



Council of the  
European Union

Brussels, 21 October 2015  
(OR. en)

13272/15

AGRILEG 196

#### COVER NOTE

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From:	European Commission
date of receipt:	16 October 2015
To:	General Secretariat of the Council
No. Cion doc.:	D041469/02
Subject:	COMMISSION REGULATION (EU) .../... of XXX 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

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Delegations will find attached document D041469/02.

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Encl.: D041469/02



Brussels, **XXX**  
SANTE/10543/2015  
(POOL/E3/2015/10543/10543-EN.doc)  
D041469/02  
[...](2015) **XXX** draft

**COMMISSION REGULATION (EU) .../...**

**of **XXX****

**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)

COMMISSION REGULATION (EU) .../...

of **XXX**

**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<sup>1</sup>, 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<sup>2</sup>, 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)

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<sup>1</sup> OJ L 70, 16.3.2005, p. 1.

<sup>2</sup> 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).

No 396/2005 by Regulation (EU) No 459/2010<sup>3</sup>. Commission Regulation (EU) No 212/2013<sup>4</sup> 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.
- (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 [*Office of Publications: please insert date of entry into force of this Regulation*].

#### *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*.

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<sup>3</sup> OJ L 129, 28.5.2010, p. 3.

<sup>4</sup> 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).

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

Done at Brussels,

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*