(4)
1040000	Honey and other apiculture products (7)		
1050000	Amphibians and Reptiles		
1060000	Terrestrial invertebrate animals		
1070000	Wild terrestrial vertebrate animals		
1100000	PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)		
1200000	PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)		
1300000	PROCESSED FOOD PRODUCTS (9)		

(*) 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.'