

**COMMISSION REGULATION (EU) 2021/1881****of 26 October 2021****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 imidacloprid 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 <sup>(1)</sup>, and in particular Article 14(1)(a) and Article 49(2) thereof,

Whereas:

- (1) Maximum residue levels (MRLs) for imidacloprid were set in Part A of Annex III to Regulation (EC) No 396/2005.
- (2) The European Food Safety Authority ('the Authority') submitted a reasoned opinion on the review of the existing MRLs for imidacloprid in accordance with Article 12(1) of Regulation (EC) No 396/2005 <sup>(2)</sup>. The Authority recommended setting the residue definition as imidacloprid only. It identified a risk for consumers concerning the MRLs for escaroles/broad-leaved endives. It is therefore appropriate to lower this MRL to the specific limit of determination (LOD). The Authority recommended lowering the MRLs for pecans, bananas, tomatoes, sweet peppers/bell peppers, aubergines/eggplants, cucumbers, gherkins, courgettes and products of animal origin. The MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority.
- (3) The Authority concluded that concerning the MRLs for citrus fruits, grapes, blueberries, cranberries, okra/lady's fingers, cucurbits with inedible peel, beans (with and without pods), peas (with and without pods), beans, peanuts/groundnuts, coffee beans and hops, some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, the MRLs for those products should also be set in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority. These MRLs will be reviewed; the review will take into account the information available within one year from the publication of this Regulation.
- (4) Existing Codex maximum residue limits (CXLs) were taken into account in the reasoned opinions of the Authority. Concerning the CXLs, the Authority concluded that they are not compatible with the EU residue definition and recommended not to include the existing CXLs in Annex II to Regulation (EC) No 396/2005. It is therefore appropriate to set those MRLs to the level identified by the Authority.
- (5) As regards products on which the use of the plant protection product concerned is not authorised, and for which no import tolerances or CXLs exist, MRLs should be set at the specific LOD or the default MRL should apply, as provided for in Article 18(1)(b) of Regulation (EC) No 396/2005.

<sup>(1)</sup> OJ L 070, 16.3.2005, p. 1.

<sup>(2)</sup> European Food Safety Authority; Reasoned opinion on the review of the existing maximum residue levels for imidacloprid according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2019;17(1):5570.

- (6) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain limits of determination. Those laboratories concluded that for certain commodities technical development requires the setting of specific LODs.
- (7) Based on the reasoned opinions 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.
- (8) 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.
- (9) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (10) 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.
- (11) 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.
- (12) The approval of imidacloprid expired on 1 December 2020 <sup>(3)</sup>. Any grace periods that may have been granted by Member States will expire on 1 June 2022. A further review of maximum residue levels is envisaged after that date.
- (13) 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*

As regards the active substance imidacloprid in and on all products except escaroles, 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 16 May 2022.

#### *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 16 May 2022.

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<sup>(3)</sup> OJ L 370, 6.11.2020, p. 18.

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

Done at Brussels, 26 October 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX

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

(1) in Annex II the following column for imidacloprid is added:

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

Code number	Groups and examples of individual products to which the MRLs apply <sup>(*)</sup>	Imidacloprid
(1)	(2)	(3)
0100000	<b>FRUITS, FRESH or FROZEN; TREE NUTS</b>	
0110000	<b>Citrus fruits</b>	<b>0,9(+)</b>
0110010	Grapefruits	(+)
0110020	Oranges	(+)
0110030	Lemons	(+)
0110040	Limes	(+)
0110050	Mandarins	(+)
0110990	Others (2)	(+)
0120000	<b>Tree nuts</b>	<b>0,01 (*)</b>
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	<b>Pome fruits</b>	<b>0,01 (*)</b>
0130010	Apples	
0130020	Pears	
0130030	Quinces	
0130040	Medlars	
0130050	Loquats/Japanese medlars	
0130990	Others (2)	

(1)	(2)	(3)
0140000	<b>Stone fruits</b>	<b>0,01 (*)</b>
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others (2)	
0150000	<b>Berries and small fruits</b>	
0151000	<b>(a) grapes</b>	<b>0,7(+)</b>
0151010	Table grapes	(+)
0151020	Wine grapes	(+)
0152000	<b>(b) strawberries</b>	<b>0,01 (*)</b>
0153000	<b>(c) cane fruits</b>	<b>0,01 (*)</b>
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others (2)	
0154000	<b>(d) other small fruits and berries</b>	
0154010	Blueberries	5(+)
0154020	Cranberries	5(+)
0154030	Currants (black, red and white)	<b>0,01 (*)</b>
0154040	Gooseberries (green, red and yellow)	<b>0,01 (*)</b>
0154050	Rose hips	<b>0,01 (*)</b>
0154060	Mulberries (black and white)	<b>0,01 (*)</b>
0154070	Azaroles/Mediterranean medlars	<b>0,01 (*)</b>
0154080	Elderberries	<b>0,01 (*)</b>
0154990	Others (2)	<b>0,01 (*)</b>
0160000	<b>Miscellaneous fruits with</b>	<b>0,01 (*)</b>
0161000	<b>(a) edible peel</b>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others (2)	

(1)	(2)	(3)
0162000	<b>(b) inedible peel, small</b>	
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	<b>(c) inedible peel, large</b>	
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	<b>VEGETABLES, FRESH or FROZEN</b>	
0210000	<b>Root and tuber vegetables</b>	<b>0,01 (*)</b>
0211000	<b>(a) potatoes</b>	
0212000	<b>(b) tropical root and tuber vegetables</b>	
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others (2)	
0213000	<b>(c) other root and tuber vegetables except sugar beets</b>	
0213010	Beetroots	
0213020	Carrots	
0213030	Celeriacs/turnip rooted celeries	
0213040	Horseradishes	
0213050	Jerusalem artichokes	
0213060	Parsnips	
0213070	Parsley roots/Hamburg roots parsley	
0213080	Radishes	

(1)	(2)	(3)
0213090	Salsifies	
0213100	Swedes/rutabagas	
0213110	Turnips	
0213990	Others (2)	
0220000	<b>Bulb vegetables</b>	<b>0,01 (*)</b>
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others (2)	
0230000	<b>Fruiting vegetables</b>	
0231000	<b>(a) Solanaceae and Malvaceae</b>	
0231010	Tomatoes	<b>0,3</b>
0231020	Sweet peppers/bell peppers	<b>0,9</b>
0231030	Aubergines/eggplants	<b>0,3</b>
0231040	Okra/lady's fingers	0,5(+)
0231990	Others (2)	<b>0,01 (*)</b>
0232000	<b>(b) cucurbits with edible peel</b>	
0232010	Cucumbers	<b>0,5</b>
0232020	Gherkins	<b>0,4</b>
0232030	Courgettes	<b>0,4</b>
0232990	Others (2)	<b>0,01 (*)</b>
0233000	<b>(c) cucurbits with inedible peel</b>	<b>0,15(+)</b>
0233010	Melons	(+)
0233020	Pumpkins	(+)
0233030	Watermelons	(+)
0233990	Others (2)	(+)
0234000	<b>(d) sweet corn</b>	<b>0,01 (*)</b>
0239000	<b>(e) other fruiting vegetables</b>	<b>0,01 (*)</b>
0240000	<b>Brassica vegetables(excluding brassica roots and brassica baby leaf crops)</b>	<b>0,01 (*)</b>
0241000	<b>(a) flowering brassica</b>	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others (2)	

(1)	(2)	(3)
0242000	<b>(b) head brassica</b>	
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others (2)	
0243000	<b>(c) leafy brassica</b>	
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others (2)	
0244000	<b>(d) kohlrabies</b>	
0250000	<b>Leaf vegetables, herbs and edible flowers</b>	
0251000	<b>(a) lettuces and salad plants</b>	<b>0,01 (*)</b>
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>(b) spinaches and similar leaves</b>	<b>0,01 (*)</b>
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others (2)	
0253000	<b>(c) grape leaves and similar species</b>	<b>0,01 (*)</b>
0254000	<b>(d) watercresses</b>	<b>0,01 (*)</b>
0255000	<b>(e) witloofs/Belgian endives</b>	<b>0,01 (*)</b>
0256000	<b>(f) herbs and edible flowers</b>	<b>0,05 (*)</b>
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 leaves	
0256100	Tarragon	
0256990	Others (2)	
0260000	<b>Legume vegetables</b>	
0260010	Beans (with pods)	5(+)
0260020	Beans (without pods)	2(+)
0260030	Peas (with pods)	5(+)
0260040	Peas (without pods)	2(+)
0260050	Lentils	0,01 (*)
0260990	Others (2)	0,01 (*)
0270000	<b>Stem vegetables</b>	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	<b>Fungi, mosses and lichens</b>	0,01 (*)
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	<b>Algae and prokaryotes organisms</b>	0,01 (*)
0300000	<b>PULSES</b>	
0300010	Beans	2(+)
0300020	Lentils	0,01 (*)
0300030	Peas	0,01 (*)
0300040	Lupins/lupini beans	0,01 (*)
0300990	Others (2)	0,01 (*)
0400000	<b>OILSEEDS AND OIL FRUITS</b>	
0401000	<b>Oilseeds</b>	
0401010	Linseeds	0,01 (*)
0401020	Peanuts/groundnuts	0,5(+)
0401030	Poppy seeds	0,01 (*)
0401040	Sesame seeds	0,01 (*)

(1)	(2)	(3)
0401050	Sunflower seeds	<b>0,01</b> (*)
0401060	Rapeseeds/canola seeds	<b>0,01</b> (*)
0401070	Soyabeans	<b>0,01</b> (*)
0401080	Mustard seeds	<b>0,01</b> (*)
0401090	Cotton seeds	<b>0,01</b> (*)
0401100	Pumpkin seeds	<b>0,01</b> (*)
0401110	Safflower seeds	<b>0,01</b> (*)
0401120	Borage seeds	<b>0,01</b> (*)
0401130	Gold of pleasure seeds	<b>0,01</b> (*)
0401140	Hemp seeds	<b>0,01</b> (*)
0401150	Castor beans	<b>0,01</b> (*)
0401990	Others (2)	<b>0,01</b> (*)
0402000	<b>Oil fruits</b>	<b>0,01</b> (*)
0402010	Olives for oil production	
0402020	Oil palms kernels	
0402030	Oil palms fruits	
0402040	Kapok	
0402990	Others (2)	
0500000	<b>CEREALS</b>	<b>0,01</b> (*)
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	<b>TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS</b>	
0610000	<b>Teas</b>	0,05 (*)
0620000	<b>Coffee beans</b>	1(+)
0630000	<b>Herbal infusions from</b>	0,05 (*)
0631000	<b>(a) flowers</b>	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	

(1)	(2)	(3)
0631050	Lime/linden	
0631990	Others (2)	
0632000	<b>(b) leaves and herbs</b>	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others (2)	
0633000	<b>(c) roots</b>	
0633010	Valerian	
0633020	Ginseng	
0633990	Others (2)	
0639000	<b>(d) any other parts of the plant</b>	
0640000	<b>Cocoa beans</b>	0,05 (*)
0650000	<b>Carobs/Saint John's breads</b>	0,05 (*)
0700000	<b>HOPS</b>	<b>15(+)</b>
0800000	<b>SPICES</b>	
0810000	<b>Seed spices</b>	0,05 (*)
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	<b>Fruit spices</b>	0,05 (*)
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)	

(1)	(2)	(3)
0830000	<b>Bark spices</b>	0,05 (*)
0830010	Cinnamon	
0830990	Others (2)	
0840000	<b>Root and rhizome spices</b>	
0840010	Liquorice	0,05 (*)
0840020	Ginger (10)	
0840030	Turmeric/curcuma	0,05 (*)
0840040	Horseradish (11)	(+)
0840990	Others (2)	0,05 (*)
0850000	<b>Bud spices</b>	0,05 (*)
0850010	Cloves	
0850020	Capers	
0850990	Others (2)	
0860000	<b>Flower pistil spices</b>	0,05 (*)
0860010	Saffron	
0860990	Others (2)	
0870000	<b>Aril spices</b>	0,05 (*)
0870010	Mace	
0870990	Others (2)	
0900000	<b>SUGAR PLANTS</b>	<b>0,01 (*)</b>
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others (2)	
1000000	<b>PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS</b>	
1010000	<b>Commodities from</b>	<b>0,01 (*)</b>
1011000	<b>(a) swine</b>	
1011010	Muscle	
1011020	Fat	
1011030	Liver	
1011040	Kidney	
1011050	Edible offals (other than liver and kidney)	
1011990	Others (2)	
1012000	<b>(b) bovine</b>	
1012010	Muscle	
1012020	Fat	
1012030	Liver	
1012040	Kidney	

(1)	(2)	(3)
1012050	Edible offals (other than liver and kidney)	
1012990	Others (2)	
1013000	<b>(c) sheep</b>	
1013010	Muscle	
1013020	Fat	
1013030	Liver	
1013040	Kidney	
1013050	Edible offals (other than liver and kidney)	
1013990	Others (2)	
1014000	<b>(d) goat</b>	
1014010	Muscle	
1014020	Fat	
1014030	Liver	
1014040	Kidney	
1014050	Edible offals (other than liver and kidney)	
1014990	Others (2)	
1015000	<b>(e) equine</b>	
1015010	Muscle	
1015020	Fat	
1015030	Liver	
1015040	Kidney	
1015050	Edible offals (other than liver and kidney)	
1015990	Others (2)	
1016000	<b>(f) poultry</b>	
1016010	Muscle	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offals (other than liver and kidney)	
1016990	Others (2)	
1017000	<b>(g) other farmed terrestrial animals</b>	
1017010	Muscle	
1017020	Fat	
1017030	Liver	
1017040	Kidney	
1017050	Edible offals (other than liver and kidney)	
1017990	Others (2)	

(1)	(2)	(3)
1020000	<b>Milk</b>	<b>0,01 (*)</b>
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others (2)	
1030000	<b>Birds eggs</b>	<b>0,01 (*)</b>
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others (2)	
1040000	<b>Honey and other apiculture products (7)</b>	0,05 (*)
1050000	<b>Amphibians and Reptiles</b>	<b>0,01 (*)</b>
1060000	<b>Terrestrial invertebrate animals</b>	<b>0,01 (*)</b>
1070000	<b>Wild terrestrial vertebrate animals</b>	<b>0,01 (*)</b>
1100000	<b>PRODUCTS OF ANIMAL ORIGIN - FISH, FISH PRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)</b>	
1200000	<b>PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)</b>	
1300000	<b>PROCESSED FOOD PRODUCTS (9)</b>	

(\*) Indicates lower limit of analytical determination

(2) For the complete list of products of plant and animal origin to which MRL's apply, reference should be made to Annex I

### Imidacloprid

The European Food Safety Authority identified some information on residue trials and on analytical and/or confirmatory methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 October 2022, or, if that information is not submitted by that date, the lack of it.

#### 0620000 Coffee beans

The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 27 October 2022, or, if that information is not submitted by that date, the lack of it.

#### 0110000 Citrus fruits

0110010 Grapefruits

0110020 Oranges

0110030 Lemons

0110040 Limes

0110050 Mandarins

0110990 Others (2)

0151000 (a) grapes

0151010 Table grapes

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**0151020 Wine grapes**  
**0154010 Blueberries**  
**0154020 Cranberries**  
**0231040 Okra/lady's fingers**  
**0233000 (c) cucurbits with inedible peel**  
**0233010 Melons**  
**0233020 Pumpkins**  
**0233030 Watermelons**  
**0233990 Others (2)**  
**0260010 Beans (with pods)**  
**0260020 Beans (without pods)**  
**0260030 Peas (with pods)**  
**0260040 Peas (without pods)**  
**0300010 Beans**  
**0401020 Peanuts/groundnuts**  
**0700000 HOPS**

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 (11)**

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(2) in Part A of Annex III the column for imidacloprid is deleted.

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