

COMMISSION REGULATION (EU) 2019/91**of 18 January 2019****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 buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim 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 buprofezin and diflubenzuron, maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005. For ethoxysulfuron, MRLs were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For ioxynil, molinate, picoxystrobin and tepraloxydim, MRLs were set in Annex II to Regulation (EC) No 396/2005.
- (2) The approval of the active substance buprofezin was restricted to uses on non-edible crops by Commission Implementing Regulation (EU) 2017/360 ⁽²⁾. The approval of the active substance diflubenzuron was restricted to uses on non-edible crops by Commission Implementing Regulation (EU) 2017/855 ⁽³⁾. All existing authorisations for plant protection products containing these active substances for uses on edible crops have been revoked. It is therefore appropriate to delete the existing MRLs set out for these substances in Annex III of Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof.
- (3) The approval of the active substance ethoxysulfuron expired on 31 March 2014. The approval of the active substance ioxynil expired on 28 February 2015. The approval of the active substance molinate expired on 31 July 2014. The approval of the active substance picoxystrobin was not renewed by Commission Implementing Regulation (EU) 2017/1455 ⁽⁴⁾. The approval of the active substance tepraloxydim expired on 31 May 2015. All existing authorisations for plant protection products containing these active substances have been revoked.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 Annexes II and III of Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof.
- (4) In view of the restriction of the approval of the active substances buprofezin and diflubenzuron, the expiry of the approval of the active substances ethoxysulfuron, ioxynil, molinate and tepraloxydim, and the non-renewal of approval of the active substance picoxystrobin, the MRLs for these substances should be set at the relevant limit of determination (LOD) in accordance with Article 18 of Regulation (EC) No 396/2005. For ioxynil, it is also appropriate to change the residue definition, as a less complex residue definition facilitates enforcement by official control laboratories.
- (5) The Commission consulted the European Union reference laboratories as regards the need to adapt certain LODs. Those laboratories concluded that for certain commodities technical development permits the setting of lower LODs. 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.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2017/360 of 28 February 2017 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance buprofezin (OJ L 54, 1.3.2017, p. 11).

⁽³⁾ Commission Implementing Regulation (EU) 2017/855 of 18 May 2017 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance diflubenzuron (OJ L 128, 19.5.2017, p. 10).

⁽⁴⁾ Commission Implementing Regulation (EU) 2017/1455 of 10 August 2017 concerning the non-renewal of approval of the active substance picoxystrobin, 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, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ L 208, 11.8.2017, p. 28).

- (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 measure 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 II, III and V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

As regards the active substances ethoxysulfuron, ioxynil, molinate and tepraloxym in and on all products, 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 13 August 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 13 August 2019.

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

Done at Brussels, 18 January 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

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

- (1) In Annex II, the columns for ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim are deleted.
- (2) In Annex III, the columns for buprofezin, diflubenzuron and ethoxysulfuron are deleted.
- (3) In Annex V, the following columns for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim are added:

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Buprofezin (F)	Diflubenzuron (F) (R)	Ethoxysulfuron	Ioxynil (sum of ioxynil and its salts, expressed as ioxynil)	Molinate	Picoxystrobin (F)	Tepraloxydim (sum of tepraloxydim and its metabolites that can be hydrolysed either to the moiety 3-(tetrahydro-pyran-4-yl)-glutaric acid or to the moiety 3-hydroxy-(tetrahydro-pyran-4-yl)-glutaric acid, expressed as tepraloxydim)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	0,01 (*)	0,01 (*)		0,01 (*)		0,01 (*)	0,1 (*)
0110000	Citrus fruits			0,01 (*)		0,01 (*)		
0110010	Grapefruits							
0110020	Oranges							
0110030	Lemons							
0110040	Limes							
0110050	Mandarins							
0110990	Others (2)							
0120000	Tree nuts			0,02 (*)		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 (2)							

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
0130000	Pome fruits			0,01 (*)		0,01 (*)		
0130010	Apples							
0130020	Pears							
0130030	Quinces							
0130040	Medlars							
0130050	Loquats/Japanese medlars							
0130990	Others (2)							
0140000	Stone fruits			0,01 (*)		0,01 (*)		
0140010	Apricots							
0140020	Cherries (sweet)							
0140030	Peaches							
0140040	Plums							
0140990	Others (2)							
0150000	Berries and small fruits			0,01 (*)		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 (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			0,01 (*)		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 (2)							
0162000	(b) <i>inedible peel, small</i>							
0162010	Kiwi fruits (green, red, yellow)							
0162020	Litchis/lychees							
0162030	Passionfruits/maracujas							

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
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							
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							0,1 (*)
0210000	Root and tuber vegetables	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	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 (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	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
0220010	Garlic							
0220020	Onions							
0220030	Shallots							
0220040	Spring onions/green onions and Welsh onions							
0220990	Others (2)							

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
0230000	Fruiting vegetables	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
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)							
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)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
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>	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	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							
0251060	Roman rocket/rucola							
0251070	Red mustards							
0251080	Baby leaf crops (including brassica species)							
0251990	Others (2)							

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
0252000	(b) <i>spinaches and similar leaves</i>	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
0252010	Spinaches							
0252020	Purslanes							
0252030	Chards/beet leaves							
0252990	Others (2)							
0253000	(c) <i>grape leaves and similar species</i>	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
0254000	(d) <i>watercresses</i>	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
0255000	(e) <i>witloofs/Belgian endives</i>	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
0256000	(f) <i>herbs and edible flowers</i>	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	
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	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
0260010	Beans (with pods)							
0260020	Beans (without pods)							
0260030	Peas (with pods)							
0260040	Peas (without pods)							
0260050	Lentils							
0260990	Others (2)							
0270000	Stem vegetables	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	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 (2)							
0280000	Fungi, mosses and lichens	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
0280010	Cultivated fungi							
0280020	Wild fungi							
0280990	Mosses and lichens							
0290000	Algae and prokaryotes organisms	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	
0300000	PULSES	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)
0300010	Beans							
0300020	Lentils							

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
0300030	Peas							
0300040	Lupins/lupini beans							
0300990	Others (2)							
0400000	OILSEEDS AND OIL FRUITS	0,01 (*)	0,01 (*)	0,02 (*)	0,01 (*)	0,02 (*)	0,01 (*)	0,1 (*)
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	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)
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 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0610000	Teas							
0620000	Coffee beans							
0630000	Herbal infusions from							
0631000	(a) <i>flowers</i>							
0631010	Chamomile							
0631020	Hibiscus/roselle							
0631030	Rose							
0631040	Jasmine							
0631050	Lime/linden							
0631990	Others (2)							

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
0850000	Bud spices	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0850010	Cloves							
0850020	Capers							
0850990	Others (2)							
0860000	Flower pistil spices	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0860010	Saffron							
0860990	Others (2)							
0870000	Aril spices	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)
0870010	Mace							
0870990	Others (2)							
0900000	SUGAR PLANTS	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)
0900010	Sugar beet roots							
0900020	Sugar canes							
0900030	Chicory roots							
0900990	Others (2)							
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS							
1010000	Commodities from	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)
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							
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							

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
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	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01	0,02 (*)
1020010	Cattle							
1020020	Sheep							
1020030	Goat							
1020040	Horse							
1020990	Others (2)							
1030000	Birds eggs	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)
1030010	Chicken							
1030020	Duck							
1030030	Geese							
1030040	Quail							
1030990	Others (2)							
1040000	Honey and other apiculture products (7)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)
1050000	Amphibians and Reptiles	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)
1070000	Wild terrestrial vertebrate animals	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1100000	PRODUCTS OF ANIMAL ORIGIN - FISH, FISH-PRODUCTS 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.

(F) = Fat soluble

Diflubenzuron (F) (R)

(R) = The residue definition differs for the following combinations pesticide-code number:

Diflubenzuron - code 1000000: Sum of Diflubenzuron and 4 -chlorophenylurea expressed as Diflubenzuron'