

Official Journal of the European Union

L 17



English edition

Legislation

Volume 66

19 January 2023

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⁽¹⁾ Text with EEA relevance.

EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/126**of 21 October 2022****supplementing Regulation (EU) 2019/1700 of the European Parliament and of the Council by specifying the number and the title of the variables for the consumption domain***(Text with EEA relevance)*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples, amending Regulations (EC) No 808/2004, (EC) No 452/2008 and (EC) No 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No 577/98 ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) To cover the needs identified in the relevant detailed topics, the Commission is to specify the number and the titles of the variables for the dataset in the consumption domain (Household Budget Survey, HBS).
- (2) The HBS is a key instrument to compile weightings for important macroeconomic indicators, such as consumer price indices and the harmonised indices of consumer prices as measures of inflation, as well for national accounts purpose. Furthermore, the HBS provides detailed descriptions of private households' total consumption expenditure by household characteristics such as income, housing and many demographic and socioeconomic characteristics, thus providing information on economic and social living conditions of households and individuals in the Member States.
- (3) For the consumption domain, the number of variables to be collected should not exceed, by more than 5 %, the number of variables set out in the first delegated act adopted for that domain. This is the first delegated act adopted for the consumption domain,

HAS ADOPTED THIS REGULATION:

Article 1

The number and titles of the variables for the dataset in the consumption domain are set out in the Annex.

⁽¹⁾ OJ L 261I, 14.10.2019, p. 1.

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, 21 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Number and title of the variables for the consumption domain

Topic	Detailed topic	Variable identifier	Variable name
Technical items	Data collection information <i>5 technical variables</i>	HA02	Year(s) of the survey
		HC04C	Date of the first interview of household
		MB03C	Date of the first interview of household member
		HA06	Stratum
		HA07	Primary sampling unit
	Identification <i>4 technical variables</i>	HA04	Identification number of the household (HH file)
		MA04	Identification number of the household (HH member file)
		MA05	Identification number of the member of household (HH member file)
		HA13	Identification number of the member of the household responding to the household questionnaire
	Weights <i>1 technical variable</i>	HA10	Final weight
	Interview characteristics <i>3 technical variables</i>	HA11	Interviewing mode used (household interview)
		MA11	Interviewing mode used (individual interview)
		HA12	Interviewing mode used (diary)
	Localisation <i>3 technical variables</i>	MB012	Country of residence
		HA08	Region of residence
		HA09	Degree of urbanisation
Person and household characteristics	Demography <i>4 collected variables</i> <i>1 derived variable</i>	MB02	Sex of household member
		MB03	Age (in completed years) of household member
		MB03A	Year of birth
		MB03B	Passing of birthday on the date of the first interview
		MB04	Marital status of household member
	Citizenship and migrant background <i>4 collected variables</i>	MB01	Country of birth
		MB011	Country of main citizenship
		MB01F	Country of birth of father
		MB01M	Country of birth of mother

	Household composition <i>1 collected variable</i> <i>1 derived variable</i>	MBGRIDXX	Household grid
		MB042	Partners living in the same household
Health: status and disability, access to and availability and use of health care and health determinants	Disability and other elements of Minimum European Health Module <i>3 collected variables</i>	MH01	Self-perceived general health
		MH02	Long standing health problems
		MH03	Limitation in activities because of health problems
Labour market participation	Main activity status (self-defined) <i>1 collected variable</i>	ME01A	Main activity status (self-defined)
	Elementary job characteristics <i>5 collected variables</i>	ME0908	Occupation in main job
		ME04	Economic activity of the local unit (main job)
		ME02	Main job: full- or part-time (self-defined)
		ME12	Status in employment in main job
Educational attainment and background	Educational attainment level <i>1 collected variable</i>	ME13	Sector of occupation of household member
Person and household characteristics	Educational attainment level <i>1 collected variable</i>	MC01	Highest educational attainment level
	Household composition – additional specific details <i>2 derived variables</i>	HB05	Household size
		HB075	Household type
Living conditions, including material deprivation, housing, living environment, access to services	Main housing characteristics <i>3 collected variables</i>	HD01	Household tenure status
		HD03	Dwelling type
		HD06	Number of rooms available to the household
Participation in education and training	Participation in formal education activities (current) <i>2 collected variables</i>	MC02A	Participation in formal education and training
		MC02B	Level of the current/most recent formal education or training activity

Labour market participation	Duration of contract <i>1 collected variable</i>	ME03A	Permanency of main job
Income, consumption and elements of wealth, including debts	Total annual income at the level of persons and households <i>1 collected variable</i> <i>1 derived variable</i>	MF099	Total annual net income from all sources, including non-monetary components, of household member
		HH099	Total annual net income from all sources, including non-monetary components
	Main income components <i>3 collected variables</i>	HH011	Net current monthly household income
		HH095	Monetary annual net income from all sources
		HH012	Income in kind from employment
	Income in kind from non-salaried activities <i>1 collected variable</i>	HH023	Income in kind from non-salaried activities
	Imputed rent <i>1 collected variable</i>	HH032	Imputed rent
	Main source of income <i>1 collected variable</i>	HI11	Main source of income
	Elements of wealth, including dwelling ownership <i>2 collected variables</i>	HW10	Value of main residence
		HW20	Savings (in a typical month)
	Taxes and contributions <i>1 collected variable</i>	HW30	Tax on income and social insurance contributions
	Debt <i>2 collected variables</i>	HW40	Total left to repay for the mortgage on main residence
		HW50	Monthly principal and interest repayments for the mortgage
	Arrears <i>1 collected variable</i>	HW60	Arrears

	Consumption by the classification of individual consumption by purpose (COICOP) ⁽¹⁾ <i>507 collected variables</i>	HE01A	Food and non-alcoholic beverages
		HE02A	Alcoholic beverages, tobacco and narcotics
		HE03A	Clothing and footwear
		HE04A	Housing, water, electricity, gas and other fuels
		HE05A	Furnishings, household equipment and routine household maintenance
		HE06A	Health
		HE07A	Transport
		HE08A	Information and communication
		HE09A	Recreation, sport and culture
		HE10A	Education services
		HE11A	Restaurants and accommodation services
		HE12A	Insurance and financial services
		HE13A	Personal care, social protection and miscellaneous goods and services
	Own consumption <i>13 collected variables</i>	HE01B	Food and non-alcoholic beverages
		HE02B	Alcoholic beverages, tobacco and narcotics
		HE03B	Clothing and footwear
		HE04B	Housing, water, electricity, gas and other fuels
		HE05B	Furnishings, household equipment and routine household maintenance
		HE06B	Health
		HE07B	Transport
		HE08B	Information and communication
		HE09B	Recreation, sport and culture
		HE10B	Education services
		HE11B	Restaurants and accommodation services
		HE12B	Insurance and financial services
		HE13B	Personal care, social protection and miscellaneous goods and services

	Cross-border consumption expenditure by COICOP <i>13 collected variables</i>	HJ01	Food and non-alcoholic beverages
		HJ02	Alcoholic beverages, tobacco and narcotics
		HJ03	Clothing and footwear
		HJ04	Housing, water, electricity, gas and other fuels
		HJ05	Furnishings, household equipment and routine household maintenance
		HJ06	Health
		HJ07	Transport
		HJ08	Information and communication
		HJ09	Recreation, sport and culture
		HJ10	Education services
		HJ11	Restaurants and accommodation services
		HJ12	Insurance and financial services
		HJ13	Personal care, social protection and miscellaneous goods and services
	Quantities ⁽²⁾ (optional) <i>82 collected variables</i>	HQ01	Food and non-alcoholic beverages
		HQ02	Alcoholic beverages, tobacco and narcotics

⁽¹⁾ Monetary consumption by the classification of individual consumption by purpose shall be transmitted at 5-digit COICOP level

⁽²⁾ Quantities shall be transmitted for groups 'Food and non-alcoholic beverages' and 'Alcoholic beverages, tobacco and narcotics' at 5-digit COICOP level.

COMMISSION REGULATION (EU) 2023/127**of 18 January 2023****amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acequinocyl 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), point (a), thereof,

Whereas:

- (1) For acequinocyl, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005.
- (2) In the context of a procedure for the authorisation of the use of a plant protection product containing the active substance acequinocyl on sweet peppers/bell peppers, an application pursuant to Article 6(1) of Regulation (EC) No 396/2005, requesting a modification of the existing MRL, was submitted.
- (3) In accordance with Article 8 of Regulation (EC) No 396/2005, the application was evaluated by the Member State concerned and the evaluation report was forwarded to the Commission.
- (4) The European Food Safety Authority ('the Authority') assessed the application and the evaluation report, examining in particular the risks to consumers and, where relevant, to animals, and gave a reasoned opinion on the proposed MRL ⁽²⁾. It forwarded that opinion to the applicant, the Commission and the Member States and made it available to the public.
- (5) The Authority concluded that all requirements with respect to completeness of data submission were met and that the modification to the MRL requested by the applicant was acceptable with regard to consumer safety on the basis of a consumer exposure assessment for 27 specific European consumer groups. In so concluding, the Authority took into account the most recent information on the toxicological properties of the substance. Neither the lifetime exposure to this substance via consumption of all food products that may contain it, nor the short-term exposure due to high consumption of the relevant products showed that there is a risk that the acceptable daily intake or the acute reference dose is exceeded.
- (6) An application pursuant to Article 6(1) of Regulation (EC) No 396/2005, requesting a modification of the existing MRL for acequinocyl in kaki/japanese persimmons, was submitted.
- (7) As regards this application, a Member State made a request to use the fast-track procedure, foreseen in the Technical Guidelines on the MRL setting procedure ⁽³⁾, to set an MRL based on residue trials on apples.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Reasoned Opinion on the modification of the existing maximum residue level for acequinocyl in sweet peppers/bell peppers. *EFSA Journal* 2022;20(3):7175. EFSA scientific reports available online: <http://www.efsa.europa.eu>

⁽³⁾ Technical guidelines MRL setting procedure in accordance with Articles 6 to 11 of Regulation (EC) No 396/2005 and Article 8 of Regulation (EC) No 1107/2009 (SANTE/2015/10595 Rev. 6.1).

- (8) The Authority has recently assessed residue trials on apples in the framework of the review of the existing MRLs for acequinocyl, and gave a reasoned opinion on the proposed MRL ⁽⁴⁾. This opinion from the Authority relies on the current scientific and technical knowledge on the subject. As it is appropriate to extrapolate from the residue trials on apples to kaki/Japanese persimmons, as confirmed by the existing Union guidelines on extrapolation of MRLs ⁽⁵⁾, it is unnecessary to request the Authority to provide a reasoned opinion on kaki/Japanese persimmons.
- (9) It is therefore appropriate to set the MRL for kaki/Japanese persimmons at 0,05 mg/kg on the basis of the residue trials performed on apples.
- (10) Based on the reasoned opinions of the Authority and taking into account the factors relevant to the matter under consideration, the proposed modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (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

Annex II to Regulation (EC) No 396/2005 is 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*.

It shall apply from 23 February 2023 as regards all proposed MRLs.

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

Done at Brussels, 18 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ Reasoned Opinion on the review of the existing maximum residue levels for acequinocyl according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2020;18(1):5983. EFSA scientific reports available online: <http://www.efsa.europa.eu>

⁽⁵⁾ Technical guidelines on data requirements for setting maximum residue levels, comparability of residue trials and extrapolation of residue data on products from plant and animal origin (SANTE/2019/12752 – 23 November 2020).

ANNEX

In Annex II to Regulation (EC) No 396/2005, the column for acequinocyl is replaced by the following:

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

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Acequinocyl (F)
(1)	(2)	(3)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	
0110000	Citrus fruits	0,6(+)
0110010	Grapefruits	(+)
0110020	Oranges	(+)
0110030	Lemons	(+)
0110040	Limes	(+)
0110050	Mandarins	(+)
0110990	Others (2)	
0120000	Tree nuts	0,01 *
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	0,4(+)
0130010	Apples	(+)
0130020	Pears	(+)
0130030	Quinces	(+)
0130040	Medlars	(+)
0130050	Loquats/Japanese medlars	(+)
0130990	Others (2)	

0140000	Stone fruits	
0140010	Apricots	0,01 *
0140020	Cherries (sweet)	0,1
0140030	Peaches	0,1
0140040	Plums	0,03
0140990	Others (2)	0,01 *
0150000	Berries and small fruits	
0151000	(a) grapes	0,8
0151010	Table grapes	(+)
0151020	Wine grapes	(+)
0152000	(b) strawberries	0,01 *
0153000	(c) cane fruits	0,01 *
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others (2)	
0154000	(d) other small fruits and berries	0,01 *
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 fruitswith	
0161000	(a) edible peel	
0161010	Dates	0,01 *
0161020	Figs	0,01 *
0161030	Table olives	0,01 *
0161040	Kumquats	0,01 *
0161050	Carambolas	0,01 *
0161060	Kaki/Japanese persimmons	0,05
0161070	Jambuls/jambolans	0,01 *
0161990	Others (2)	0,01 *
0162000	(b) inedible peel, small	0,01 *
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) inedible peel, large	0,01 *
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	
0210000	Root and tuber vegetables	0,01 *
0211000	(a) potatoes	
0212000	(b) tropical root and tuber vegetables	
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others (2)	
0213000	(c) other root and tuber vegetables except sugar beets	
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 *
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others (2)	
0230000	Fruiting vegetables	
0231000	(a) Solanaceae and Malvaceae	
0231010	Tomatoes	0,3(+)
0231020	Sweet peppers/bell peppers	0,3
0231030	Aubergines/eggplants	0,3(+)
0231040	Okra/lady's fingers	0,01 *
0231990	Others (2)	0,01 *
0232000	(b) cucurbits with edible peel	
0232010	Cucumbers	0,08
0232020	Gherkins	0,04
0232030	Courgettes	0,08
0232990	Others (2)	0,01 *
0233000	(c) cucurbits with inedible peel	0,01 *
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others (2)	
0234000	(d) sweet corn	0,01 *
0239000	(e) other fruiting vegetables	0,01 *
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)	0,01 *
0241000	(a) flowering brassica	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others (2)	
0242000	(b) head brassica	
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others (2)	

0243000	(c) leafy brassica	
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others (2)	
0244000	(d) kohlrabies	
0250000	Leaf vegetables, herbs and edible flowers	
0251000	(a) lettuces and salad plants	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)	
0252000	(b) spinaches and similar leaves	0,01 *
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others (2)	
0253000	(c) grape leaves and similar species	0,01 *
0254000	(d) watercresses	0,01 *
0255000	(e) witloofs/Belgian endives	0,01 *
0256000	(f) herbs and edible flowers	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 *
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 *
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 *
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	Algae and prokaryotes organisms	0,01 *
0300000	PULSES	0,01 *
0300010	Beans	
0300020	Lentils	
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others (2)	
0400000	OILSEEDS AND OIL FRUITS	0,01 *
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 *
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 *
0610000	Teas	
0620000	Coffee beans	
0630000	Herbal infusions from	
0631000	(a) flowers	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others (2)	
0632000	(b) leaves and herbs	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others (2)	

0633000	(c) roots	
0633010	Valerian	
0633020	Ginseng	
0633990	Others (2)	
0639000	(d) any other parts of the plant	
0640000	Cocoa beans	
0650000	Carobs/Saint John's breads	
0700000	HOPS	20(+)
0800000	SPICES	
0810000	Seed spices	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	Fruit spices	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)	
0830000	Bark spices	0,05 *
0830010	Cinnamon	
0830990	Others (2)	
0840000	Root and rhizome spices	
0840010	Liquorice	0,05 *
0840020	Ginger (10)	
0840030	Turmeric/curcuma	0,05 *
0840040	Horseradish (11)	
0840990	Others (2)	0,05 *

0850000	Bud spices	0,05 *
0850010	Cloves	
0850020	Capers	
0850990	Others (2)	
0860000	Flower pistil spices	0,05 *
0860010	Saffron	
0860990	Others (2)	
0870000	Aril spices	0,05 *
0870010	Mace	
0870990	Others (2)	
0900000	SUGAR PLANTS	0,01 *
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 *
1011000	(a) swine	
1011010	Muscle	(+)
1011020	Fat	(+)
1011030	Liver	(+)
1011040	Kidney	(+)
1011050	Edible offals (other than liver and kidney)	
1011990	Others (2)	
1012000	(b) bovine	
1012010	Muscle	(+)
1012020	Fat	(+)
1012030	Liver	(+)
1012040	Kidney	(+)
1012050	Edible offals (other than liver and kidney)	
1012990	Others (2)	
1013000	(c) sheep	
1013010	Muscle	
1013020	Fat	
1013030	Liver	
1013040	Kidney	
1013050	Edible offals (other than liver and kidney)	
1013990	Others (2)	

1014000	d) goat	
1014010	Muscle	
1014020	Fat	
1014030	Liver	
1014040	Kidney	
1014050	Edible offals (other than liver and kidney)	
1014990	Others (2)	
1015000	(e) equine	
1015010	Muscle	(+)
1015020	Fat	(+)
1015030	Liver	(+)
1015040	Kidney	(+)
1015050	Edible offals (other than liver and kidney)	
1015990	Others (2)	
1016000	(f) poultry	
1016010	Muscle	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offals (other than liver and kidney)	
1016990	Others (2)	
1017000	(g) other farmed terrestrial animals	
1017010	Muscle	
1017020	Fat	
1017030	Liver	
1017040	Kidney	
1017050	Edible offals (other than liver and kidney)	
1017990	Others (2)	
1020000	Milk	0,01 *
1020010	Cattle	(+)
1020020	Sheep	
1020030	Goat	
1020040	Horse	(+)
1020990	Others (2)	
1030000	Birds eggs	0,01 *
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others (2)	

1040000	Honey and other apiculture products (7)	0,05 *
1050000	Amphibians and Reptiles	0,01 *
1060000	Terrestrial invertebrate animals	0,01 *
1070000	Wild terrestrial vertebrate animals	0,01 *
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)	

* Indicates lower limit of analytical determination

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

Acequinocyl (F)

(F) Fat soluble

The European Food Safety Authority identified some information on analytical methods and storage stability 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 2 August 2024, or, if that information is not submitted by that date, the lack of it.

0120060 Hazelnuts/cobnuts

The European Food Safety Authority identified some information on analytical 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 2 August 2024, or, if that information is not submitted by that date, the lack of it.

1011010 Muscle

1011020 Fat

1011030 Liver

1011040 Kidney

1012010 Muscle

1012020 Fat

1012030 Liver

1012040 Kidney

1015010 Muscle

1015020 Fat

1015030 Liver

1015040 Kidney

1020010 Cattle

1020040 Horse

The European Food Safety Authority identified some information on hydrolysis studies simulating pasteurisation, boiling and sterilisation 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 2 August 2024, 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

0130000 Pome fruits

0130010 Apples

0130020 Pears

0130030 Quinces

0130040 Medlars

0130050 Loquats/Japanese medlars

0151010 Table grapes

0151020 Wine grapes

0231010 Tomatoes

0231030 Aubergines/eggplants

The European Food Safety Authority identified some information on storage stability and hydrolysis studies simulating pasteurisation, boiling and sterilisation 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 2 August 2024, or, if that information is not submitted by that date, the lack of it.

0700000 HOPS"

COMMISSION REGULATION (EU) 2023/128**of 18 January 2023****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 benalaxyl, bromoxynil, chlorsulfuron, epoxiconazole and fenamiphos 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 18(1)(b) thereof,

Whereas:

- (1) For benalaxyl, bromoxynil and fenamiphos, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005. For chlorsulfuron and epoxiconazole, MRLs were set in Part A of Annex III to that Regulation.
- (2) The approval of the active substance benalaxyl was not renewed by Commission Regulation (EU) 2020/1280 ⁽²⁾ including for reasons related to human health. That approval expired on 31 July 2021. All existing authorisations for plant protection products containing this active substance have been revoked.
- (3) In the context of the non-renewal of the approval of benalaxyl, the European Food Safety Authority ('the Authority') could not conclude that the substance has no endocrine disrupting properties ⁽³⁾.
- (4) Benalaxyl-M is an approved active substance for use in plant protection products. The residue definition for both benalaxyl and benalaxyl-M is 'Benalaxyl including other mixtures of constituent isomers including benalaxyl-M (sum of isomers)'. MRLs for benalaxyl on table grapes, potatoes, garlic, onions, shallots, watermelons, lettuces and leeks are safe for consumers and should be maintained to take account of the authorised uses of benalaxyl-M on those products. For wine grapes and melons, the existing MRLs correspond to the Codex maximum residue limits ('CXLs'). They are safe for consumers and should also be maintained in accordance with Article 14(2), point (e) of Regulation (EC) No 396/2005. MRLs for the authorised uses of benalaxyl-M on aubergines/eggplants and tomatoes are lower than MRLs for benalaxyl. Therefore, MRLs for benalaxyl on these products should be lowered to the current MRLs for benalaxyl-M. For sweet peppers/bell peppers and rapeseeds/canola seeds, no authorised uses for benalaxyl-M exist and there are no CXLs or import tolerances. MRLs for benalaxyl on those products should be lowered in Annex II to Regulation (EC) No 396/2005 to the limit of determination ('LOD').

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2020/1280 of 14 September 2020 concerning the non-renewal of the approval of the active substance benalaxyl, 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 301, 15.9.2020, p. 4).

⁽³⁾ European Food Safety Authority, 'Conclusion on the peer review of the pesticide risk assessment of the active substance benalaxyl', EFSA Journal 2020;18(1):5985.

- (5) The approval of the active substance bromoxynil was not renewed by Commission Regulation (EU) 2020/1276 ⁽⁴⁾ including for reasons related to human health. The approval of the substance expired on 31 July 2021. All existing authorisations for plant protection products containing bromoxynil have been revoked and no CXLs or import tolerances exist for that active substance. It is therefore appropriate to delete the MRLs set out for this substance in Annex II to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1) point (a) thereof. MRLs for all products should be set at the LOD in Annex V to Regulation (EC) No 396/2005 in accordance with article 18 point (1)(b) of that Regulation.
- (6) The approval of the active substance chlorsulfuron expired on 31 December 2019 and the applicant has not submitted an application for its renewal. All existing authorisations for plant protection products containing that active substance have been revoked. No CXLs or import tolerances exist for chlorsulfuron. It is therefore appropriate to delete the MRLs set out for this substance in part A of Annex III to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1) point (a) thereof. MRLs for all products should be set at the LOD in Annex V to Regulation (EC) No 396/2005 in accordance with article 18 point (1)(b) of that Regulation.
- (7) The approval of the active substance epoxiconazole expired on 30 April 2020 and the applicant withdrew the application for its renewal. All existing authorisations for plant protection products containing that active substance have been revoked. No CXLs or import tolerances exist for epoxiconazole. It is therefore appropriate to delete the MRLs set out for this substance in part A of Annex III to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1) point (a) thereof. MRLs for all products should be set at the LOD in Annex V to Regulation (EC) No 396/2005 in accordance with article 18 point (1)(b) of that Regulation.
- (8) The approval of the active substance fenamiphos was not renewed by Commission Regulation (EU) 2020/1246 ⁽⁵⁾, including for reasons related to human health. The approval of the substance expired on 23 September 2020. All existing authorisations for plant protection products containing fenamiphos have been revoked.
- (9) In the context of the non-renewal of the approval of fenamiphos, the Authority identified a number of concerns ⁽⁶⁾, relating to consumer health risk and missing data for the representative uses concerning fruiting vegetables.
- (10) The MRLs for table grapes and wine grapes correspond to import tolerances, but since the data package for metabolites M01 and M02 on genotoxicity was incomplete and a consumer risk assessment could not be finalised, a risk for consumers cannot be excluded. The MRLs for tomatoes, sweet peppers/bell peppers, aubergines/eggplants, melons and sugar beet roots are based on EU uses of fenamiphos that have been revoked. It is therefore appropriate to delete the MRLs set out for this substance in Annex II to Regulation (EC) No 396/2005 in accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1) point (a) thereof. MRLs for all products should be set at the LOD in Annex V to Regulation (EC) No 396/2005 in accordance with article 18 point (1)(b) of that Regulation.
- (11) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain LODs. For all the active substances covered by this Regulation those laboratories proposed product specific LODs that are analytically achievable.

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/1276 of 11 September 2020 concerning the non-renewal of the approval of the active substance bromoxynil, 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 300, 14.9.2020, p. 32).

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/1246 of 2 September 2020 concerning the non-renewal of the approval of the active substance fenamiphos, 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 288, 3.9.2020, p. 18).

⁽⁶⁾ European Food Safety Authority, 'Conclusion on the peer review of the pesticide risk assessment of the active substance fenamiphos', *EFSA Journal* 2019;17(1):5557.

- (12) 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.
- (13) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (14) A reasonable period should be allowed to elapse before the new MRLs become applicable in order to permit Member States, third countries and food business operators to adapt themselves to the requirements which result from the amendments to the relevant MRLs.
- (15) 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

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 8 August 2023.

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

Done at Brussels, 18 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

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

(1) Annex II is amended as follows:

(a) the column for benalaxyl is replaced by the following:

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

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Benalaxyl including other mixtures of constituent isomers including benalaxyl-M (sum of isomers)
(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 (2)	
0120000	Tree nuts	0,01 *
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	

(1)	(2)	(3)
0120070	Macadamias	
0120080	Pecans	
0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others (2)	
0130000	Pome fruits	0,01 *
0130010	Apples	
0130020	Pears	
0130030	Quinces	
0130040	Medlars	
0130050	Loquats/Japanese medlars	
0130990	Others (2)	
0140000	Stone fruits	0,01 *
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others (2)	
0150000	Berries and small fruits	
0151000	(a) grapes	
0151010	Table grapes	0,7(+)
0151020	Wine grapes	0,3
0152000	(b) strawberries	0,01 *
0153000	(c) cane fruits	0,01 *

(1)	(2)	(3)
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others (2)	
0154000	(d) other small fruits and berries	0,01 *
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 fruitswith	0,01 *
0161000	(a) edible peel	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others (2)	
0162000	(b) inedible peel, small	
0162010	Kiwi fruits (green, red, yellow)	
0162020	Litchis/lychees	
0162030	Passionfruits/maracujas	

(1)	(2)	(3)
0162040	Prickly pears/cactus fruits	
0162050	Star apples/cainitos	
0162060	American persimmons/Virginia kaki	
0162990	Others (2)	
0163000	(c) inedible peel, large	
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	
0210000	Root and tuber vegetables	
0211000	(a) potatoes	0,02 *(+)
0212000	(b) tropical root and tuber vegetables	0,01 *
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others (2)	

(1)	(2)	(3)
0213000	(c) other root and tuber vegetables except sugar beets	0,01 *
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	0,02 *(+)
0220020	Onions	0,02 *(+)
0220030	Shallots	0,02 *(+)
0220040	Spring onions/green onions and Welsh onions	0,01 *
0220990	Others (2)	0,01 *
0230000	Fruiting vegetables	
0231000	(a) Solanaceae and Malvaceae	
0231010	Tomatoes	0,3
0231020	Sweet peppers/bell peppers	0,01 *
0231030	Aubergines/eggplants	0,3
0231040	Okra/lady's fingers	0,01 *
0231990	Others (2)	0,01 *

(1)	(2)	(3)
0232000	(b) cucurbits with edible peel	0,01 *
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others (2)	
0233000	(c) cucurbits with inedible peel	
0233010	Melons	0,3
0233020	Pumpkins	0,01 *
0233030	Watermelons	0,15
0233990	Others (2)	0,01 *
0234000	(d) sweet corn	0,01 *
0239000	(e) other fruiting vegetables	0,01 *
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)	0,01 *
0241000	(a) flowering brassica	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others (2)	
0242000	(b) head brassica	
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others (2)	
0243000	(c) leafy brassica	
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others (2)	

(1)	(2)	(3)
0244000	(d) kohlrabies	
0250000	Leaf vegetables, herbs and edible flowers	
0251000	(a) lettuces and salad plants	
0251010	Lamb's lettuces/corn salads	0,01 *
0251020	Lettuces	3(+)
0251030	Escaroles/broad-leaved endives	0,01 *
0251040	Cresses and other sprouts and shoots	0,01 *
0251050	Land cresses	0,01 *
0251060	Roman rocket/rucola	0,01 *
0251070	Red mustards	0,01 *
0251080	Baby leaf crops (including brassica species)	0,01 *
0251990	Others (2)	0,01 *
0252000	(b) spinaches and similar leaves	0,01 *
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others (2)	
0253000	(c) grape leaves and similar species	0,01 *
0254000	(d) watercresses	0,01 *
0255000	(e) witloofs/Belgian endives	0,01 *
0256000	(f) herbs and edible flowers	0,02 *
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	

(1)	(2)	(3)
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 *
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	0,01 *
0270020	Cardoons	0,01 *
0270030	Celeries	0,01 *
0270040	Florence fennels	0,01 *
0270050	Globe artichokes	0,01 *
0270060	Leeks	0,02 *(+)
0270070	Rhubarbs	0,01 *
0270080	Bamboo shoots	0,01 *
0270090	Palm hearts	0,01 *
0270990	Others (2)	0,01 *

(1)	(2)	(3)
0280000	Fungi, mosses and lichens	0,01 *
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	Algae and prokaryotes organisms	
0300000	PULSES	0,01 *
0300010	Beans	
0300020	Lentils	
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others (2)	
0400000	OILSEEDS AND OIL FRUITS	0,01 *
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	

(1)	(2)	(3)
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 *
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 *
0610000	Teas	
0620000	Coffee beans	
0630000	Herbal infusions from	

(1)	(2)	(3)
0631000	(a) flowers	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others (2)	
0632000	(b) leaves and herbs	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others (2)	
0633000	(c) roots	
0633010	Valerian	
0633020	Ginseng	
0633990	Others (2)	
0639000	(d) any other parts of the plant	
0640000	Cocoa beans	
0650000	Carobs/Saint John's breads	
0700000	HOPS	0,05 *
0800000	SPICES	
0810000	Seed spices	0,05 *
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	

(1)	(2)	(3)
0810060	Dill	
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others (2)	
0820000	Fruit spices	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)	
0830000	Bark spices	0,05 *
0830010	Cinnamon	
0830990	Others (2)	
0840000	Root and rhizome spices	
0840010	Liquorice	0,05 *
0840020	Ginger (10)	
0840030	Turmeric/curcuma	0,05 *
0840040	Horseradish (11)	
0840990	Others (2)	0,05 *
0850000	Bud spices	0,05 *
0850010	Cloves	
0850020	Capers	
0850990	Others (2)	

(1)	(2)	(3)
0860000	Flower pistil spices	0,05 *
0860010	Saffron	
0860990	Others (2)	
0870000	Aril spices	0,05 *
0870010	Mace	
0870990	Others (2)	
0900000	SUGAR PLANTS	0,01 *
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others (2)	
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	
1010000	Commodities from	
1011000	(a) swine	
1011010	Muscle	0,02 *
1011020	Fat	0,01 *
1011030	Liver	0,01 *
1011040	Kidney	0,01 *
1011050	Edible offals (other than liver and kidney)	0,01 *
1011990	Others (2)	0,01 *
1012000	(b) bovine	
1012010	Muscle	0,02 *
1012020	Fat	0,01 *
1012030	Liver	0,01 *
1012040	Kidney	0,01 *
1012050	Edible offals (other than liver and kidney)	0,01 *
1012990	Others (2)	0,01 *

(1)	(2)	(3)
1013000	(c) sheep	
1013010	Muscle	0,02 *
1013020	Fat	0,01 *
1013030	Liver	0,01 *
1013040	Kidney	0,01 *
1013050	Edible offals (other than liver and kidney)	0,01 *
1013990	Others (2)	0,01 *
1014000	d) goat	
1014010	Muscle	0,02 *
1014020	Fat	0,01 *
1014030	Liver	0,01 *
1014040	Kidney	0,01 *
1014050	Edible offals (other than liver and kidney)	0,01 *
1014990	Others (2)	0,01 *
1015000	(e) equine	
1015010	Muscle	0,02 *
1015020	Fat	0,01 *
1015030	Liver	0,01 *
1015040	Kidney	0,01 *
1015050	Edible offals (other than liver and kidney)	0,01 *
1015990	Others (2)	0,01 *
1016000	(f) poultry	
1016010	Muscle	0,02 *
1016020	Fat	0,01 *
1016030	Liver	0,01 *
1016040	Kidney	0,01 *
1016050	Edible offals (other than liver and kidney)	0,01 *
1016990	Others (2)	0,01 *

(1)	(2)	(3)
1017000	(g) other farmed terrestrial animals	
1017010	Muscle	0,02 *
1017020	Fat	0,01 *
1017030	Liver	0,01 *
1017040	Kidney	0,01 *
1017050	Edible offals (other than liver and kidney)	0,01 *
1017990	Others (2)	0,01 *
1020000	Milk	0,02 *
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others (2)	
1030000	Birds eggs	0,02 *
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others (2)	
1040000	Honey and other apiculture products (7)	0,05 *
1050000	Amphibians and Reptiles	0,02 *
1060000	Terrestrial invertebrate animals	0,02 *
1070000	Wild terrestrial vertebrate animals	0,02 *
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)	

* Indicates lower limit of analytical determination

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

Benalaxyl including other mixtures of constituent isomers including benalaxyl-M (sum of isomers)

The European Food Safety Authority identified some information on crop metabolism and 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 19 January 2025, or, if that information is not submitted by that date, the lack of it.

0251020 Lettuces

The European Food Safety Authority identified some information on crop metabolism 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 19 January 2025, or, if that information is not submitted by that date, the lack of it.

0211000 (a) potatoes

0220010 Garlic

0220020 Onions

0220030 Shallots

0270060 Leeks

The European Food Safety Authority identified some information on residue trials and crop metabolism 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 19 January 2025, or, if that information is not submitted by that date, the lack of it.

0151010 Table grapes'

- (b) the columns for bromoxynil and fenamiphos are deleted;
- (2) in Part A of Annex III, the columns for chlorsulfuron and epoxiconazole are deleted;
- (3) in Annex V, the following columns for bromoxynil, chlorsulfuron, epoxiconazole and fenamiphos are added:

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

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Bromoxynil and its salts, expressed as bromoxynil	Chlorsulfuron	Epoxiconazole (F)	Fenamiphos (sum of fenamiphos and its sulphoxide and sulphone expressed as fenamiphos)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	0,01 *	0,01 *	0,01 *	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)				
0150000	Berries and small fruits				
0151000	(a) grapes				
0151010	Table grapes				
0151020	Wine grapes				
0152000	(b) strawberries				
0153000	(c) cane fruits				
0153010	Blackberries				
0153020	Dewberries				
0153030	Raspberries (red and yellow)				
0153990	Others (2)				

0154000	(d) other small fruits and berries				
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 fruit with				
0161000	(a) edible peel				
0161010	Dates				
0161020	Figs				
0161030	Table olives				
0161040	Kumquats				
0161050	Carambolas				
0161060	Kaki/Japanese persimmons				
0161070	Jambuls/jambolans				
0161990	Others (2)				
0162000	(b) inedible peel, small				
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) inedible peel, large				
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				
0210000	Root and tuber vegetables	0,01 *	0,01 *	0,01 *	0,01 *
0211000	(a) potatoes				
0212000	(b) tropical root and tuber vegetables				
0212010	Cassava roots/manioc				
0212020	Sweet potatoes				
0212030	Yams				
0212040	Arrowroots				
0212990	Others (2)				
0213000	(c) other root and tuber vegetables except sugar beets				
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 *
0220010	Garlic				
0220020	Onions				
0220030	Shallots				
0220040	Spring onions/green onions and Welsh onions				
0220990	Others (2)				
0230000	Fruiting vegetables	0,01 *	0,01 *	0,01 *	0,01 *
0231000	(a) Solanaceae and Malvaceae				
0231010	Tomatoes				
0231020	Sweet peppers/bell peppers				
0231030	Aubergines/eggplants				
0231040	Okra/lady's fingers				
0231990	Others (2)				
0232000	(b) cucurbits with edible peel				
0232010	Cucumbers				
0232020	Gherkins				
0232030	Courgettes				
0232990	Others (2)				
0233000	(c) cucurbits with inedible peel				
0233010	Melons				
0233020	Pumpkins				

0233030	Watermelons				
0233990	Others (2)				
0234000	(d) sweet corn				
0239000	(e) other fruiting vegetables				
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)	0,01 *	0,01 *	0,01 *	0,01 *
0241000	(a) flowering brassica				
0241010	Broccoli				
0241020	Cauliflowers				
0241990	Others (2)				
0242000	(b) head brassica				
0242010	Brussels sprouts				
0242020	Head cabbages				
0242990	Others (2)				
0243000	(c) leafy brassica				
0243010	Chinese cabbages/pe-tsai				
0243020	Kales				
0243990	Others (2)				
0244000	(d) kohlrabies				
0250000	Leaf vegetables, herbs and edible flowers				
0251000	(a) lettuces and salad plants	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)				
0252000	(b) spinaches and similar leaves	0,01 *	0,01 *	0,01 *	0,01 *
0252010	Spinaches				
0252020	Purslanes				
0252030	Chards/beet leaves				
0252990	Others (2)				
0253000	(c) grape leaves and similar species	0,01 *	0,01 *	0,01 *	0,01 *
0254000	(d) watercresses	0,01 *	0,01 *	0,01 *	0,01 *
0255000	(e) witloofs/Belgian endives	0,01 *	0,01 *	0,01 *	0,01 *
0256000	(f) herbs and edible flowers	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 *
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 *
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 *
0280010	Cultivated fungi				
0280020	Wild fungi				
0280990	Mosses and lichens				
0290000	Algae and prokaryotes organisms	0,01 *	0,01 *	0,01 *	0,01 *
0300000	PULSES	0,01 *	0,01 *	0,01 *	0,02 *
0300010	Beans				
0300020	Lentils				
0300030	Peas				
0300040	Lupins/lupini beans				
0300990	Others (2)				
0400000	OILSEEDS AND OIL FRUITS	0,01 *	0,01 *	0,01 *	0,01 *
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 *
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 *
0610000	Teas				
0620000	Coffee beans				
0630000	Herbal infusions from				
0631000	(a) flowers				
0631010	Chamomile				
0631020	Hibiscus/roselle				
0631030	Rose				
0631040	Jasmine				
0631050	Lime/linden				
0631990	Others (2)				
0632000	(b) leaves and herbs				
0632010	Strawberry				
0632020	Rooibos				
0632030	Mate/maté				
0632990	Others (2)				
0633000	(c) roots				
0633010	Valerian				
0633020	Ginseng				
0633990	Others (2)				
0639000	(d) any other parts of the plant				
0640000	Cocoa beans				
0650000	Carobs/Saint John's breads				

0700000	HOPS	0,05 *(+)	0,05 *	0,05 *	0,05 *
0800000	SPICES				
0810000	Seed spices	0,05 *	0,05 *	0,05 *	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	Fruit spices	0,05 *	0,05 *	0,05 *	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)				
0830000	Bark spices	0,05 *	0,05 *	0,05 *	0,05 *
0830010	Cinnamon				
0830990	Others (2)				

0840000	Root and rhizome spices				
0840010	Liquorice	0,05 *	0,05 *	0,05 *	0,05 *
0840020	Ginger (10)				
0840030	Turmeric/curcuma	0,05 *	0,05 *	0,05 *	0,05 *
0840040	Horseradish (11)				
0840990	Others (2)	0,05 *	0,05 *	0,05 *	0,05 *
0850000	Bud spices	0,05 *	0,05 *	0,05 *	0,05 *
0850010	Cloves				
0850020	Capers				
0850990	Others (2)				
0860000	Flower pistil spices	0,05 *	0,05 *	0,05 *	0,05 *
0860010	Saffron				
0860990	Others (2)				
0870000	Aril spices	0,05 *	0,05 *	0,05 *	0,05 *
0870010	Mace				
0870990	Others (2)				
0900000	SUGAR PLANTS	0,01 *	0,01 *	0,01 *	0,01 *
0900010	Sugar beet roots				
0900020	Sugar canes				
0900030	Chicory roots				
0900990	Others (2)				
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS				
1010000	Commodities from	0,05 *	0,01 *	0,01 *	
1011000	(a) swine				0,02 *
1011010	Muscle				
1011020	Fat				

1011030	Liver				
1011040	Kidney				
1011050	Edible offals (other than liver and kidney)				
1011990	Others (2)				
1012000	(b) bovine				0,02 *
1012010	Muscle				
1012020	Fat				
1012030	Liver				
1012040	Kidney				
1012050	Edible offals (other than liver and kidney)				
1012990	Others (2)				
1013000	(c) sheep				0,02 *
1013010	Muscle				
1013020	Fat				
1013030	Liver				
1013040	Kidney				
1013050	Edible offals (other than liver and kidney)				
1013990	Others (2)				
1014000	d) goat				0,02 *
1014010	Muscle				
1014020	Fat				
1014030	Liver				
1014040	Kidney				
1014050	Edible offals (other than liver and kidney)				
1014990	Others (2)				
1015000	(e) equine				0,01 *
1015010	Muscle				
1015020	Fat				

1015030	Liver				
1015040	Kidney				
1015050	Edible offals (other than liver and kidney)				
1015990	Others (2)				
1016000	(f) poultry				0,02 *
1016010	Muscle				
1016020	Fat				
1016030	Liver				
1016040	Kidney				
1016050	Edible offals (other than liver and kidney)				
1016990	Others (2)				
1017000	(g) other farmed terrestrial animals				0,01 *
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 *	0,002 *	0,005 *
1020010	Cattle				
1020020	Sheep				
1020030	Goat				
1020040	Horse				
1020990	Others (2)				
1030000	Birds eggs	0,05 *	0,01 *	0,01 *	0,01 *
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 *
1050000	Amphibians and Reptiles	0,05 *	0,01 *	0,01 *	0,01 *
1060000	Terrestrial invertebrate animals	0,05 *	0,01 *	0,01 *	0,01 *
1070000	Wild terrestrial vertebrate animals	0,05 *	0,01 *	0,01 *	0,01 *
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)				

* Indicates lower limit of analytical determination

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

Bromoxynil and its salts, expressed as bromoxynil

The European Food Safety Authority identified some information on analytical 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 29 October 2016, or, if that information is not submitted by that date, the lack of it.

0700000 HOPS

Epoxiconazole (F)

(F) Fat soluble'

COMMISSION REGULATION (EU) 2023/129**of 18 January 2023****amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for azoxystrobin, prosulfocarb, sedaxane and valifenalate 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), point (a), thereof,

Whereas:

- (1) For azoxystrobin, prosulfocarb, sedaxane and valifenalate, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005.
- (2) On 14 December 2021, the Codex Alimentarius Commission adopted new Codex maximum residue limits (CXLs) for azoxystrobin in guavas and for valifenalate in onions, shallots, tomatoes, and eggplants ⁽²⁾.
- (3) In accordance with Article 5(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽³⁾, where international standards exist or their completion is imminent, they are to be taken into consideration in the development or adaptation of food law, except where such standards or relevant parts would be an ineffective or inappropriate means to fulfil the legitimate objectives of food law or where there is a scientific justification, or where they would result in a different level of protection from the one determined as appropriate in the Union. Moreover, in accordance with Article 13, point (e), of that Regulation, the Union is to promote consistency between international technical standards and food law while ensuring that the high level of protection adopted in the Union is not reduced.
- (4) The European Food Safety Authority ('the Authority') assessed the CXLs proposed for azoxystrobin in guavas and for valifenalate in onions, shallots, tomatoes, and eggplants and concluded they are safe for consumers in the Union ⁽⁴⁾. The Union did not present reservations ⁽⁵⁾ ⁽⁶⁾ to the Codex Committee on Pesticides Residues on these proposed CXLs.
- (5) It is therefore appropriate to include these CXLs in Regulation (EC) No 396/2005 as MRLs. In the framework of the evaluation of the proposed CXL for valifenalate in tomatoes, a sufficient number of residue trials was submitted and the Authority concluded that these data were sufficient for the uses under consideration. Therefore, it is appropriate to delete the respective footnote in Regulation (EC) No 396/2005 highlighting the need for additional data.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Report of the 44th Session of the Codex Alimentarius Commission (REP21/CAC) https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-701-44%252FFINAL%252520REPORT%252FREp21_CACe.pdf

⁽³⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁽⁴⁾ Scientific support for preparing an EU position for the 52nd Session of the Codex Committee on Pesticide Residues (CCPR). EFSA Journal 2021;19(8):6766.

⁽⁵⁾ European Union comments on Codex CX/PR 21/52/5(REV): https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-718-52%252FCRDs%252Fpr52_CRD22x.pdf

⁽⁶⁾ Report of the 52nd session of the Codex Committee on Pesticide Residues REP21/PR: https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-718-52%252FREPORT%252FFINAL%252FREPORT%252FREp21_PR52e.pdf

- (6) As regards azoxystrobin, an application pursuant to Article 6(1) of Regulation (EC) No 396/2005 requesting a modification of the existing MRLs was submitted for rapeseeds/canola seeds and linseeds. As regards prosulfocarb, such an application was submitted for herbs and edible flowers. As regards sedaxane, such an application was submitted for potatoes.
- (7) In accordance with Article 8 of Regulation (EC) No 396/2005, all those applications were evaluated by the Member States concerned and the evaluation reports were forwarded to the Commission.
- (8) The Authority assessed the applications and the evaluation reports, examining in particular the risks to consumers and, where relevant, to animals, and gave reasoned opinions on the proposed MRLs ⁽⁷⁾. It forwarded those opinions to the applicants, the Commission and the Member States and made them available to the public.
- (9) As regards azoxystrobin in linseeds, the Authority concluded that the submitted data was insufficient to modify the existing MRL. Therefore, it is not appropriate to modify that MRL.
- (10) As regards all other modifications to MRLs requested by the applicants for azoxystrobin, prosulfocarb and sedaxane, the Authority concluded that all requirements with respect to completeness of data submission were met and that the modifications to the MRLs requested by the applicants were acceptable with regard to consumer safety on the basis of a consumer exposure assessment for 27 specific European consumer groups. In so concluding, the Authority took into account the most recent data on the toxicological properties of the substances. Neither the long-term exposure to these substances via consumption of all food products that may contain them, nor the short-term exposure due to high consumption of the relevant products showed a risk that the acceptable daily intake or the acute reference dose is exceeded.
- (11) As regards prosulfocarb in herbs and edible flowers, the Authority had previously identified, in the framework of the review of the existing MRLs for prosulfocarb according to Article 12 of Regulation (EC) No 396/2005 ⁽⁸⁾, that some information on residue trials was unavailable. Therefore, Commission Regulation (EU) No 777/2013 ⁽⁹⁾ required further residue data to confirm the tentative MRL of 0,05 mg/kg for that active substance in those products. In the framework of the new application requesting the modification of the MRLs for prosulfocarb in herbs and edible flowers, new uses and new residue trials were submitted and the Authority concluded that these data were sufficient for the uses under consideration and to support a new higher MRL. Therefore, it is appropriate to modify the MRL and to delete the respective footnote in Regulation (EC) No 396/2005 highlighting the need for additional data.
- (12) Based on the on the scientific report and on the reasoned opinions of the Authority and taking into account the relevant factors listed in Article 14(2) of Regulation (EC) No 396/2005, the proposed modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (13) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽⁷⁾ EFSA scientific reports are available online: <http://www.efsa.europa.eu>
Reasoned Opinion on the modification of the existing maximum residue levels for azoxystrobin in rapeseeds and linseeds. *EFSA Journal* 2022;20(1):7051.
Reasoned Opinion on the modification of the existing maximum residue levels for prosulfocarb in herbs and edible flowers. *EFSA Journal* 2022;20(5):7334.
Reasoned Opinion on the modification of the existing maximum residue level for sedaxane in potatoes. *EFSA Journal* 2022;20(6):7371.

⁽⁸⁾ EFSA scientific reports are available online: <http://www.efsa.europa.eu>
Reasoned Opinion: Review of the existing maximum residue levels (MRLs) for prosulfocarb according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2011; 9(8):2346.

⁽⁹⁾ Commission Regulation (EU) No 777/2013 of 12 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 clodinafop, clomazone, diuron, ethalfluralin, ioxynil, iprovalicarb, maleic hydrazide, mepanipyrim, metconazole, prosulfocarb and tepraloxym in or on certain products (OJ L 221, 17.8.2013, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 396/2005 is 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*.

It shall apply from 26 February 2023 as regards all proposed MRLs.

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

Done at Brussels, 18 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

In Annex II to Regulation (EC) No 396/2005, the columns for azoxystrobin, prosulfocarb, sedaxane and valifenalate are replaced by the following:

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

Code number	Groups and examples of individual products to which the MRLs apply ⁽¹⁾	Azoxystrobin	Prosulfocarb	Sedaxane (sum of isomers)	Valifenalate (R) (A)
(1)	(2)	(3)	(4)	(5)	(6)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS			0,01 *	
0110000	Citrus fruits	15	0,01 *		0,01 *
0110010	Grapefruits				
0110020	Oranges				
0110030	Lemons				
0110040	Limes				
0110050	Mandarins				
0110990	Others (2)				
0120000	Tree nuts		0,02 *		0,01 *
0120010	Almonds	0,01			
0120020	Brazil nuts	0,01			
0120030	Cashew nuts	0,01			
0120040	Chestnuts	0,01			
0120050	Coconuts	0,01			
0120060	Hazelnuts/cobnuts	0,01			
0120070	Macadamias	0,01			
0120080	Pecans	0,01			

(1)	(2)	(3)	(4)	(5)	(6)
0120090	Pine nut kernels	0,01			
0120100	Pistachios	1			
0120110	Walnuts	0,01			
0120990	Others (2)	0,01			
0130000	Pome fruits	0,01 *	0,01 *		0,01 *
0130010	Apples				
0130020	Pears				
0130030	Quinces				
0130040	Medlars				
0130050	Loquats/Japanese medlars				
0130990	Others (2)				
0140000	Stone fruits	2	0,01 *		0,01 *
0140010	Apricots				
0140020	Cherries (sweet)				
0140030	Peaches				
0140040	Plums				
0140990	Others (2)				
0150000	Berries and small fruits				
0151000	(a) grapes	3	0,01 *		1
0151010	Table grapes				
0151020	Wine grapes				
0152000	(b) strawberries	10	0,05(+)		0,01 *
0153000	(c) cane fruits	5	0,01 *		0,01 *
0153010	Blackberries				
0153020	Dewberries				
0153030	Raspberries (red and yellow)				
0153990	Others (2)				

(1)	(2)	(3)	(4)	(5)	(6)
0154000	(d) other small fruits and berries		0,01 *		0,01 *
0154010	Blueberries	5			
0154020	Cranberries	0,5			
0154030	Currants (black, red and white)	5			
0154040	Gooseberries (green, red and yellow)	5			
0154050	Rose hips	5			
0154060	Mulberries (black and white)	5			
0154070	Azaroles/Mediterranean medlars	5			
0154080	Elderberries	5			
0154990	Others (2)	5			
0160000	Miscellaneous fruitswith		0,01 *		0,01 *
0161000	(a) edible peel				
0161010	Dates	0,01 *			
0161020	Figs	0,01 *			
0161030	Table olives	0,01 *			
0161040	Kumquats	0,01 *			
0161050	Carambolas	0,1			
0161060	Kaki/Japanese persimmons	0,01 *			
0161070	Jambuls/jambolans	0,01 *			
0161990	Others (2)	0,01 *			
0162000	(b) inedible peel, small				
0162010	Kiwi fruits (green, red, yellow)	0,01 *			
0162020	Litchis/lychees	0,01 *			
0162030	Passionfruits/maracujas	4			
0162040	Prickly pears/cactus fruits	0,3			
0162050	Star apples/cainitos	0,01 *			
0162060	American persimmons/Virginia kaki	0,01 *			
0162990	Others (2)	0,01 *			

(1)	(2)	(3)	(4)	(5)	(6)
0163000	(c) inedible peel, large				
0163010	Avocados	0,01 *			
0163020	Bananas	2			
0163030	Mangoes	4			
0163040	Papayas	0,3			
0163050	Granate apples/pomegranates	0,01 *			
0163060	Cherimoyas	0,01 *			
0163070	Guavas	0,2			
0163080	Pineapples	0,01 *			
0163090	Breadfruits	0,01 *			
0163100	Durians	0,01 *			
0163110	Soursops/guanabanas	0,01 *			
0163990	Others (2)	0,01 *			
0200000	VEGETABLES, FRESH or FROZEN				
0210000	Root and tuber vegetables				0,01 *
0211000	(a) potatoes	7	0,01 *	0,15	
0212000	(b) tropical root and tuber vegetables	1	0,01 *	0,01 *	
0212010	Cassava roots/manioc				
0212020	Sweet potatoes				
0212030	Yams				
0212040	Arrowroots				
0212990	Others (2)				
0213000	(c) other root and tuber vegetables except sugar beets			0,01 *	
0213010	Beetroots	1	0,01 *		
0213020	Carrots	1	1(+)		
0213030	Celeriacs/turnip rooted celeries	1	0,08(+)		
0213040	Horseradishes	1	0,08(+)		

(1)	(2)	(3)	(4)	(5)	(6)
0213050	Jerusalem artichokes	1	0,01 *		
0213060	Parsnips	1	0,08(+)		
0213070	Parsley roots/Hamburg roots parsley	1	0,08(+)		
0213080	Radishes	1,5	0,01 *		
0213090	Salsifies	1	0,08(+)		
0213100	Swedes/rutabagas	1	0,01 *		
0213110	Turnips	1	0,01 *		
0213990	Others (2)	1	0,01 *		
0220000	Bulb vegetables	10		0,01 *	
0220010	Garlic		0,01 *		0,01 *
0220020	Onions		0,03		0,5
0220030	Shallots		0,03		0,5
0220040	Spring onions/green onions and Welsh onions		0,02		0,01 *
0220990	Others (2)		0,01 *		0,01 *
0230000	Fruiting vegetables		0,01 *	0,01 *	
0231000	(a) Solanaceae and Malvaceae	3			
0231010	Tomatoes				0,4
0231020	Sweet peppers/bell peppers				0,01 *
0231030	Aubergines/eggplants				0,4
0231040	Okra/lady's fingers				0,01 *
0231990	Others (2)				0,01 *
0232000	(b) cucurbits with edible peel	1			0,01 *
0232010	Cucumbers				
0232020	Gherkins				
0232030	Courgettes				
0232990	Others (2)				

(1)	(2)	(3)	(4)	(5)	(6)
0233000	(c) cucurbits with inedible peel	1			0,01 *
0233010	Melons				
0233020	Pumpkins				
0233030	Watermelons				
0233990	Others (2)				
0234000	(d) sweet corn	0,01 *			0,01 *
0239000	(e) other fruiting vegetables	0,01 *			0,01 *
0240000	Brassica vegetables(excluding brassica roots and brassica baby leaf crops)		0,01 *	0,01 *	0,01 *
0241000	(a) flowering brassica	5			
0241010	Broccoli				
0241020	Cauliflowers				
0241990	Others (2)				
0242000	(b) head brassica	5			
0242010	Brussels sprouts				
0242020	Head cabbages				
0242990	Others (2)				
0243000	(c) leafy brassica	6			
0243010	Chinese cabbages/pe-tsai				
0243020	Kales				
0243990	Others (2)				
0244000	(d) kohlrabies	5			
0250000	Leaf vegetables, herbs and edible flowers				
0251000	(a) lettuces and salad plants	10	0,01 *	0,01 *	0,01 *
0251010	Lamb's lettuces/corn salads				
0251020	Lettuces				

(1)	(2)	(3)	(4)	(5)	(6)
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) spinaches and similar leaves	15	0,01 *	0,01 *	0,01 *
0252010	Spinaches				
0252020	Purslanes				
0252030	Chards/beet leaves				
0252990	Others (2)				
0253000	(c) grape leaves and similar species	0,01 *	0,01 *	0,01 *	0,01 *
0254000	(d) watercresses	0,01 *	0,01 *	0,01 *	0,01 *
0255000	(e) witloofs/Belgian endives	0,3	0,01 *	0,01 *	0,01 *
0256000	(f) herbs and edible flowers	70	20	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)				

(1)	(2)	(3)	(4)	(5)	(6)
0260000	Legume vegetables	3	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 *
0270010	Asparagus	0,01 *	0,01 *		
0270020	Cardoons	15	0,01 *		
0270030	Celeries	15	1,5(+)		
0270040	Florence fennels	10	0,01 *		
0270050	Globe artichokes	5	0,01 *		
0270060	Leeks	10	0,01 *		
0270070	Rhubarbs	0,6	0,01 *		
0270080	Bamboo shoots	0,01 *	0,01 *		
0270090	Palm hearts	0,01 *	0,01 *		
0270990	Others (2)	0,01 *	0,01 *		
0280000	Fungi, mosses and lichens	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 *
0300000	PULSES	0,15	0,01 *	0,01 *	0,01 *
0300010	Beans				
0300020	Lentils				
0300030	Peas				

(1)	(2)	(3)	(4)	(5)	(6)
0300040	Lupins/lupini beans				
0300990	Others (2)				
0400000	OILSEEDS AND OIL FRUITS		0,02 *	0,01 *	0,01 *
0401000	Oilseeds				
0401010	Linseeds	0,4			
0401020	Peanuts/groundnuts	0,2			
0401030	Poppy seeds	0,5			
0401040	Sesame seeds	0,01 *			
0401050	Sunflower seeds	0,5			
0401060	Rapeseeds/canola seeds	0,7			
0401070	Soyabeans	0,5			
0401080	Mustard seeds	0,5			
0401090	Cotton seeds	0,7			
0401100	Pumpkin seeds	0,01 *			
0401110	Safflower seeds	0,4			
0401120	Borage seeds	0,4			
0401130	Gold of pleasure seeds	0,5			
0401140	Hemp seeds	0,01 *			
0401150	Castor beans	0,01 *			
0401990	Others (2)	0,01 *			
0402000	Oil fruits				
0402010	Olives for oil production	0,01 *			
0402020	Oil palms kernels	0,01 *			
0402030	Oil palms fruits	0,03			
0402040	Kapok	0,01 *			
0402990	Others (2)	0,01 *			

(1)	(2)	(3)	(4)	(5)	(6)
0500000	CEREALS		0,01 *	0,01 *	0,01 *
0500010	Barley	1,5			
0500020	Buckwheat and other pseudocereals	0,01 *			
0500030	Maize/corn	0,02			
0500040	Common millet/proso millet	0,01 *			
0500050	Oat	1,5			
0500060	Rice	5			
0500070	Rye	0,5			
0500080	Sorghum	10			
0500090	Wheat	0,5			
0500990	Others (2)	0,01 *			
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS			0,05 *	0,05 *
0610000	Teas	0,05 *	0,05 *		
0620000	Coffee beans	0,03	0,05 *		
0630000	Herbal infusions from				
0631000	(a) flowers	60	2		
0631010	Chamomile				
0631020	Hibiscus/roselle				
0631030	Rose				
0631040	Jasmine				
0631050	Lime/linden				
0631990	Others (2)				
0632000	(b) leaves and herbs	60	2		
0632010	Strawberry				
0632020	Rooibos				
0632030	Mate/maté				
0632990	Others (2)				

(1)	(2)	(3)	(4)	(5)	(6)
0633000	(c) roots	0,3	0,05 *		
0633010	Valerian				
0633020	Ginseng				
0633990	Others (2)				
0639000	(d) any other parts of the plant	0,05 *	0,05 *		
0640000	Cocoa beans	0,05 *	0,05 *		
0650000	Carobs/Saint John's breads	0,05 *	0,05 *		
0700000	HOPS	30	0,05 *	0,05 *	0,05 *
0800000	SPICES				
0810000	Seed spices	0,3	0,3(+)	0,05 *	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	Fruit spices	0,3	0,3(+)	0,05 *	0,05 *
0820010	Allspice/pimento		(+)		
0820020	Sichuan pepper		(+)		
0820030	Caraway		(+)		
0820040	Cardamom		(+)		
0820050	Juniper berry		(+)		
0820060	Peppercorn (black, green and white)		(+)		

(1)	(2)	(3)	(4)	(5)	(6)
0820070	Vanilla		(+)		
0820080	Tamarind		(+)		
0820990	Others (2)		(+)		
0830000	Bark spices	0,05 *	0,05 *	0,05 *	0,05 *
0830010	Cinnamon				
0830990	Others (2)				
0840000	Root and rhizome spices				
0840010	Liquorice	0,05 *	0,05 *	0,05 *	0,05 *
0840020	Ginger (10)				
0840030	Turmeric/curcuma	0,05 *	0,05 *	0,05 *	0,05 *
0840040	Horseradish (11)				
0840990	Others (2)	0,05 *	0,05 *	0,05 *	0,05 *
0850000	Bud spices	0,05 *	0,05 *	0,05 *	0,05 *
0850010	Cloves				
0850020	Capers				
0850990	Others (2)				
0860000	Flower pistil spices	0,05 *	0,05 *	0,05 *	0,05 *
0860010	Saffron				
0860990	Others (2)				
0870000	Aril spices	0,05 *	0,05 *	0,05 *	0,05 *
0870010	Mace				
0870990	Others (2)				
0900000	SUGAR PLANTS		0,01 *	0,01 *	0,01 *
0900010	Sugar beet roots	5			
0900020	Sugar canes	0,05			
0900030	Chicory roots	0,09			
0900990	Others (2)	0,01 *			

(1)	(2)	(3)	(4)	(5)	(6)
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS				
1010000	Commodities from		0,01 *	0,01 *	0,03 *
1011000	(a) swine				
1011010	Muscle	0,01 *(+)			
1011020	Fat	0,05(+)			
1011030	Liver	0,07(+)			
1011040	Kidney	0,07(+)			
1011050	Edible offals (other than liver and kidney)	0,07(+)			
1011990	Others (2)	0,01 *(+)			
1012000	(b) bovine				
1012010	Muscle	0,01 *(+)			
1012020	Fat	0,05(+)			
1012030	Liver	0,07(+)			
1012040	Kidney	0,07(+)			
1012050	Edible offals (other than liver and kidney)	0,07(+)			
1012990	Others (2)	0,01 *(+)			
1013000	(c) sheep				
1013010	Muscle	0,01 *(+)			
1013020	Fat	0,05(+)			
1013030	Liver	0,07(+)			
1013040	Kidney	0,07(+)			
1013050	Edible offals (other than liver and kidney)	0,07(+)			
1013990	Others (2)	0,01 *(+)			

(1)	(2)	(3)	(4)	(5)	(6)
1014000	d) goat				
1014010	Muscle	0,01 *(+)			
1014020	Fat	0,05(+)			
1014030	Liver	0,07(+)			
1014040	Kidney	0,07(+)			
1014050	Edible offals (other than liver and kidney)	0,07(+)			
1014990	Others (2)	0,01 *(+)			
1015000	(e) equine				
1015010	Muscle	0,01 *			
1015020	Fat	0,05			
1015030	Liver	0,07			
1015040	Kidney	0,07			
1015050	Edible offals (other than liver and kidney)	0,07			
1015990	Others (2)	0,01 *			
1016000	(f) poultry	0,01 *(+)			
1016010	Muscle	(+)			
1016020	Fat	(+)			
1016030	Liver	(+)			
1016040	Kidney	(+)			
1016050	Edible offals (other than liver and kidney)	(+)			
1016990	Others (2)	(+)			
1017000	(g) other farmed terrestrial animals				
1017010	Muscle	0,01 *			
1017020	Fat	0,05			
1017030	Liver	0,07			

(1)	(2)	(3)	(4)	(5)	(6)
1017040	Kidney	0,07			
1017050	Edible offals (other than liver and kidney)	0,07			
1017990	Others (2)	0,01 *			
1020000	Milk	0,01 *(+)	0,01 *	0,01 *	0,03 *
1020010	Cattle	(+)			
1020020	Sheep	(+)			
1020030	Goat	(+)			
1020040	Horse	(+)			
1020990	Others (2)	(+)			
1030000	Birds eggs	0,01 *(+)	0,01 *	0,01 *	0,03 *
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 *
1050000	Amphibians and Reptiles	0,01 *	0,01 *	0,01 *	0,03 *
1060000	Terrestrial invertebrate animals	0,01 *	0,01 *	0,01 *	0,03 *
1070000	Wild terrestrial vertebrate animals	0,01 *	0,01 *	0,01 *	0,03 *
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)				

* Indicates lower limit of analytical determination

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

Azoxystrobin

The European Food Safety Authority identified some information on toxicity of metabolites as unavailable. When reviewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 5 August 2024, or, if that information is not submitted by that date, the lack of it.

1011000 (a) swine

1011010 Muscle

1011020 Fat

1011030 Liver

1011040 Kidney

1011050 Edible offals (other than liver and kidney)

1011990 Others (2)

1012000 (b) bovine

1012010 Muscle

1012020 Fat

1012030 Liver

1012040 Kidney

1012050 Edible offals (other than liver and kidney)

1012990 Others (2)

1013000 (c) sheep

1013010 Muscle

1013020 Fat

1013030 Liver

1013040 Kidney

1013050 Edible offals (other than liver and kidney)

1013990 Others (2)

1014000 d) goat

1014010 Muscle

1014020 Fat

1014030 Liver

1014040 Kidney

1014050 Edible offals (other than liver and kidney)

1014990 Others (2)

1016000 (f) poultry

1016010 Muscle

1016020 Fat

1016030 Liver

1016040 Kidney

1016050 Edible offals (other than liver and kidney)

1016990 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)

Prosulfocarb

The European Food Safety Authority identified some information on analytical 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 17 August 2015, or, if that information is not submitted by that date, the lack of it.

0810000 Seed spices
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
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)

The European Food Safety Authority identified some information on crop metabolism 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 17 August 2015, or, if that information is not submitted by that date, the lack of it.

0213020 Carrots
0213030 Celeriacs/turnip rooted celeries
0213040 Horseradishes
0213060 Parsnips
0213070 Parsley roots/Hamburg roots parsley
0213090 Salsifies
0270030 Celeries

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 17 August 2015, or, if that information is not submitted by that date, the lack of it.

0152000 (b) strawberries

Valifenalate (R) (A)

(R) The residue definition differs for the following combinations pesticide-code number: Valifenalate - code 1000000 except 1040000: Valifenalate and valifenalate acid (IR5839)

(A) The EU reference laboratories identified the reference standard for valifenalate acid (IR5839) as commercially not available. When reviewing the MRLs, the Commission will take into account the commercial availability of the reference standard referred to it in the first sentence by 2 August 2023, or, if that reference standard is not commercially available by that date, the unavailability of it.'

COMMISSION IMPLEMENTING REGULATION (EU) 2023/130**of 18 January 2023****laying down rules for the implementation of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the annual performance report**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 ⁽¹⁾, and in particular Article 134(14) and Article 150(3) thereof,

Whereas:

- (1) Regulation (EU) 2021/2115 lays down a legal framework for the Common Agricultural Policy (CAP) based on a performance-oriented delivery model. That Regulation lays down the specific Union objectives to be achieved by the CAP. That Regulation also defines the types of intervention, as well as common Union requirements applicable to Member States, while leaving Member States flexibility for the design of their intervention strategy to take account of their local conditions, needs and internal arrangements. That Regulation specifies that Member States bear a greater responsibility as to how they meet the CAP specific objectives and achieve targets, including by ensuring coherence across the multiple tools of the CAP Strategic Plan.
- (2) Article 128 of Regulation (EU) 2021/2115 provides that a performance framework is to be established to allow reporting, monitoring and evaluation of the performance of the CAP Strategic Plans during their implementation, including regular reporting on, among others, performance and monitoring activities. Pursuant to Article 129, points (b) and (c), of that Regulation, the performance framework's objectives are to monitor progress made towards achieving the targets of the CAP Strategic Plans and to assess the impact, effectiveness, efficiency, relevance and coherence of the interventions of the CAP Strategic Plans.
- (3) As an essential element of the performance framework, pursuant to Article 134 of Regulation (EU) 2021/2115 and Article 9(3), point (b), and Article 10 of Regulation (EU) 2021/2116 of the European Parliament and of the Council ⁽²⁾, Member States are to provide an annual performance report on the implementation of the CAP Strategic Plan, containing quantitative and qualitative information relevant to the performance of their CAP Strategic Plans.
- (4) To ensure that the content of the annual performance reports responds effectively to the objectives of the performance framework laid down in Article 129 of Regulation (EU) 2021/2115, its structure should allow for the provision of information, relevant to the performance in relation to each of the CAP specific objectives, and in relation to horizontal elements laid down in that Regulation affecting the implementation of the CAP Strategic Plan as a whole.
- (5) Pursuant to Articles 124(3), points (a) and (b), and 124(4), point (b), of Regulation (EU) 2021/2115, the monitoring committee is to examine the progress made in CAP Strategic Plan implementation and to give an opinion on the annual performance reports. The annual performance report should therefore contain all qualitative and quantitative information including issues that affect the progress and performance of the CAP Strategic Plan in a given financial year to allow the monitoring committee to establish its opinion on the annual performance report.

⁽¹⁾ OJ L 435, 6.12.2021, p. 1.

⁽²⁾ Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187).

- (6) Pursuant to Article 136 of Regulation (EU) 2021/2115, annual performance reports are also to serve as a key element for the examination of performance of the CAP Strategic Plans in annual review meetings. The information contained in the annual performance reports is to be the basis for a biennial performance review, referred to in Article 135 of that Regulation.
- (7) Article 11(6) of Regulation (EU) 2021/2115 provides that Member States are to inform the Commission in the annual performance reports of the total number of hectares for which support has been actually paid for the oilseeds concerned by the Memorandum of Understanding referred to in Article 11(1) of that Regulation.
- (8) Article 137 of Regulation (EU) 2021/2115 provides that, by 15 February 2025 and 15 February of each subsequent year until 2030, the Member States that grant the crop-specific payment for cotton laid down in Title III, Chapter II, Section 3, Subsection 2, of that Regulation are to provide the Commission with information on the implementation of that payment in the previous financial year.
- (9) Article 138 of Regulation (EU) 2021/2115 provides that, by 15 February 2025 and 15 February of each subsequent year until 2030, the Member States that grant the transitional national aid laid down in Article 147 of that Regulation are to provide the Commission with information on the implementation of that aid in the previous financial year.
- (10) Therefore, Member States are to provide in the annual performance report all quantitative and qualitative information laid down in Article 134 of Regulation (EU) 2021/2115, as well as for the financial years 2024 and 2026 the justifications for deviations from milestones referred to in Article 135(2) of that Regulation.
- (11) Member States should therefore provide in the annual performance report the quantitative information referred to in Article 134(5) of Regulation (EU) 2021/2115, including the expenditure declared in the annual accounts and relevant to the realised outputs, as well as penalties or other reductions, and for the EAFRD, cancelled or recovered funds as referred to in Article 134(5), point (b), of that Regulation. This enables the Commission to verify the calculation of a reconciliation between the gross expenditure relevant to outputs referred to in Article 134(5), first subparagraph, point (a), of Regulation (EU) 2021/2115 and the amounts declared in the annual accounts, reflecting net expenditure, laid down in Article 32(1) of Commission Implementing Regulation (EU) 2022/128 ⁽³⁾ presented by the Member States. This is necessary for the purposes of the assessments referred to in Article 54(2) of Regulation (EU) 2021/2116.
- (12) Article 2(5) of Commission Implementing Regulation (EU) 2022/1317 ⁽⁴⁾ provides that Member States making use of any of the derogations referred to Article 1(1) of that Implementing Regulation are to include in the annual performance report due on 15 February 2024 an assessment of the effects of the application of such derogations on global food security, on the preservation of the environment and the fight against climate change.
- (13) Therefore, pursuant to Article 134(14) of Regulation (EU) 2021/2115, rules on the presentation of the content of the annual performance reports and on the transmission of those reports to the Commission should be laid down.
- (14) For the submission of the annual performance reports to the Commission, the Member States should use the electronic system for the secure exchange of information 'SFC2021' referred to in Article 3 of Commission Implementing Regulation (EU) 2021/2289 ⁽⁵⁾.

⁽³⁾ Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency (OJ L 20, 31.1.2022, p. 131).

⁽⁴⁾ Commission Implementing Regulation (EU) 2022/1317 of 27 July 2022 providing for derogations from Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the application of the standards for good agricultural and environmental conditions of land (GAEC standards) 7 and 8 for claim year 2023 (OJ L 199, 28.7.2022, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and on the electronic system for the secure exchange of information (OJ L 458, 22.12.2021, p. 463).

- (15) The measures provided for in this Regulation are in accordance with the opinion of the Common Agricultural Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Presentation of the content of the annual performance report

Member States shall present the content of the annual performance report provided for in Article 134 of Regulation (EU) 2021/2115 as set out in the Annex to this Regulation.

Article 2

Submission of the annual performance report

Member States shall submit the annual performance report in an electronic format, by means of the electronic system for the secure exchange of information called 'SFC2021', provided for in Article 3 of Implementing Regulation (EU) 2021/2289.

Article 3

Entry into force

This Regulation shall enter into force on the seventh 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, 18 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Presentation of the content of the annual performance report referred to in Article 134 of Regulation (EU) 2021/2115

1. A SYNTHESIS OF THE STATE OF IMPLEMENTATION OF THE CAP STRATEGIC PLAN IN RESPECT OF THE PREVIOUS FINANCIAL YEAR

This section shall include the qualitative information referred to in Article 134(7), point (a), of Regulation (EU) 2021/2115.

- 1.1. **Summary on the state of implementation of the CAP Strategic Plan**

This subsection shall include a summary of the progress of implementation of the CAP Strategic Plan during the previous financial year.

This subsection may also include a summary of key issues that affected the performance of the CAP Strategic Plan in the previous financial year that shall be reported in detail in subsection 1.2, including measures taken to address these issues.

- 1.2. **State of implementation of the CAP Strategic Plan by specific and cross-cutting objectives**

For each specific and cross-cutting objective referred to in Article 6(1) and (2) of Regulation (EU) 2021/2115, this subsection shall include a description of the issues that affected the performance of the CAP Strategic Plan in the previous financial year, where appropriate, giving reasons and, where relevant, describing the measures taken to address these issues.

This subsection may include explanations related to deviations of achieved values of result indicators from the corresponding milestones to complement the information that shall be provided under subsection 2.1.

- 1.3. **Horizontal aspects of the implementation of CAP Strategic Plan**

This subsection shall include a description of progress made towards the implementation of the CAP Strategic Plan in the previous financial year, identification of issues affecting the implementation of the CAP Strategic Plan in the previous financial year, and, where relevant, measures to address them, in relation to governance, networks and national legislative or non-legislative actions relevant for the implementation and performance of the CAP Strategic Plan.

This subsection may include a description of the issues that affected the performance of the CAP Strategic Plan in the previous financial year and that cannot be reported under specific or cross-cutting objectives in subsection 1.2.

- 1.4. **Derogation from GAEC standards in 2023**

If the Member State used the derogation provided for in Article 1 of Implementing Regulation (EU) 2022/1317, this subsection shall include an assessment of the effects of the application of such derogation on global food security, on the preservation of the environment and on the fight against climate change, in accordance with Article 2(5) of that Implementing Regulation.

2. QUANTITATIVE INFORMATION, QUALITATIVE INFORMATION ON DEVIATION OF VALUES OF RESULT INDICATORS FROM MILESTONES AND JUSTIFICATION OF EXCESS OF REALISED UNIT AMOUNTS COMPARED TO PLANNED UNIT AMOUNTS

This section shall include the quantitative information referred to in Article 134(4) and (5) of Regulation (EU) 2021/2115. It shall also include qualitative information as regards deviations from milestones referred to in Article 134(7), point (b), of that Regulation.

It shall include the mandatory qualitative information referred to in Article 134(9) of that Regulation. It may include the optional qualitative information referred to in Article 134(8) of that Regulation.

Achieved results and realised outputs shall be reported in accordance with the methods for calculation laid down in the Annex to Commission Implementing Regulation (EU) 2021/2290 ⁽¹⁾.

2.1. Achieved values of result indicators

This subsection shall include the value achieved in the previous financial year for each of the result indicators set out in the CAP Strategic Plan and the distance to the corresponding annual milestone set in the CAP Strategic Plan, giving reasons, where appropriate, for deviations from milestones and, where relevant, describing the measures taken, in accordance with Article 134(7), point (b), of Regulation (EU) 2021/2115.

In the annual performance report due on 15 February 2025, this subsection shall also include a justification of any shortfall of more than 35 % from the relevant milestones for financial year 2024, as referred to in Article 135(2) of that Regulation.

In the annual performance report due on 15 February 2027, this section shall also include a justification of any shortfall of more than 25 % from the relevant milestones for financial year 2026, as referred to in Article 135(2) of that Regulation.

2.2. Realised outputs – unit amounts – additional national financing

For each unit amount as set out in the CAP Strategic Plan, this subsection shall include realised outputs, corresponding expenditure and realised unit amounts in accordance with Article 134(5) of Regulation (EU) 2021/2115.

This subsection may include a justification of any excess of the realised unit amount compared to the corresponding reference unit amount laid down in Article 134(8) of that Regulation.

This subsection shall include justification of any excess of the realised unit amount compared to the reference unit amount referred to in Article 134(6) and (8) of Regulation (EU) 2021/2115 if this excess is higher than 50 %, as laid down in Article 134(9) of that Regulation.

The second and third paragraphs do not apply to output indicators marked in Annex I to that Regulation as used only for monitoring.

2.2.1. Realised unit amounts for interventions in the form of direct payment

The information provided under this subsection shall include:

- (a) realised outputs;
- (b) expenditure calculated pursuant to Article 134(5), first subparagraph, point (b), of Regulation (EU) 2021/2115 ('gross expenditure') relevant to the realised outputs, including the following elements based on which the calculation of the gross expenditure was carried out:
 - (i) amounts not paid following reduction and capping, laid down in Article 17 of Regulation (EU) 2021/2115;
 - (ii) amounts not paid following financial discipline, laid down in Article 17 of Regulation (EU) 2021/2116;
 - (iii) amounts not paid following penalties, laid down in Article 45(1), point (b), Article 59(1), point (d), and Articles 85 and 89 of Regulation (EU) 2021/2116;

⁽¹⁾ Commission Implementing Regulation (EU) 2021/2290 of 21 December 2021 laying down rules on the methods for the calculation of the common output and result indicators set out in Annex I to Regulation (EU) 2021/2115 of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 458, 22.12.2021, p. 486).

- (iv) expenditure declared in the annual accounts relevant to the realised outputs, laid down in Article 32(1), point (b), of Implementing Regulation (EU) 2022/128 ('net expenditure');
- (c) the resulting realised unit amounts.

2.2.2. *Realised unit amounts for interventions in certain sectors*

The information provided under this subsection shall include:

- (a) realised outputs;
- (b) expenditure calculated pursuant to Article 134(5), first subparagraph, point (b), of Regulation (EU) 2021/2115 ('gross expenditure') relevant to the realised outputs, including the following elements based on which the calculation of the gross expenditure was carried out:
 - (i) where applicable, amounts not paid due to limitation of financial assistance based on the share of the value of the marketed production, referred to in Article 52(2) and Article 68(3) of Regulation (EU) 2021/2115;
 - (ii) amounts not paid following penalties, laid down in Article 45(1), point (b), and Article 59(1), point (d), of Regulation (EU) 2021/2116;
 - (iii) expenditure declared in the annual accounts relevant to the realised outputs, laid down in Article 32(1), point (b), of Implementing Regulation (EU) 2022/128 ('net expenditure');
- (c) the resulting realised unit amounts.

2.2.3. *Realised unit amounts for interventions for rural development*

The information provided under this subsection shall include:

- (a) realised outputs excluding outputs generated exclusively by additional national financing;
- (b) expenditure calculated pursuant to Article 134(5), first subparagraph, point (b), of Regulation (EU) 2021/2115 ('gross expenditure') relevant to the realised outputs, including the following elements based on which the calculation of the gross expenditure was carried out:
 - (i) amounts recovered, laid down in Article 57 of Regulation (EU) 2021/2116;
 - (ii) amounts not paid following penalties, laid down in Article 45(2), point (b), Article 59(1), point (d), and Articles 85 and 89 of Regulation (EU) 2021/2116;
 - (iii) expenditure declared in the annual accounts relevant to the realised outputs, laid down in Article 32(1), point (c), of Implementing Regulation (EU) 2022/128 ('net expenditure');
 - (iv) total public expenditure excluding national financing;
- (c) the resulting realised unit amounts.

2.2.4. *Additional national financing*

Realised outputs generated exclusively by additional national financing shall be reported by intervention.

National financial assistance and additional national financing referred to in Article 134(11) and Article 115(5), points (a) and (d), of Regulation (EU) 2021/2115 shall be reported by intervention.

2.3. **Realised outputs – aggregated values**

This subsection shall include aggregated values of output indicators reported in accordance with the methods for calculation laid down in the Annex to Implementing Regulation (EU) 2021/2290.

2.3.1. *Aggregated values of output indicators by interventions and units of measurement*

2.3.2. *Aggregated values of output indicators by types of intervention and units of measurement*

2.3.3. *Other aggregated values of output indicators*

2.4. Additional unit amounts of reference

If Member States decide to make use of the option laid down in Article 134(6) of Regulation (EU) 2021/2115, this subsection shall contain for each intervention concerned the information referred to in Article 134(6), first subparagraph, point (a), or in Article 134(6), first subparagraph, point (b), of that Regulation.

2.5. Use of financial instruments in rural development interventions

This subsection shall contain additional information on the use of financial instruments in the previous financial year in accordance with Article 134(10) of Regulation (EU) 2021/2115. This additional information shall be reported by type of intervention.

2.6. Information on oilseeds, cotton and transitional national aid

This subsection shall include the information on oilseeds to be reported in accordance with Article 11(6) of Regulation (EU) 2021/2115.

This subsection shall also include the information on the crop-specific payment for cotton to be reported in accordance with Article 137 of Regulation (EU) 2021/2115, except for the annual performance report due on 15 February 2024.

This subsection shall also include the information on transitional national aid to be reported in accordance with Article 138 of Regulation (EU) 2021/2115, which shall be reported by intervention, except for the annual performance report due on 15 February 2024.

3. SUMMARY OF EVALUATIONS

In the last annual performance report due on 15 February 2030, this section shall comprise a summary of the evaluations carried out during the implementation period of the CAP Strategic Plan in accordance with Article 134(2) of Regulation (EU) 2021/2115.

It shall be complemented by a list of evaluations carried out during the implementation period, which shall include for each evaluation:

- (a) title;
 - (b) date of completion;
 - (c) link to one or more specific or cross-cutting objectives referred to in Article 6(1) and (2) of Regulation (EU) 2021/2115;
 - (d) key conclusions and recommendations;
 - (e) explanation how the key recommendations were followed up;
 - (f) link to the evaluation report.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2023/131**of 18 January 2023****amending Implementing Regulation (EU) 2019/1259 imposing a definitive anti-dumping duty on imports of threaded tube or pipe cast fittings, of malleable cast iron and spheroidal graphite cast iron, originating in the People's Republic of China and Thailand, and subjecting imports of tube or pipe cast fittings originating in the People's Republic of China to surveillance**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 14(1) thereof,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽²⁾, and in particular Article 56(5) thereof,

Whereas:

- (1) By Commission Implementing Regulation (EU) 2019/1259 ⁽³⁾, the European Commission imposed definitive anti-dumping duties on imports of threaded tube or pipe cast fittings, of malleable cast iron and spheroidal graphite cast iron, excluding bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid, originating in the People's Republic of China ('the PRC') and Thailand ('the product concerned').
- (2) The main input raw materials for the product concerned are metal scrap, coke/electricity/gas, sand (for moulding) and zinc (for galvanisation). The first step of the manufacturing process is the melting of metal scrap. This is followed by the moulding process and the casting of various shapes which are then separated into single pieces. The products have to go through a lengthy annealing process to ensure that they are sufficiently malleable to be used in applications where, for example, shock and vibration resistance are required and to withstand rapid temperature changes. Subsequently, fittings can be galvanized. Then final manufacturing steps including the threading and other machining take place.
- (3) According to Implementing Regulation (EU) 2019/1259, the Chinese exporting producer Jinan Meide Casting Co., Ltd ('Jinan Meide'), TARIC ⁽⁴⁾ additional code B336, is subject to the anti-dumping measures imposed by Implementing Regulation (EU) 2019/1259.
- (4) In the course of 2021 and 2022, the Union industry of the like product submitted information to the Commission regarding the acquisition of Odlewnia Zawiercie S.A., a producer of the like product located in Poland, by Meide Group Co., Ltd. ('Meide Group'), a company established in the PRC.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 269, 10.10.2013, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) 2019/1259 of 24 July 2019 imposing a definitive anti-dumping duty on imports of threaded tube or pipe cast fittings, of malleable cast iron and spheroidal graphite cast iron, originating in the People's Republic of China and Thailand, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 197, 25.7.2019, p. 2).

⁽⁴⁾ The Integrated Tariff of the European Union.

- (5) Based on public information, the transaction was approved by the competent national authorities ⁽⁵⁾ and was then completed ⁽⁶⁾.
- (6) Meide Group is active in the production and sale of the product concerned, among other products. In addition, Meide Group is engaged in the import and export of its products and those of third parties ⁽⁷⁾. The product concerned exported by Meide Group from the PRC to the Union is subject to the anti-dumping measures imposed by Implementing Regulation (EU) 2019/1259.
- (7) Meide Group and Jinan Meide are related companies.
- (8) Therefore, the Commission considered that the completion of the transaction warranted a change to the relevant TARIC codes in order to better monitor imports, for the reasons that follow.
- (9) The product concerned currently falls under Combined Nomenclature ('CN') code ex 7307 19 10 (TARIC codes 7307 19 10 10 and 7307 19 10 20).
- (10) Besides the TARIC codes subject to measures, the residual TARIC code 7307 19 10 90 includes a number of products, among them the two products expressly excluded by the product definition of the product concerned (i. e., bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid) and also unthreaded tube or pipe cast fittings.
- (11) Threading is only the last manufacturing step of the product concerned. Therefore, unthreaded and semi-finished tube or pipe cast fittings could be imported in the Union under the residual TARIC code, to which anti-dumping measures do not apply, and could undergo the threading process within the Union.
- (12) The Commission considered the data retrievable from the current TARIC code structure not sufficiently adequate to monitor the import flows of unthreaded tube or pipe cast fittings from the PRC, because they are currently mixed with the high number of products falling within the residual TARIC code 7307 19 10 90.
- (13) Therefore, the TARIC codes under CN code ex 7307 19 10 should be restructured into threaded (TARIC codes 7307 19 10 03, 7307 19 10 05, 7307 19 10 10, 7307 19 10 13, 7307 19 10 20, 7307 19 10 30), or unthreaded (TARIC codes 7307 19 10 35, 7307 19 10 40, 7307 19 10 45) products. Moreover, for both threaded and unthreaded products, it should be specified whether they are made of malleable cast iron (TARIC codes 7307 19 10 10 and 7307 19 10 35 respectively), spheroidal graphite cast iron (TARIC codes 7307 19 10 20 and 7307 19 10 40 respectively) or other materials (TARIC codes 7307 19 10 30 and 7307 19 10 45 respectively). Finally, within the threaded tube or pipe fittings of malleable cast iron and spheroidal graphite cast iron, new specific TARIC codes should be created for the products expressly excluded by the product definition of the product concerned, namely bodies of compression fittings using ISO DIN 13 metric thread, of malleable cast iron (TARIC code 7307 19 10 03), malleable cast iron threaded circular junction boxes without having a lid (TARIC code 7307 19 10 05) and bodies of compression fittings using ISO DIN 13 metric thread, of spheroidal graphite cast iron (TARIC code 7307 19 10 13).
- (14) The TARIC codes to which measures apply – TARIC codes 7307 19 10 10 and 7307 19 10 20 – remain unchanged and only the description should be updated to 'Other' to ensure consistency with the new TARIC structure.

⁽⁵⁾ See https://uokik.gov.pl/news.php?news_id=17989 and Decision DKK-83/2022 of 16 March 2022, available at: https://uokik.gov.pl/koncentracje.php?news_id=17397

⁽⁶⁾ See both the Orbis M&A database and <https://globalgalchronicle.com/meide-groups-acquisition-of-odlewnia-zawiercie/>

⁽⁷⁾ See Decision DKK-83/2022, cit.

- (15) This new TARIC structure will enable the Commission to monitor adequately the development of imports of tube or pipe cast fittings from the PRC, in particular the import flows of unthreaded tube or pipe cast fittings from the PRC, which are not subject to anti-dumping measures, in comparison with imports of the product concerned subject to anti-dumping measures. In order to ensure the availability of the data, imports of tube or pipe cast fittings from the PRC will be subject to surveillance.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036 and of the Customs Code Committee established by Article 285 of Regulation (EU) No 952/2013,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraphs are added to Article 1 of Implementing Regulation (EU) 2019/1259:

‘6. The following new TARIC codes and descriptions shall be created for the products indicated:

	---- Threaded
	----- Of malleable cast iron
7307 19 10 03	----- Bodies of compression fittings using ISO DIN 13 metric thread
7307 19 10 05	----- Circular junction boxes without having a lid
	----- Of spheroidal graphite cast iron
7307 19 10 13	----- Bodies of compression fittings using ISO DIN 13 metric thread
7307 19 10 30	----- Other
	---- Unthreaded
7307 19 10 35	----- Of malleable cast iron
7307 19 10 40	----- Of spheroidal graphite cast iron
7307 19 10 45	----- Other

7. The following new descriptions shall be attributed to the TARIC codes indicated:

7307 19 10 10	----- Other
7307 19 10 20	----- Other’

Article 2

Imports under the TARIC codes mentioned in Article 1, or any corresponding future codes, originating in the People's Republic of China shall be subject to surveillance to allow the Commission to follow the statistical trends of imports of tube or pipe cast fittings, in accordance with Article 56(5) of Regulation (EU) No 952/2013.

Article 3

This Regulation shall enter into force on the 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, 18 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2023/132**of 18 January 2023****on safeguard measures with regards to imports of Indica rice originating in Cambodia following the re-opening of the investigation in order to implement the judgment of the General Court of 9 November 2022 in Case T-246/19, with regard to Implementing Regulation (EU) 2019/67**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Article 310(5) of the Treaty on the Functioning of the European Union,

Having regard to Articles 22 and 26 of Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 ⁽¹⁾,

Whereas:

1. PROCEDURE

- (1) On 17 January 2019 the European Commission ('the Commission') published Commission Implementing Regulation (EU) 2019/67 ⁽²⁾ imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma falling within CN codes 1006 30 27, 1006 30 48, 1006 30 67 and 1006 30 98, by which the Commission reintroduced the Common Customs Tariff duties on imports of that rice for a period of 3 years and introduced a progressive reduction in the rate of duty applicable ('the Regulation at issue') insofar as it concerned the imports of rice from Cambodia and Myanmar/Burma.
- (2) The Kingdom of Cambodia and the Cambodia Rice Federation challenged the Regulation at issue before the General Court ('the General Court').
- (3) By judgement of 9 November 2022 in Case T-246/19 Kingdom of Cambodia and Cambodia Rice Federation v Commission ('the judgment'), the General Court annulled the Regulation at issue.
- (4) The General Court found that the Commission erred in law and made a manifest error of assessment by arbitrarily limiting the scope of its investigation concerning the injury caused to the Union industry solely to millers of milled or semi-milled Indica rice processed from paddy rice grown or harvested in the European Union. The incorrect definition of Union producers thus also vitiated the analysis of the existence of serious difficulties, since the Commission excluded some of the producers from the injury assessment.
- (5) The General Court also found that the Commission failed to provide evidence to the requisite standard with respect to the adjustments made to the undercutting analysis.
- (6) Finally, the General Court found that the Commission infringed the applicants' rights of defence and the obligation to disclose the essential facts and considerations and the details underlying them. In particular, the Commission failed to disclose the data underlying the consumption and injury indicators and the undercutting analysis and the adjustments made following the comments of the interested parties on the general disclosure document.

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2019/67 of 16 January 2019 imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma (OJ L 15, 17.1.2019, p. 5).

2. GROUNDS FOR REOPENING THE INVESTIGATION AND SUSPENSION OF REPAYMENT OF DUTIES

- (7) Following the judgment, the Commission decided by means of a Notice ('the reopening Notice') ⁽³⁾, to reopen the investigation and to resume it at the point at which the irregularity occurred.
- (8) As explained in the re-opening Notice the purpose of reopening the original investigation is to fully address the errors identified by the General Court, and to assess whether the application of the rules as clarified by the General Court warrants the re-imposition of the measures, which would lead to the reintroduction of the Common Customs Tariff duties on imports of Indica rice originating in Cambodia falling within CN codes 1006 30 27, 1006 30 48, 1006 30 67 and 1006 30 98 for the original period of 3 years, namely between 18 January 2019 and 18 January 2022.
- (9) Based on its new findings and the outcome of the reopened investigation, which is unknown at this stage, the Commission may adopt a new Regulation. Since the measures were terminated, any re-imposition of Common Customs Tariff duties would only concern imports made during the original period of application of the regulation at issue (namely, imports made between 18 January 2019 and 18 January 2022).
- (10) In accordance with Article 310(5) of the Treaty on the Functioning of the European Union, the budget shall be implemented in accordance with the principle of sound financial management. Member States shall cooperate with the Union to ensure that the appropriations entered in the budget are used in accordance with this principle. For this purpose, national customs authorities are instructed to await the outcome of the re-examination before deciding on any repayment claim concerning the duties annulled by the General Court. Customs authorities are thus directed to put on hold any claims for reimbursements of the annulled duties until the outcome of the re-examination is published in the Official Journal;

HAS ADOPTED THIS REGULATION:

Article 1

The national customs authorities shall await the publication of the relevant Commission Implementing Regulation concluding the investigation with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma before deciding on any claim for repayment and remission of the ordinary duties collected on imports of Indica rice originating in Cambodia.

Article 2

This Regulation shall enter into force on the 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, 18 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ OJ C 18, 19.1.2023, p. 8.

DECISIONS

COUNCIL DECISION (EU) 2023/133

of 17 January 2023

appointing the members of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') ⁽¹⁾, and in particular Article 14(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Chief Prosecutor is appointed by the European Parliament and the Council from among candidates selected by the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 ('the selection panel'). The European Prosecutors are appointed by the Council from among three qualified candidates nominated by each Member State after the Council has received a reasoned opinion from the selection panel.
- (2) Pursuant to Article 3 of Council Implementing Decision (EU) 2019/598 ⁽²⁾, the term of office of the European Prosecutors from eight Member States, determined by drawing lots, is to be of three years and is not to be renewable. The term of office of those European Prosecutors will expire in July 2023.
- (3) Pursuant to Article 1 of Council Decision (EU) 2018/1275 ⁽³⁾, the mandate of the current members of the selection panel expired on 9 October 2022. New members should therefore be appointed.
- (4) Pursuant to Article 14(3) of Regulation (EU) 2017/1939, the selection panel is to comprise 12 persons chosen from among former members of the Court of Justice and the Court of Auditors, former national members of Eurojust, members of national supreme courts, high level prosecutors and lawyers of recognised competence.
- (5) One of the selection panel members is to be proposed by the European Parliament. On 7 June 2022, the European Parliament nominated Ms Margreet Fröberg as the selection panel member to be proposed by it.
- (6) The Commission took into account the need for geographical balance, gender balance and due representation of the legal systems of the Member States participating in enhanced cooperation on the establishment of the EPPO for the membership of the selection panel.
- (7) Among the 11 persons proposed by the Commission, there is one former member of the Court of Justice, one former member of the Court of Auditors, one former national member of Eurojust, six high level prosecutors and two members of national supreme courts, of which six are men and five are women.
- (8) The members of the selection panel should therefore be appointed,

⁽¹⁾ OJ L 283, 31.10.2017, p. 1.

⁽²⁾ Council Implementing Decision (EU) 2019/598 of 9 April 2019 on the transitional rules for the appointment of European Prosecutors for and during the first mandate period, provided for in Article 16(4) of Regulation (EU) 2017/1939 (OJ L 103, 12.4.2019, p. 29).

⁽³⁾ Council Decision (EU) 2018/1275 of 18 September 2018 appointing the members of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 (OJ L 238, 21.9.2018, p. 92).

HAS ADOPTED THIS DECISION:

Article 1

For a period of four years from 20 January 2023, the following persons are appointed as members of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939:

Mr Jean-François BOHNERT

Mr Vítor Manuel DA SILVA CALDEIRA

Mr Peter FRANK

Ms Margreet Fröberg

Ms Ulrike HABERL-SCHWARZ

Ms María Ángeles GARRIDO LORENZO

Ms Saale LAOS

Mr Ján MAZÁK

Mr Marin MRČELA

Mr Lorenzo SALAZAR

Ms Martine SOLOVIEFF

Ms Tuire TAMMINIEMI.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 17 January 2023.

For the Council
The President
E. SVANTESSON

COUNCIL IMPLEMENTING DECISION (EU) 2023/134**of 17 January 2023****amending Implementing Decision (EU) 2018/1696 as regards the use of videoconferencing for the hearing of candidates**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') ⁽¹⁾, and in particular Article 14(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Implementing Decision (EU) 2018/1696 ⁽²⁾ established the operating rules of the selection panel for appointing the European Chief Prosecutor and European Prosecutors.
- (2) Rule VI, points 1 and 2, of those operating rules provides that the hearing of candidates for the posts of European Chief Prosecutor and European Prosecutor ('candidates') is to take place in person.
- (3) In the wake of the recent epidemiological situation, which made it very difficult to conduct hearings in person, it is necessary to provide that the hearing of candidates by the selection panel could also take place via videoconference upon a reasoned decision of the selection panel, either on its own initiative or at the request of a candidate.
- (4) The way in which the hearings are conducted, in person or via videoconference, could affect the performance of candidates. The selection panel should ensure equal treatment of candidates.
- (5) Rule IV of the operating rules does not clarify whether the selection panel can deliberate via videoconference. It is therefore necessary to clarify that, when the hearing of candidates takes place via videoconference, the selection panel can deliberate via the same means.
- (6) Implementing Decision (EU) 2018/1696 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2018/1696 is amended as follows:

- (1) in Rule IV, the first paragraph is replaced by the following:

'The deliberations of the selection panel shall be confidential and shall take place *in camera*. When the hearing of the candidates takes place via videoconference, the selection panel may deliberate using the same means of communication. The selection panel shall ensure equal treatment of candidates. The meetings of the selection panel shall be valid only if at least nine members are present.'

⁽¹⁾ OJ L 283, 31.10.2017, p. 1.

⁽²⁾ Council Implementing Decision (EU) 2018/1696 of 13 July 2018 on the operating rules of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 282, 12.11.2018, p. 8).

(2) Rule VI is amended as follows:

(a) in point 1, the first paragraph is replaced by the following:

‘Upon receipt of the candidates’ applications, the selection panel shall review the applications with regard to the requirements set out in Article 14(2) of Regulation (EU) 2017/1939, as further specified in the vacancy notice. Candidates who do not meet the eligibility requirements shall be excluded from the next steps of the procedure. The selection panel shall rank candidates who fulfil the requirements according to their qualifications and experience, on the basis of the documentation and information provided in the application or produced following a request pursuant to Rule V. A sufficient number of the highest ranked candidates shall be heard by the selection panel to enable it to establish the shortlist referred to in Rule VII(1). The hearing shall take place in person or, upon a reasoned decision of the selection panel, either on its own initiative or at the request of the candidate, via videoconference. Before the selection panel decides on its own initiative to conduct a hearing via videoconference, it shall allow the candidate to state his or her views.’;

(b) in point 2, the first paragraph is replaced by the following:

‘Upon receipt of the nominations, the selection panel shall review them with regard to the requirements set out in Article 16(1) of Regulation (EU) 2017/1939. The selection panel shall hear the candidates nominated. The hearing shall take place in person or, upon a reasoned decision of the selection panel, either on its own initiative or at the request of the candidate, via videoconference. Before the selection panel decides on its own initiative to conduct a hearing via videoconference, it shall allow the candidate to state his or her views.’.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 17 January 2023.

For the Council
The President
E. SVANTESSON

DECISION (EU) 2023/135 OF THE EUROPEAN CENTRAL BANK**of 30 December 2022****on the paying-up of capital, transfer of foreign reserve assets, and contributions by Hrvatska narodna banka to the European Central Bank's reserves and provisions (ECB/2022/51)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 30.1, 30.3, 48.1 and 48.2 thereof,

Whereas:

- (1) Pursuant to Article 1 of Council Decision (EU) 2022/1211 ⁽¹⁾, in accordance with Article 140(2) of the Treaty on the Functioning of the European Union, Croatia fulfils the necessary conditions for adoption of the euro and the derogation in favour of Croatia referred to in Article 5 of the 2012 Act of Accession ⁽²⁾ will be abrogated with effect from 1 January 2023.
- (2) Article 48.1 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') provides that the national central bank (NCB) of a Member State whose derogation has been abrogated must pay up its subscribed share of the capital of the European Central Bank (ECB) to the same extent as the NCBs of the other Member States whose currency is the euro. The NCBs of the existing Member States whose currency is the euro have paid up their shares in the ECB's subscribed capital in full ⁽³⁾. The weighting of Hrvatska narodna banka in the ECB's capital key is 0,6595 %, pursuant to Article 2 of Decision (EU) 2020/137 of the European Central Bank (ECB/2020/3) ⁽⁴⁾. Hrvatska narodna banka has already paid up part of its share in the ECB's subscribed capital, pursuant to Article 1 of Decision (EU) 2020/136 of the European Central Bank (ECB/2020/2) ⁽⁵⁾. The outstanding amount is therefore EUR 68 713 762,06, which results from multiplying the ECB's subscribed capital (EUR 10 825 007 069,61) by the capital key weighting of Hrvatska narodna banka (0,6595 %), minus the part of its share in the ECB's subscribed capital that has already been paid up.
- (3) Article 48.1, in conjunction with Article 30.1, of the Statute of the ESCB provides that the NCB of a Member State whose derogation has been abrogated must also transfer foreign reserve assets to the ECB. Pursuant to Article 48.1 of the Statute of the ESCB, the sum to be transferred is determined by multiplying the euro value at current exchange rates of the foreign reserve assets which have already been transferred to the ECB in accordance with Article 30.1 of the Statute of the ESCB by the ratio between the number of shares subscribed by the NCB concerned and the number of shares already paid up by the NCBs of the other Member States whose currency is the euro. When determining the 'foreign reserve assets which have already been transferred to the ECB in accordance with

⁽¹⁾ Council Decision (EU) 2022/1211 of 12 July 2022 on the adoption by Croatia of the euro on 1 January 2023 (OJ L 187, 14.7.2022, p. 31).

⁽²⁾ Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community (OJ L 112, 24.4.2012, p. 21).

⁽³⁾ Decision (EU) 2020/138 of the European Central Bank of 22 January 2020 on the paying-up of the European Central Bank's capital by the national central banks of Member States whose currency is the euro and repealing Decision (EU) 2019/44 (ECB/2020/4) (OJ L 27 I, 1.2.2020, p. 6).

⁽⁴⁾ Decision (EU) 2020/137 of the European Central Bank of 22 January 2020 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital and repealing Decision (EU) 2019/43 (ECB/2020/3) (OJ L 27 I, 1.2.2020, p. 4).

⁽⁵⁾ Decision (EU) 2020/136 of the European Central Bank of 22 January 2020 on the paying-up of the European Central Bank's capital by the non-euro area national central banks and repealing Decision (EU) 2019/48 (ECB/2020/2) (OJ L 27 I, 1.2.2020, p. 1).

Article 30.1', due account should be taken of previous capital key adjustments pursuant to Article 29.3 of the Statute of the ESCB and of capital key expansions pursuant to Article 48.3 of the Statute of the ESCB. As a result, pursuant to Decision (EU) 2020/140 of the European Central Bank (ECB/2020/6) ⁽⁶⁾, the euro equivalent of the foreign reserve assets which have already been transferred to the ECB under Article 30.1 of the Statute of the ESCB is EUR 40 343 940 778,93.

- (4) The foreign reserve assets to be transferred by Hrvatska narodna banka should be in or be denominated in US dollars and gold.
- (5) Article 30.3 of the Statute of the ESCB provides that the ECB must credit each NCB of a Member State whose currency is the euro with a claim equivalent to the foreign reserve assets that it has transferred to the ECB. The provisions regarding the denomination and remuneration of the claims that have already been credited to the NCBs of the Member States whose currency is the euro ⁽⁷⁾ should also apply to the denomination and remuneration of the claims of Hrvatska narodna banka.
- (6) Article 48.2 of the Statute of the ESCB provides that the NCB of a Member State whose derogation has been abrogated must contribute to the ECB's reserves, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account as at 31 December of the year prior to the abrogation of the derogation. The amount of this contribution is determined in accordance with Article 48.2 of the Statute of the ESCB.
- (7) By analogy with Article 3.5 of the Rules of Procedure of the European Central Bank ⁽⁸⁾, the Governor of Hrvatska narodna banka has had the opportunity to make observations on this Decision before its adoption.
- (8) Due to the time constraints presented by the short period between the calculation of the euro-equivalent amount of foreign reserve assets to be transferred by Hrvatska narodna banka on 30 December 2022 and the abrogation of the derogation in favour of Croatia on 1 January 2023, this Decision should be notified as a matter of urgency and it should apply from 1 January 2023,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision:

- (a) 'foreign reserve assets' means gold or US dollars;
- (b) 'gold' means fine troy ounces of gold in the form of London Good Delivery bars, as specified by the London Bullion Market Association;
- (c) 'US dollar' means the lawful currency of the United States.

⁽⁶⁾ Decision (EU) 2020/140 of the European Central Bank of 22 January 2020 laying down the measures necessary for the contribution to the European Central Bank's accumulated equity value and for adjusting the national central banks' claims equivalent to the transferred foreign reserve assets and repealing Decision (EU) 2019/46 (ECB/2020/6) (OJ L 27 I, 1.2.2020, p. 15).

⁽⁷⁾ Pursuant to Guideline ECB/2000/15 of the European Central Bank of 3 November 1998 as amended by the Guideline of 16 November 2000 on the composition, valuation and modalities for the initial transfer of foreign-reserve assets, and the denomination and remuneration of equivalent claims (OJ L 336, 30.12.2000, p. 114).

⁽⁸⁾ Decision ECB/2004/2 of the European Central Bank of 19 February 2004 adopting the Rules of Procedure of the European Central Bank (OJ L 80, 18.3.2004, p. 33).

*Article 2***Extent and form of paid-up capital**

1. With effect from 1 January 2023, Hrvatska narodna banka shall pay up the remaining part of its share in the ECB's subscribed capital, which corresponds to EUR 68 713 762,06.
2. Hrvatska narodna banka shall pay the amount specified in paragraph 1 to the ECB on 2 January 2023 by means of a separate transfer via the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) settling in euro in central bank money.
3. Hrvatska narodna banka shall pay to the ECB on 2 January 2023, by a separate TARGET2 transfer, the interest accrued on 1 January 2023 on the amount due to the ECB under paragraph 2. This interest shall be calculated on a daily basis, using the actual-over-360 day-count method of calculation, at a rate equal to the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

*Article 3***Transfer of foreign reserve assets**

1. Hrvatska narodna banka shall transfer to the ECB, with effect from 1 January 2023 and in accordance with this Article and the arrangements taken pursuant to it, an amount of foreign reserve assets that is equivalent to EUR 639 849 638,12 as follows:

Euro-equivalent amount of US dollars in the form of cash	Euro-equivalent amount of gold	Aggregate euro-equivalent amount
543 872 192,40	95 977 445,72	639 849 638,12

2. The euro-equivalent amount of foreign reserve assets to be transferred by Hrvatska narodna banka under paragraph 1 shall be calculated on the basis of the exchange rates between the euro and the US dollar as calculated for the purpose of the ECB's euro foreign exchange reference rates on 30 December 2022 and, in the case of gold, on the basis of the price of gold per fine troy ounce established in the concertation procedure for the ECB's internal purposes on 30 December 2022.
3. The ECB shall confirm to Hrvatska narodna banka as soon as possible the amount calculated in accordance with paragraph 2.
4. In accordance with paragraph 1, Hrvatska narodna banka shall transfer to the ECB an amount of US dollars in the form of cash that is equivalent to the amount of euro laid down in the table in paragraph 1.
5. The transfer of the amount of US dollars in the form of cash that is equivalent to the amount of euro laid down in the table in paragraph 1 shall take place to such accounts as are specified by the ECB. The settlement date for the amount of US dollars in the form of cash to be transferred to the ECB shall be 3 January 2023. Hrvatska narodna banka shall give instructions to execute such transfer to the ECB.
6. The value of the gold which Hrvatska narodna banka transfers to the ECB in accordance with paragraph 1 shall be as close as possible to, but no more than, EUR 95 977 445,72.
7. Hrvatska narodna banka shall transfer the gold referred to in paragraph 1 in uninvested form to such accounts and such locations as are specified by the ECB. The settlement date for the gold to be transferred to the ECB shall be 3 January 2023. Hrvatska narodna banka shall give instructions to execute such transfer to the ECB.

8. If Hrvatska narodna banka transfers gold to the ECB with a value of less than the amount specified in paragraph 1, then on 3 January 2023 it shall transfer an amount of US dollars in the form of cash equivalent to the shortfall to an ECB account as specified by the ECB. Any such US dollars in the form of cash shall not form part of the foreign reserve assets which Hrvatska narodna banka transfers to the ECB in accordance with paragraph 4.

9. The difference, if any, between the aggregate euro-equivalent amount mentioned in paragraph 1 and the amount mentioned in Article 4(1) shall be settled in accordance with the Agreement of 30 December 2022 between Hrvatska narodna banka and the European Central Bank regarding the claim credited to Hrvatska narodna banka by the European Central Bank under Article 30.3 of the Statute of the European System of Central Banks and of the European Central Bank ⁽⁹⁾.

Article 4

Denomination, remuneration and maturity of the claim equivalent to the contribution

1. With effect from 1 January 2023, and subject to the specifications in Article 3 regarding the settlement dates of the transfers of foreign reserve assets, the ECB shall credit Hrvatska narodna banka with a claim denominated in euro, equivalent to the aggregate euro amount of its contribution of foreign reserve assets. This claim corresponds to EUR 327 152 181,93.

2. The claim credited by the ECB to Hrvatska narodna banka shall be remunerated from the settlement date. The interest accruing shall be calculated on a daily basis, using the actual-over-360 day-count method of calculation, at a rate equivalent to 85 % of the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

3. The accrued interest calculated in accordance with paragraph 2 shall be paid to Hrvatska narodna banka at the end of each financial year. Each quarter the ECB shall inform Hrvatska narodna banka of the cumulative amount.

4. The claim shall not be redeemable.

Article 5

Contributions to the ECB's reserves and provisions

1. With effect from 1 January 2023, Hrvatska narodna banka shall contribute to the ECB's reserves, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account at 31 December 2022.

2. The amounts to be contributed by Hrvatska narodna banka shall be determined in accordance with Article 48.2 of the Statute of the ESCB. The references in Article 48.2 to 'the number of shares subscribed by the central bank concerned' and 'the number of shares already paid up by the other central banks' shall refer to the respective weightings of Hrvatska narodna banka and the NCBs of the other Member States whose currency is the euro in the ECB's capital key, pursuant to Decision (EU) 2020/140 (ECB/2020/6).

3. For the purposes of paragraph 1, 'the ECB's reserves' and 'provisions equivalent to reserves' shall include the ECB's general reserve fund, balances on revaluation accounts and the provision for financial risks.

4. At the latest on the first working day following the Governing Council's approval of the ECB's annual accounts for the year 2022, the ECB shall calculate and confirm to Hrvatska narodna banka the amount to be contributed by Hrvatska narodna banka under paragraph 1.

⁽⁹⁾ OJ C 18, 19.1.2023, p. 1.

5. On the second working day following the Governing Council's approval of the ECB's annual accounts for the year 2022, Hrvatska narodna banka shall, via TARGET2, pay to the ECB:
- (a) the amount due to the ECB calculated under paragraph 4, less any amount transferred in excess of the claim referred to in Article 4(1) on the settlement dates laid down in Article 3(5) and (7) (an 'advance contribution'), if any; and
 - (b) the interest accrued from 1 January 2023 until the payment date on the amount due to the ECB calculated under paragraph 4, less any advance contribution.
6. Any interest accruing under paragraph 5(b) shall be calculated on a daily basis, using the actual-over-360 day-count method of calculation, at a rate equal to the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

Article 6

Competencies

1. To the extent necessary, the ECB's Executive Board shall issue instructions to Hrvatska narodna banka to further specify and give effect to any provision of this Decision and to provide for appropriate remedies to address any problems that may arise.
2. Any instruction issued by the Executive Board under paragraph 1 shall be promptly notified to the Governing Council, and the Executive Board shall comply with any decision of the Governing Council thereon.

Article 7

Taking effect

1. This Decision shall take effect on the day of its notification to the addressee.
2. It shall apply from 1 January 2023.

Article 8

Addressee

This Decision is addressed to Hrvatska narodna banka.

Done at Frankfurt am Main, 30 December 2022.

The President of the ECB

Christine LAGARDE

CORRIGENDA

Corrigendum to Commission Regulation (EU) 2022/1363 of 3 August 2022 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 2,4-D, azoxystrobin, cyhalofop-butyl, cymoxanil, fenhexamid, flazasulfuron, florasulam, fluroxypyr, iprovalicarb and silthiofam in or on certain products

(Official Journal of the European Union L 205 of 5 August 2022)

On page 211, in the 10th column of the header of the table in the Annex:

for: 'Fluroxypyr (sum of fluroxypyr, its salts, its esters, and its conjugates, expressed as fluroxypyr) (R)',

read: 'Fluroxypyr (sum of fluroxypyr, its salts, its esters, and its conjugates, expressed as fluroxypyr) (R) (A)'.

On page 226, in the Annex:

for: 'Fluroxypyr (sum of fluroxypyr, its salts, its esters, and its conjugates, expressed as fluroxypyr) (R)

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

Fluroxypyr — code 1000000 except 1040000: Fluroxypyr (sum of fluroxypyr and its salts, expressed as fluroxypyr)',

read: 'Fluroxypyr (sum of fluroxypyr, its salts, its esters, and its conjugates, expressed as fluroxypyr) (R) (A)

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

Fluroxypyr — code 1000000 except 1040000: Fluroxypyr (sum of fluroxypyr and its salts, expressed as fluroxypyr)

(A) = The EU reference labs identified the reference standard for fluroxypyr conjugates as commercially not available. When re-viewing the MRL, the Commission will take into account the commercial availability of the reference standard referred to in the first sentence by 1 July 2016, or, if that reference standard is not commercially available by that date, the unavailability of it.'.

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN