

COMMISSION REGULATION (EU) 2023/1536**of 25 July 2023****amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council
as regards maximum residue levels for nicotine 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 nicotine, maximum residue levels ('MRLs') were set in Part A of Annex III to Regulation (EC) No 396/2005.
- (2) The existing temporary MRL for nicotine in teas of 0,6 mg/kg was lowered by Commission Regulation (EU) 2023/377 ⁽²⁾ to 0,5 mg/kg based on monitoring data which demonstrated that such a lower level is achievable. This level is to be further lowered to 0,4 mg/kg after 22 February 2026 unless modified further in light of new information provided by 30 June 2025. As the European Food Safety Authority ('the Authority') had identified unacceptable risks for consumers from the existing MRL for teas ⁽³⁾, Regulation (EU) 2023/377 did not provide for transitional arrangements for teas produced before the modification of the MRLs.
- (3) The Authority has received new information from Ireland pointing out that the Irish consumption data based on which the Authority identified unacceptable risks for consumers from the existing MRL for nicotine in teas did not accurately reflect exposure of Irish children and would lead to an overestimation of the risk. Based on this new information, the Authority performed a new acute (short-term) dietary risk assessment for nicotine in teas, excluding the previously considered Irish consumption data, and concluded that the current MRL of 0,6 mg/kg for

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Regulation (EU) 2023/377 of 15 February 2023 amending Annexes II, III, IV and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for benzalkonium chloride (BAC), chlorpropham, didecyldimethylammonium chloride (DDAC), flutriafol, metazachlor, nicotine, profenofos, quizalofop-P, sodium aluminium silicate, thiabendazole and triadimenol in or on certain products (OJ L 55, 22.2.2023, p. 1).

⁽³⁾ European Food Safety Authority. Statement on the short-term (acute) dietary risk assessment for the temporary maximum residue levels for nicotine in rose hips, teas and capers. *EFSA Journal* 2022;20(9):7566.

nicotine in teas is safe for consumers ⁽⁴⁾. Therefore, in order to allow for the normal marketing, processing and consumption of products, it is appropriate to provide for a transitional arrangement for teas that have been produced before the lowering of the MRL for nicotine in teas to 0,5 mg/kg, provided by Regulation (EU) 2023/377, as a high level of consumer protection is maintained.

- (4) As regards nicotine in rose hips, for which the temporary MRL was lowered by Regulation (EU) 2023/377 from 0,3 mg/kg to 0,2 mg/kg, the Authority confirmed the previously identified unacceptable risks for consumers resulting from the existing MRL of 0,3 mg/kg. Therefore, no transitional arrangement can be allowed for rose hips which have been produced before the lowering of the MRL.
- (5) As regards nicotine in seed spices and fruit spices, temporary MRLs were set at 0,02 mg/kg by Regulation (EU) 2023/377 until 22 February 2030, pending the submission and evaluation of new data and information on the natural occurrence or formation of nicotine in those products. The Commission has received new information from the European Union Reference Laboratories noting that a limit of determination (LOD) of 0,05 mg/kg may be more appropriate for seed spices and fruit spices. Therefore, it is appropriate to establish the MRLs for these products at the LOD of 0,05 mg/kg. Those MRLs will be reviewed; the review will take into account the information available by 22 February 2030.
- (6) As regards nicotine in cinnamon, a temporary MRL was set at 0,07 mg/kg by Regulation (EU) 2023/377, based on a combined data set for bark spices, root and rhizome spices, bud spices, flower pistil spices and aril spices. Recently, specific monitoring data on cinnamon were submitted to the Commission, indicating that residues may occur in this product at higher levels than the temporary MRL established by Regulation (EU) 2023/377. Based on those more specific data, the temporary MRL should be set at a level of 0,2 mg/kg, corresponding to the 95th percentile of all the sample results. That MRL will be reviewed; the review will take into account additional monitoring data available by 22 February 2030.
- (7) Based on the relevant risk assessments of the Authority ⁽⁵⁾ 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.
- (8) For technical reasons, the amendments to the MRLs for seed spices, fruit spices and cinnamon should apply later than those of Regulation (EU) 2023/377, while the transitional provision for the new MRLs for teas as laid down in Regulation (EU) 2023/377 should apply at the same time as Regulation (EU) 2023/377, to prevent a gap in the transitional arrangement.
- (9) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 396/2005 is amended in accordance with the Annex to this Regulation.

⁽⁴⁾ European Food Safety Authority. Statement on the revised targeted risk assessment for certain maximum residue levels for nicotine. *EFSA Journal* 2023;21(3):7883.

⁽⁵⁾ European Food Safety Authority. Reasoned Opinion on the setting of temporary MRLs for nicotine in tea, herbal infusions, spices, rose hips and fresh herbs. *EFSA Journal* 2011;9(3):2098.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by Regulation (EU) 2023/377 shall continue to apply to teas which were produced in the Union or imported into the Union before 14 September 2023.

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 15 September 2023.

However, Article 2 shall apply from 14 September 2023.

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

Done at Brussels, 25 July 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Part A of Annex III to Regulation (EC) No 396/2005 the column for 'Nicotine' 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 **	Nicotine
(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	0,02 *
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	
0120070	Macadamias	
0120080	Pecans	
0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others (2)	

(1)	(2)	(3)
01 30000	Pome fruits	0,01 *
01 30010	Apples	
01 30020	Pears	
01 30030	Quinces	
01 30040	Medlars	
01 30050	Loquats/Japanese medlars	
01 30990	Others (2)	
01 40000	Stone fruits	0,01 *
01 40010	Apricots	
01 40020	Cherries (sweet)	
01 40030	Peaches	
01 40040	Plums	
01 40990	Others (2)	
01 50000	Berries and small fruits	
01 51000	(a) grapes	0,01 *
01 51010	Table grapes	
01 51020	Wine grapes	
01 52000	(b) strawberries	0,01 *
01 53000	(c) cane fruits	0,01 *
01 53010	Blackberries	
01 53020	Dewberries	
01 53030	Raspberries (red and yellow)	
01 53990	Others (2)	
01 54000	(d) other small fruits and berries	
01 54010	Blueberries	0,01 *
01 54020	Cranberries	0,01 *
01 54030	Currants (black, red and white)	0,01 *

(1)	(2)	(3)
0154040	Gooseberries (green, red and yellow)	0,01 *
0154050	Rose hips	0,2(+)
0154060	Mulberries (black and white)	0,01 *
0154070	Azaroles/Mediterranean medlars	0,01 *
0154080	Elderberries	0,01 *
0154990	Others (2)	0,01 *
0160000	Miscellaneous fruitswith	
0161000	(a) edible peel	
0161010	Dates	0,01 *
0161020	Figs	0,01 *
0161030	Table olives	0,02 *
0161040	Kumquats	0,01 *
0161050	Carambolas	0,01 *
0161060	Kaki/Japanese persimmons	0,01 *
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	
0163010	Avocados	0,02 *

(1)	(2)	(3)
0163020	Bananas	0,01 *
0163030	Mangoes	0,01 *
0163040	Papayas	0,01 *
0163050	Granate apples/pomegranates	0,01 *
0163060	Cherimoyas	0,01 *
0163070	Guavas	0,01 *
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	
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	

(1)	(2)	(3)
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	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	

(1)	(2)	(3)
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 *
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	

(1)	(2)	(3)
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	0,1(+)
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)	

(1)	(2)	(3)
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	
0280010	Cultivated fungi	0,01 *
0280020	Wild fungi	0,02(+)
0280990	Mosses and lichens	0,01 *
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	0,02 *
0401000	Oilseeds	

(1)	(2)	(3)
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	0,02 *
0500010	Barley	
0500020	Buckwheat and other pseudocereals	
0500030	Maize/corn	
0500040	Common millet/proso millet	

(1)	(2)	(3)
0500050	Oat	
0500060	Rice	
0500070	Rye	
0500080	Sorghum	
0500090	Wheat	
0500990	Others (2)	
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	
0610000	Teas	0,5(+)
0620000	Coffee beans	
0630000	Herbal infusions from	0,3(+)
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	0,05 *

(1)	(2)	(3)
0650000	Carobs/Saint John's breads	0,05 *
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	(+)
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	
0830010	Cinnamon	0,2(+)
0830990	Others (2)	0,07(+)

(1)	(2)	(3)
0840000	Root and rhizome spices	(+)
0840010	Liquorice	0,07(+)
0840020	Ginger (10)	
0840030	Turmeric/curcuma	0,07(+)
0840040	Horseradish (11)	
0840990	Others (2)	0,07(+)
0850000	Bud spices	0,07(+)
0850010	Cloves	(+)
0850020	Capers	(+)
0850990	Others (2)	(+)
0860000	Flower pistil spices	0,07(+)
0860010	Saffron	(+)
0860990	Others (2)	(+)
0870000	Aril spices	0,07(+)
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	

(1)	(2)	(3)
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	

(1)	(2)	(3)
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	0,05 *
1030010	Chicken	
1030020	Duck	

(1)	(2)	(3)
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.

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

Nicotine

Scientific evidence is not conclusive to demonstrate that nicotine occurs naturally in the concerned crop and to elucidate its mechanism of formation. When reviewing the MRL, the Commission will take into account the information, if it is submitted by 22 February 2030, or, if that information is not submitted by that date, the lack of it.

0154050 Rose hips

0256000 (f) herbs and edible flowers

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)

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
0800000 SPICES
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)
0830000 Bark spices
0830010 Cinnamon
0830990 Others (2)
0840000 Root and rhizome spices
0840010 Liquorice
0840030 Turmeric/curcuma
0840990 Others (2)
0850000 Bud spices
0850010 Cloves
0850020 Capers
0850990 Others (2)
0860000 Flower pistil spices
0860010 Saffron
0860990 Others (2)
0870000 Aril spices
0870010 Mace
0870990 Others (2)

The following MRLs apply to dried wild mushrooms: 2,3 mg/kg for ceps, 1,2 mg/kg for dried wild mushrooms other than ceps. Recent monitoring data show that residues of nicotine occurs in dried ceps and dried wild mushrooms other than ceps. Scientific evidence is not conclusive to demonstrate that nicotine occurs naturally in the concerned crop and to elucidate its mechanism of formation. When re-viewing the MRL, the Commission will take into account the information, if it is submitted by 25 July 2029, or, if that information is not submitted by that date, the lack of it.

0280020 Wild fungi

Scientific evidence is not conclusive to demonstrate that nicotine occurs naturally in the concerned crop and to elucidate its mechanism of formation. Temporary MRL valid until 22 February 2026. After this date the MRL will be 0,4 mg/kg unless further modified by a Regulation in light of new information provided by 30 June 2025 at the latest.

0610000 Teas'
