



EUROPEAN
COMMISSION

Brussels, **XXX**
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COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Annexes II and III to Regulation (EC) No 396/2005 of the European
Parliament and of the Council as regards maximum residue levels for copper
compounds in or on certain products**

(Text with EEA relevance)

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

of **XXX**

amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for copper compounds 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/EEC¹, and in particular Article 14(1), point (a), and Article 49(2) thereof,

Whereas:

- (1) For copper compounds, maximum residue levels ('MRLs') were set in Part A of Annex III to Regulation (EC) No 396/2005.
- (2) The group of copper compounds consists of Bordeaux mixture, copper hydroxide, copper oxychloride, copper oxide, and tribasic copper sulphate, approved in the Union in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council².
- (3) In accordance with Article 12(1) of Regulation (EC) No 396/2005, the European Food Safety Authority ('the Authority') submitted a reasoned opinion on the review of the existing MRLs for copper compounds³. The Authority furthermore published an statement updating the review of the existing MRLs for copper compounds⁴ in light of its scientific opinion on the re-evaluation of the Health-Based Guidance Values and exposure assessment from all sources⁵. Due to copper being ubiquitous in the environment, the Authority considered data from residue trials supporting uses authorised in the Union as well as monitoring data in order to derive appropriate MRLs.
- (4) The Authority concluded that the current MRLs for copper compounds in or on cashew nuts, coconuts, dates, table olives, kumquats, carambolas, jambuls, cucumbers,

¹ OJ L 70, 16.3.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/396/oj>.

² Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/1107/oj>).

³ European Food Safety Authority, Reasoned opinion on the review of the existing maximum residue levels for copper compounds according to Article 12 of Regulation (EC) No 396/2005; EFSA Journal 2018;16(3):5212.

⁴ European Food Safety Authority, Statement on the update of maximum residue levels (MRLs) for copper compounds in light of the EFSA scientific opinion on the re-evaluation of the Health-Based Guidance Values (HBGVs) and exposure assessment from all sources; EFSA Journal 2025;23e9271.

⁵ European Food Safety Authority, Scientific Opinion on the re-evaluation of the existing health-based guidance values for copper and exposure assessment from all sources; EFSA Journal 2023;21(1):7728.

gherkins, courgettes, celeries, Florence fennels, rhubarbs, poppy seeds, sesame seeds, cotton seeds, borage seeds, gold of pleasure seeds, castor beans, olives for oil production, maize/corn, herbal infusions from strawberry leaves, sugar beet roots, bovine muscle, bovine fat, sheep muscle, sheep fat, goat fat, equine muscle, equine fat, poultry muscle, fat of other farmed terrestrial animals, should be maintained. As there is no risk to consumers, the MRLs for these products should therefore remain at the existing levels and be moved to Annex II to Regulation (EC) No 396/2005 in accordance with Article 14(2), point (e), of Regulation (EC) No 396/2005.

- (5) The Authority concluded that the current MRLs for copper compounds in or on almonds, brazil nuts, chestnuts, hazelnuts/cobnuts, macadamias, pecans, pine nut kernels, pistachios, walnuts, apples, pears, quinces, medlars, loquats/Japanese medlars, cherries, peaches, table grapes, wine grapes, strawberries, blackberries, dewberries, raspberries, blueberries, cranberries, currants, gooseberries, rose hips, mulberries, azaroles/Mediterranean medlars, elderberries, kaki/Japanese persimmons, kiwi fruits, granate apples/pomegranates, potatoes, horseradishes, spring onions/green onions and Welsh onions, tomatoes, sweet peppers/bell peppers, aubergines/eggplants, melons, pumpkins, watermelons, Chinese cabbages/pe-tsai, kales, lamb's lettuces/corn salads, lettuces, escaroles/broad-leaved endives, cresses and other sprouts and shoots, land cresses, roman rocket/rucola, red mustards, baby leaf crops, spinaches, purslanes, chards/beet leaves, grape leaves, watercresses, herbs and edible flowers, hops, swine liver, bovine liver, sheep liver, goat muscle, goat liver, liver of other farmed terrestrial animals, honey, and products from wild terrestrial animals should be raised. As there is no risk to consumers, the MRLs for these products should therefore be set at the levels identified by the Authority in Annex II to Regulation (EC) No 396/2005 in accordance with Article 14(2), point (e), of Regulation (EC) No 396/2005.
- (6) The Authority concluded that the current MRLs for copper compounds in or on citrus fruits, apricots, plums, figs, litchis/lychees, passionfruits/maracujas, prickly pears/cactus fruits, star apples/cainitos, American persimmons/Virginia kaki, avocados, bananas, mangoes, papayas, cherimoyas, guavas, pineapples, breadfruits, durians, soursops/guanabanas, cassava roots/manioc, sweet potatoes, yams, arrowroots, beetroots, carrots, celeriacs/turnip rooted celeries, Jerusalem artichokes, parsnips, Parsley roots/Hamburg roots parsley, radishes, salsifies, swedes/rutabagas, turnips, garlic, onions, shallots, okra/lady's fingers, sweet corn, broccoli, cauliflowers, Brussels sprouts, head cabbages, kohlrabies, witloofs/Belgian endives, beans (with pods), beans (without pods), peas (with pods), peas (without pods), lentils, asparagus, cardoons, bamboo shoots, palm hearts, cultivated fungi, wild fungi, mosses and lichens, algae and prokaryotes organisms, beans (dry), lentils (dry), peas (dry), lupins/lupini beans, linseeds, peanuts/groundnuts, sunflower seeds, rapeseeds/canola seeds, soyabeans, mustard seeds, pumpkin seeds, hemp seeds, oil palm kernel, oil palm fruits, kapok, barley, common millet/proso millet, oat, rice, rye, wheat, teas, coffee beans, herbal infusions from flowers, herbal infusions from rooibos, herbal infusions from mate/maté, herbal infusions from roots, cocoa beans, carob's/Saint John's breads, spices, sugar canes, chicory roots, swine muscle, swine fat, swine kidney, bovine kidney, sheep kidney, goat kidney, equine kidney, poultry fat, poultry liver, poultry kidney, muscle of other farmed terrestrial animals, kidney of other farmed terrestrial animals, milks, and bird eggs should be lowered. As there is no risk to consumers, the MRLs for these products should therefore be set at the levels identified by the Authority in Annex II to Regulation (EC) No 396/2005 in accordance with Article 14(2), point (e), of Regulation (EC) No 396/2005.

- (7) Additionally, some information was not available, and further consideration by risk manager was required. Since some information on the analytical methods for products of plant origin with high-oil content, dry products of plant origin, tea, coffee beans, cocoa beans, carobs, hops, herbal infusions, spices, and for products of animal origin, and information on the residue trials for kiwi fruits, cucurbits with inedible peel, watercress and hops was not available, the new MRLs for these products should be reviewed. That review should take into account the information available within two years from the publication of this Regulation.
- (8) The Authority proposed to change the residue definition to 'total copper'. The Commission considers this new residue definition to be appropriate.
- (9) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain LODs. Those laboratories proposed product specific LODs that are analytically achievable.
- (10) 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.
- (11) Annexes II and III to Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (12) To allow for the normal marketing, processing and consumption of products, this Regulation should not apply to products which have been placed on the market before the new MRLs for copper compounds become applicable and for which a high level of consumer protection is maintained. This is the case for all products.
- (13) 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 to the requirements which result from the modification of the MRLs for copper compounds.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to the products which were placed on the market in the Union before ... [3 months after the date of entry into force of this Regulation].

Article 3

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

It shall apply from ... [3 months after the date of entry into force of this Regulation].

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN