

Official Journal of the European Union

L 13



English edition

Legislation

Volume 61

18 January 2018

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Delegated Regulation (EU) 2018/72 of 4 October 2017 supplementing Regulation (EU) 2015/751 of the European Parliament and of the Council on interchange fees for card-based payment transactions with regard to regulatory technical standards establishing the requirements to be complied with by payment card schemes and processing entities to ensure the application of independence requirements in terms of accounting, organisation and decision-making process ⁽¹⁾ 1**
- ★ **Commission Regulation (EU) 2018/73 of 16 January 2018 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 mercury compounds in or on certain products ⁽¹⁾ 8**
- ★ **Commission Regulation (EU) 2018/74 of 17 January 2018 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of phosphoric acid — phosphates — di-, tri- and polyphosphates (E 338-452) in frozen vertical meat spits ⁽¹⁾ 21**
- ★ **Commission Regulation (EU) 2018/75 of 17 January 2018 amending the Annex to Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for Microcrystalline cellulose (E460(i)) ⁽¹⁾ 24**

Corrigenda

- ★ **Corrigendum to Definitive adoption (EU, Euratom) 2017/30 of amending budget No 5 of the European Union for the financial year 2017 (OJ L 9, 12.1.2018) 27**

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2018/72

of 4 October 2017

supplementing Regulation (EU) 2015/751 of the European Parliament and of the Council on interchange fees for card-based payment transactions with regard to regulatory technical standards establishing the requirements to be complied with by payment card schemes and processing entities to ensure the application of independence requirements in terms of accounting, organisation and decision-making process

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/751 of 29 April 2015 of the European Parliament and of the Council on interchange fees for card-based payment transactions ⁽¹⁾ and in particular Article 7(6) thereof,

Whereas:

- (1) In order to specify the requirements ensuring separation of payment card schemes and processing entities, it is appropriate to define certain terms in relation to the accounting, organisation and the decision making process of payment card schemes and processing entities, irrespective of the legal form adopted by those entities.
- (2) Payment card schemes and processing entities should have accounting processes in place that enable them to produce financial information on separated profit and loss accounts and explanatory notes to that financial information. Those requirements should not replace or amend accounting principles and standards or requirements concerning the annual financial statements that already apply to payment card schemes and processing entities.
- (3) For that purpose, it is appropriate to specify how expenses and revenues should be allocated under those accounting processes. Those accounting processes should be duly documented, in particular in relation to transfers of funds between payment card schemes and processing entities.
- (4) In order to ensure independence, payment card schemes and participating processing entities should produce financial information at least annually and that information should be reviewed by an independent auditor. That information as well as its review should be made available to competent authorities upon their request to enable them to ensure enforcement of independence requirements.
- (5) Payment card schemes and processing entities that are not separate legal persons should at least be organised as different internal business units. Staff of payment card schemes and staff of the processing entities, including senior management, should be independent and accommodated in separated workspaces equipped with restricted controlled access. To promote the independence of senior managers when two entities are part of the same group and to prevent the practice of 'revolving doors', senior managers should be prohibited from taking on work for the other side of the business for a minimum duration of one year after they have left the entity they were working for.

⁽¹⁾ OJ L 123, 19.5.2015, p. 1.

- (6) Staff of payment card schemes should only be allowed to perform tasks related to the design, update or implementation of processing services where specific conditions ensuring compliance with independence requirements are met.
- (7) To avoid any incentives for payment card schemes or for processing entities to provide each other, via their staff, with preferential treatment or privileged information not available to their competitors, remuneration frameworks for staff of payment card schemes and of processing entities should not be based directly or indirectly on the economic performance of the processing entities or the payment card schemes. Remuneration policies should be made fully available to competent authorities upon their request.
- (8) It is appropriate to specify that when the payment card scheme and the processing entity are part of the same legal entity or group, rules for ensuring compliance of staff with the current Regulation should be laid down in a code of conduct with effective sanctions and enforcement mechanisms that should be made public.
- (9) Payment card schemes and processing entities should be allowed to use shared services provided that this usage does not result in sharing sensitive information between them and that the conditions for sharing the services, including the financial conditions under which those services are offered, are duly documented in a single document. That document should be made available to competent authorities upon their request to enable them to ensure the application of independence requirements. Specific conditions for the sharing of the information management system should be introduced. Sharing of sensitive information between payment card schemes and processing entities which may give either the payment scheme or the processing entity a competitive advantage should however be prohibited.
- (10) It is appropriate to set out conditions for the composition of the management bodies of the payments card schemes and processing entities, irrespective of their legal form and organisational arrangements, to ensure that potential conflicts of interest for the decision making process between the payment card schemes and processing entities are appropriately mitigated. Those conditions should be made public and subject to review by competent authorities. Furthermore, payment card schemes and processing entities should have separated annual operating plans approved by their relevant management bodies. Those separated annual operating plans should be made fully available to competent authorities upon their request, to enable them to ensure enforcement of independence requirements.
- (11) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority ('EBA') to the Commission.
- (12) EBA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes the requirements to be complied with by payment card schemes and processing entities to ensure the application of Article 7(1)(a) of Regulation (EU) 2015/751.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'management body' means a payment card scheme's or processing entity's body appointed in accordance with national law, which is empowered to set the entity's strategy, objectives and overall direction and which oversees and monitors management decision-making, and includes the persons who effectively direct the business of the entity;

⁽¹⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

- (2) 'senior management' means those natural persons within a payment card scheme or processing entity who exercise executive functions and who are responsible and accountable to the management body for the day-to-day management of the payment card scheme or processing entity;
- (3) 'remuneration' means all forms of fixed and variable remuneration, including payments made or benefits, monetary or non-monetary, awarded directly by or on behalf of the payment card scheme or processing entity to employees;
- (4) 'shared services' means any activity, function or service performed by either an internal unit within a payment card scheme or processing entity or a separate legal entity and executed to the benefit of both the payment card scheme and the processing entity;
- (5) 'group' means a parent undertaking and all its subsidiary undertakings as defined in Article 2(11) of Directive (EU) 2013/34 of the European Parliament and of the Council ⁽¹⁾.

CHAPTER II

ACCOUNTING

Article 3

Financial information

1. Payment card schemes and participating processing entities, shall have accounting processes in place that enable them to produce financial information on separated profit and loss accounts and explanatory notes to that financial information.
2. The financial information referred to in paragraph 1 shall comply with the applicable accounting framework for preparing financial statements of payment card schemes and processing entities.

Article 4

Allocation of expenses and revenues

1. The financial information referred to in Article 3(1) shall be based on an allocation of expenses and revenues between the payment card scheme and the processing entity in accordance with the following rules:
 - (a) expenses and revenues that are directly attributable to the provision of processing services shall be allocated to the processing entity;
 - (b) expenses and revenues that are directly attributable to the payment card scheme shall be allocated to the payment card scheme;
 - (c) expenses and revenues that are not directly attributable to the provision of processing services or to the payment card scheme shall be allocated on an activity-based costing ('ABC'), which involves allocating indirect costs and revenues according to the actual consumption by the processing services entity or by the payment card scheme;
 - (d) expenses and revenues that are not directly attributable and cannot be allocated on ABC shall be allocated according to an accounting methodology documented in a supporting note.
2. The supporting note referred to in paragraph 1(d) shall indicate for each allocated cost and revenue under that methodology:
 - (a) the basis for the allocation;
 - (b) the rationale for that basis.

Article 5

Documentation of transfer of financial resources between payment card schemes and processing entities

1. Payment card schemes and processing entities shall produce specific explanatory notes for any transfer of financial resources between them for the provision of services or the use of shared services as referred to in Article 12. Those explanatory notes shall specify the prices of and fees for those services, irrespective of any underlying obligations and organisational arrangements that may exist between them. Those explanatory notes shall be included in the financial information referred to in Article 3(1).

⁽¹⁾ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

2. Where payment card schemes and processing entities belong to the same legal entity or group, the specific explanatory notes referred to in paragraph 1 shall provide evidence that the prices and fees for the provision of services between them or the use of shared services do not differ from prices and fees for the same or, in absence thereof, comparable services charged between payment card schemes and processing entities that do not belong to the same legal entity or group.

Article 6

Review and frequency of financial information

1. The financial information produced in accordance with Articles 3, 4 and 5 shall be reviewed by an independent and certified auditor.
2. The review referred to in paragraph 1 shall be provided in the form of a report ensuring:
 - (a) a trustworthy and fair view of the financial information produced by payment card schemes and processing entities;
 - (b) consistency and comparability of the financial information with the accounting frameworks for preparing financial statements of payment card schemes and processing entities;
 - (c) consistency of the financial information with previous years' allocation policies or, where such consistency is lacking, an explanation as to why the allocation policy has been changed and a restatement of previous years' figures.
3. The financial information referred to in Articles 3, 4 and 5 shall be submitted to the auditor referred to in paragraph 1 annually and shall be made fully available to competent authorities upon their request, together with the review by the independent auditor.

CHAPTER III

ORGANISATION

Article 7

Functional separation

Payment card schemes and processing entities that are not established as two separate legal entities shall be organised in two separate internal business units.

Article 8

Separation of workspaces

Payment card schemes and the processing entities that are located in the same premises shall be organised in separate workspaces equipped with restricted and controlled access.

Article 9

Independence of senior management

The senior management of payment card schemes or of the payment card scheme business unit shall be different from the senior management of processing entities or of the processing entity business unit, and act autonomously. The senior management of payment card schemes or payment card scheme business units shall not be allowed to take on work for processing entities or processing entity business units, and vice versa, for a minimum duration of one year after that senior management left the entity for which they have been working.

Article 10

Independence of staff

1. The staff of payment card schemes shall be different from the staff of processing entities.
2. The staff of payment card schemes and of processing entities may perform tasks related to the provision of shared services as referred to in Article 12.

3. The staff of a processing entity may perform tasks related to the design of the single set of rules, practices, standards and implementation guidelines for the execution of card-based payment transactions, provided that:
 - (a) the tasks related to the design of the single set of rules may be performed by other processing entities on a non-discriminatory basis;
 - (b) the design of those rules involves a representative sample of all processing entities participating in the payment card scheme.

Article 11

Remuneration

1. Processing entities shall adopt remuneration policies that do not create incentives for their staff to provide a payment card scheme with preferential treatment or privileged information which is not available to other competitors. Remuneration of their staff shall therefore reflect the performance of the processing entity and shall not be directly or indirectly linked to the performance of the payment card scheme to which the processing entity provides services.
2. Payment card schemes shall adopt remuneration policies that do not create incentives for their staff to provide a processing entity with preferential treatment or privileged information which is not available to other competitors. Remuneration of their staff shall therefore reflect the performance of the payment card schemes and shall not be directly or indirectly linked to the performance of a processing entity.
3. Remuneration policies referred to in paragraphs 1 and 2 shall be made fully available to competent authorities upon their request.

Article 12

Use of shared services

1. Payment card schemes and processing entities making use of shared services shall describe in a single document the list of shared services and the conditions, including the financial conditions, under which those services are provided.
2. The single document referred to in paragraph 1 shall be made available to competent authorities upon their request.

Article 13

Use of a shared information management system

An information management system that is shared by a payment card scheme and a processing entity shall ensure that:

- (a) the staff of the payment card scheme and of the processing entity are separately identified via the authentication procedure to access the information management system;
- (b) users only have access to information which they are entitled to in compliance with this Regulation. In particular, any sensitive information, as referred to in Article 14, of a processing entity shall not be accessed by the staff of the payment card scheme and any sensitive information of a payment card scheme shall not be accessed by the staff of the processing entity.

Article 14

Sensitive information

Payment card schemes and processing entities shall not share information of a sensitive nature that provides a competitive advantage to either the payment scheme or the processing entity where such information is not shared with other competitors.

Article 15

Code of conduct

1. Payment card schemes and processing entities which belong to the same legal entity or group shall define and disclose publicly on their website a code of conduct, setting out how their respective staff shall act to ensure compliance with this Regulation. The code of conduct shall also set effective enforcement mechanisms.

2. The code of conduct shall, in particular, define rules to prevent the sharing of sensitive information, as referred to in Article 14 between payment card schemes and processing entities. The code of conduct shall be subject to review by competent authorities.

CHAPTER IV

DECISION-MAKING PROCESS

Article 16

Independence of the management bodies

1. Payment card schemes and processing entities shall ensure that the composition of their management bodies mitigates conflicts of interest for the decision making process between the payment card scheme and the processing entity, including by setting clear and objective criteria under which directorships may be held by the same person at the same time in the management body of the payment card scheme and of the processing entity. Those criteria shall be made public and shall be subject to review by competent authorities.

2. The management bodies of payment card schemes and processing entities that belong to the same legal entity or group shall approve and periodically review conflict of interest policies for managing and monitoring the compliance with this Regulation.

3. For the purposes of paragraph 2 and where directorships may be held by the same person in the management body of the payment card scheme and of the processing entity, payment card schemes and processing entities shall establish:

- (a) a separate management body responsible for decisions related to the payment card scheme activities, with the exemption of shared services referred to in Article 12, and which shall be composed of members of the management body that do not perform any executive function in relation to processing activities. Those members shall advise the management body on the payment card scheme strategy in compliance with this Regulation and assist the management body in overseeing the implementation of that strategy by senior management;
- (b) a separate management body responsible for decisions related to the processing activities, with the exemption of shared services referred to in Article 12, and which shall be composed of members of the management body that do not perform any executive function in relation to payment card scheme activities. Those members shall advise the management body on the processing entity strategy in compliance with this Regulation and assist the management body in overseeing the implementation of that strategy by senior management;
- (c) independent reporting lines from the senior management of either the payment card scheme business unit or of the processing entity business unit, as applicable, to the management body.

4. The organisational arrangements established in accordance with paragraph 3 shall be made available to competent authorities upon their request.

5. The management body shall retain overall responsibility for ensuring compliance with this Regulation.

Article 17

Annual operating plan independence

1. Payment card schemes and processing entities shall have separate annual operating plans determining the budget, including capital and operating expenditures and possible authority delegations to engage those expenditures, which shall be submitted to their respective management body for approval or, where relevant, to the management body referred to in Article 16.

2. The separated annual operating plans shall be made fully available to competent authorities upon their request.

CHAPTER V

FINAL PROVISIONS

*Article 18***Entry into force**

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, 4 October 2017.

For the Commission
The President
Jean-Claude JUNKER

COMMISSION REGULATION (EU) 2018/73**of 16 January 2018****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 mercury 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/EEC ⁽¹⁾, and in particular Article 14(1)(a) and Article 16(1)(a) thereof,

Whereas:

- (1) For mercury compounds, maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005.
- (2) Council Directive 79/117/EEC prohibited the placing on the market and use of plant protection products containing mercury compounds. All authorisations of plant protection products containing mercury compounds were revoked and consequently all MRLs were set at the relevant limit of determination (LOD).
- (3) The Commission received information from food business operators and Member States showing the presence of mercury compounds in several products leading to higher residues than the LOD laid down in Regulation (EC) No 396/2005.
- (4) Recent monitoring data confirms that residues of mercury compounds occur in several products at levels higher than the LOD. Taking into account the 95th percentile of all the sample results, the following occurrences were reported: tree nuts at 0,02 mg/kg; fresh herbs at 0,03 mg/kg; cultivated fungi at 0,05 mg/kg; wild fungi at 0,50 mg/kg, except for ceps at 0,90 mg/kg; oilseeds at 0,02 mg/kg; teas, coffee beans, herbal infusions and cocoa beans at 0,02 mg/kg; spices at 0,02 mg/kg, except ginger, nutmeg, mace and turmeric at 0,05 mg/kg; meat at 0,01 mg/kg, except for meat of wild game animals at 0,015 mg/kg and duck meat (farmed and wild) at 0,04 mg/kg; animal fat at 0,01 mg/kg; edible offal at 0,02 mg/kg except for offal of wild game animals at 0,025 mg/kg and offal of wild boar at 0,10 mg/kg; milk at 0,01 mg/kg; and honey at 0,01 mg/kg.
- (5) As mercury containing pesticides have been phased out since more than thirty years in the Union, the presence of mercury in food can be considered due to environmental contamination. It is therefore appropriate to replace the default values with the ones listed in recital 4, thus reflecting environmental background of mercury in Regulation (EC) No 396/2005. This will enable national competent authorities to take appropriate enforcement action on the basis of realistic MRLs.
- (6) The Scientific Panel on contaminants in the Food Chain (CONTAM Panel) of the European Food Safety Authority, hereinafter 'the Authority', adopted an opinion on mercury and methylmercury in food ⁽²⁾.
- (7) As mercury compounds occur at low levels in the products listed in recital 4 and taking into account the available consumption data within the Union, the overall contribution to the dietary exposure is considered low and there is no health risk for consumers. The MRLs for those products should be set as temporary in Annex III to Regulation (EC) No 396/2005. Those MRLs will be reviewed; the review will take into account the information available within 10 years from the publication of this Regulation.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on the risk for public health related to the presence of mercury and methylmercury in food. EFSA Journal 2012;10(12):2985. [241 pp.].

- (8) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt the LODs. Those laboratories concluded that the current LODs should be maintained.
- (9) Based on the opinion of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (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) 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

Annexes II and III 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*.

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

Done at Brussels, 16 January 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

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

(1) In Annex II, the column for mercury compounds is deleted.

(2) Annex III is amended as follows:

(a) In Part A, the column for mercury compounds is added:

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

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Mercury compounds (sum of mercury compounds expressed as mercury)
(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	
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	
0130000	Pome fruits	0,01 (*)
0130010	Apples	
0130020	Pears	
0130030	Quinces	
0130040	Medlars	
0130050	Loquats/Japanese medlars	
0130990	Others	

(1)	(2)	(3)
0140000	Stone fruits	0,01 (*)
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others	
0150000	Berries and small fruits	0,01 (*)
0151000	(a) <i>grapes</i>	
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>strawberries</i>	
0153000	(c) <i>cane fruits</i>	
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others	
0154000	(d) <i>other small fruits and berries</i>	
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	
0160000	Miscellaneous fruits with	0,01 (*)
0161000	(a) <i>edible peel</i>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others	
0162000	(b) <i>inedible peel, small</i>	
0162010	Kiwi fruits (green, red, yellow)	
0162020	Litchis/lychees	
0162030	Passionfruits/maracujas	
0162040	Prickly pears/cactus fruits	

(1)	(2)	(3)
0162050	Star apples/cainitos	
0162060	American persimmons/Virginia kaki	
0162990	Others	
0163000	(c) <i>inedible peel, large</i>	
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	
0200000	VEGETABLES, FRESH or FROZEN	
0210000	Root and tuber vegetables	0,01 (*)
0211000	(a) <i>potatoes</i>	
0212000	(b) <i>tropical root and tuber vegetables</i>	
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others	
0213000	(c) <i>other root and tuber vegetables except sugar beets</i>	
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	
0220000	Bulb vegetables	0,01 (*)
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others	

(1)	(2)	(3)
0230000	Fruiting vegetables	0,01 (*)
0231000	(a) <i>solanacea</i>	
0231010	Tomatoes	
0231020	Sweet peppers/bell peppers	
0231030	Aubergines/eggplants	
0231040	Okra/lady's fingers	
0231990	Others	
0232000	(b) <i>cucurbits with edible peel</i>	
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others	
0233000	(c) <i>cucurbits with inedible peel</i>	
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>sweet corn</i>	
0239000	(e) <i>other fruiting vegetables</i>	
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)	0,01 (*)
0241000	(a) <i>flowering brassica</i>	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others	
0242000	(b) <i>head brassica</i>	
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others	
0243000	(c) <i>leafy brassica</i>	
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others	
0244000	(d) <i>kohlrabies</i>	
0250000	Leaf vegetables, herbs and edible flowers	
0251000	(a) <i>lettuces and salad plants</i>	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	

(1)	(2)	(3)
0251060	Roman rocket/rucola	
0251070	Red mustards	
0251080	Baby leaf crops (including brassica species)	
0251990	Others	
0252000	(b) <i>spinaches and similar leaves</i>	0,01 (*)
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others	
0253000	(c) <i>grape leaves and similar species</i>	0,01 (*)
0254000	(d) <i>watercresses</i>	0,01 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	0,01 (*)
0256000	(f) <i>herbs and edible flowers</i>	0,03 (+)
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	
0256080	Basil and edible flowers	
0256090	Laurel/bay leave	
0256100	Tarragon	
0256990	Others	
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	
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	

(1)	(2)	(3)
0280000	Fungi, mosses and lichens	
0280010	Cultivated fungi	0,05 (+)
0280020	Wild fungi	0,5 (+)
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	
0400000	OILSEEDS AND OIL FRUITS	
0401000	Oilseeds	0,02 (+)
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	
0402000	Oil fruits	
0402010	Olives for oil production	0,01 (*)
0402020	Oil palms kernels	0,02 (*)
0402030	Oil palms fruits	0,02 (*)
0402040	Kapok	0,02 (*)
0402990	Others	0,02 (*)
0500000	CEREALS	0,01 (*)
0500010	Barley	
0500020	Buckwheat and other pseudo-cereals	
0500030	Maize/corn	
0500040	Common millet/proso millet	
0500050	Oat	
0500060	Rice	
0500070	Rye	

(1)	(2)	(3)
0500080	Sorghum	
0500090	Wheat	
0500990	Others	
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	
0610000	Teas	0,02 (+)
0620000	Coffee beans	0,02 (+)
0630000	Herbal infusions from	0,02 (+)
0631000	(a) <i>flowers</i>	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others	
0632000	(b) <i>leaves and herbs</i>	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others	
0633000	(c) <i>roots</i>	
0633010	Valerian	
0633020	Ginseng	
0633990	Others	
0639000	(d) <i>any other parts of the plant</i>	
0640000	Cocoa beans	0,02 (+)
0650000	Carobs/Saint John's breads	0,02 (*)
0700000	HOPS	0,02 (*)
0800000	SPICES	(+)
0810000	Seed spices	
0810010	Anise/aniseed	0,02
0810020	Black caraway/black cumin	0,02
0810030	Celery	0,02
0810040	Coriander	0,02
0810050	Cumin	0,02
0810060	Dill	0,02
0810070	Fennel	0,02
0810080	Fenugreek	0,02
0810090	Nutmeg	0,05
0810990	Others	0,02

(1)	(2)	(3)
0820000	Fruit spices	0,02
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	
0830000	Bark spices	0,02
0830010	Cinnamon	
0830990	Others	
0840000	Root and rhizome spices	
0840010	Liquorice	0,02
0840020	Ginger	0,05
0840030	Turmeric/curcuma	0,05
0840040	Horseradish	
0840990	Others	0,02
0850000	Bud spices	0,02
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	Flower pistil spices	0,02
0860010	Saffron	
0860990	Others	
0870000	Aril spices	
0870010	Mace	0,05
0870990	Others	0,02
0900000	SUGAR PLANTS	0,01 (*)
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others	
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	
1010000	Tissues from	
1011000	(a) <i>swine</i>	(+)
1011010	Muscle	0,01
1011020	Fat tissue	0,01
1011030	Liver	0,02

(1)	(2)	(3)
1011040	Kidney	0,02
1011050	Edible offals (other than liver and kidney)	0,02
1011990	Others	0,01 (*)
1012000	(b) <i>bovine</i>	(+)
1012010	Muscle	0,01
1012020	Fat tissue	0,01
1012030	Liver	0,02
1012040	Kidney	0,02
1012050	Edible offals (other than liver and kidney)	0,02
1012990	Others	0,01 (*)
1013000	(c) <i>sheep</i>	(+)
1013010	Muscle	0,01
1013020	Fat tissue	0,01
1013030	Liver	0,02
1013040	Kidney	0,02
1013050	Edible offals (other than liver and kidney)	0,02
1013990	Others	0,01 (*)
1014000	(d) <i>goat</i>	(+)
1014010	Muscle	0,01
1014020	Fat tissue	0,01
1014030	Liver	0,02
1014040	Kidney	0,02
1014050	Edible offals (other than liver and kidney)	0,02
1014990	Others	0,01 (*)
1015000	(e) <i>equine</i>	(+)
1015010	Muscle	0,01
1015020	Fat tissue	0,01
1015030	Liver	0,02
1015040	Kidney	0,02
1015050	Edible offals (other than liver and kidney)	0,02
1015990	Others	0,01 (*)
1016000	(f) <i>poultry</i>	
1016010	Muscle	0,01 (+)
1016020	Fat tissue	0,01 (+)
1016030	Liver	0,02 (+)
1016040	Kidney	0,02 (+)
1016050	Edible offals (other than liver and kidney)	0,02 (+)
1016990	Others	0,01 (*)
1017000	(g) <i>other farmed terrestrial animals</i>	(+)
1017010	Muscle	0,01
1017020	Fat tissue	0,01
1017030	Liver	0,02

(1)	(2)	(3)
1017040	Kidney	0,02
1017050	Edible offals (other than liver and kidney)	0,02
1017990	Others	0,01 (*)
1020000	Milk	0,01 (+)
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others	
1030000	Birds eggs	0,01 (*)
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others	
1040000	Honey and other apiculture products	0,01 (+)
1050000	Amphibians and Reptiles	0,01 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)
1070000	Wild terrestrial vertebrate animals	0,04 (+)

(*) Limit of analytical determination

(e) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(F) = Fat soluble

Mercury compounds (sum of mercury compounds expressed as mercury)

(+) Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.

0120000 Tree nuts

0256000 (f) herbs and edible flowers

0280010 Cultivated fungi

(+) The following MRL applies to ceps: 0,9 mg/kg. Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.

0280020 Wild fungi

(+) Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.

0401000 Oilseeds

0610000 Teas

0620000 Coffee beans

0630000 Herbal infusions from

0640000 Cocoa beans

0800000 SPICES

(+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish

- (+) Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.
- 1011000 (a) Tissues from swine**
- 1012000 (b) Tissues from bovine**
- 1013000 (c) Tissues from sheep**
- 1014000 (d) Tissues from goat**
- 1015000 (e) Tissues from equine**
- (+) The following MRL applies to duck meat: 0,04 mg/kg. Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.
- 1016010 Muscle (poultry)**
- (+) Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.
- 1016020 Fat tissue (poultry)**
- 1016030 Liver (poultry)**
- 1016040 Kidney (poultry)**
- 1016050 Edible offals (poultry)**
- 1017000 (g) Tissues from other farmed terrestrial animals**
- 1020000 Milk**
- 1040000 Honey and other apiculture products**
- (+) The following MRL applies to offal of wild boar: 0,1 mg/kg. Monitoring data show that residues occur due to environmental contamination. When re-viewing the MRL, the Commission will take into account the information available within 10 years from the date of publication.
- 1070000 Wild terrestrial vertebrate animals'**
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- (b) In Part B, the column for mercury compounds is deleted.
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COMMISSION REGULATION (EU) 2018/74**of 17 January 2018****amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of phosphoric acid — phosphates — di-, tri- and polyphosphates (E 338-452) in frozen vertical meat spits****(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food and their conditions of use.
- (2) That list may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council ⁽²⁾, either on the initiative of the Commission or following an application.
- (3) On 28 August 2015 an application was submitted for the authorisation of the use of phosphoric acid, phosphates, diphosphates, triphosphates and polyphosphates ('phosphates') as a stabiliser and a humectant in frozen vertical meat spits falling under the food category 08.2 'Meat preparations as defined by Regulation (EC) No 853/2004' in Part E of Annex II to Regulation (EC) No 1333/2008. The application was subsequently made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.
- (4) The use of phosphates is required for a partial extraction and breakdown of meat proteins to form a protein film on vertical meat spits to bond meat pieces together in order to ensure homogenous freezing and roasting. Furthermore, phosphates ensure that meat remains juicy during thawing and that vertical meat spits remain stable. Such technological need was recognised for frozen vertical rotating meat spits made of sheep, lamb, veal or beef treated with liquid seasoning or from poultry meat treated with or without liquid seasoning used alone or combined as well as sliced or minced and designed to be roasted by a food business operator. Thoroughly roasted meat strips are then consumed by the final consumer.
- (5) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission has to seek the opinion of the European Food Safety Authority (the Authority) in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health.
- (6) Safety of phosphates was evaluated by the Scientific Committee for Food which established the Maximum Tolerable Daily Intake of 70 mg/kg body weight expressed as phosphorus ⁽³⁾. Phosphates are authorised for use as food additives in a wide variety of foods including meat products and certain meat preparations. Thus it is not expected that the extension of use to frozen vertical meat spits will have a significant impact on the overall exposure to phosphates. In order to limit further exposure to added phosphates the extension of use should be restricted only to the frozen vertical meat spits for which the technological need was identified.
- (7) Since the extended use of those additives constitutes an update of the Union list which is not liable to have an effect on human health, it is not necessary to seek the opinion of the Authority.
- (8) Annex II to Regulation (EC) No 1333/2008 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.⁽²⁾ Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1).⁽³⁾ Reports of the Scientific Committee for Food, Twenty-fifth series, 1991, p. 13.

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 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*.

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

Done at Brussels, 17 January 2018.

For the Commission
The President
Jean-Claude JUNKER

ANNEX

In Part E of Annex II to Regulation (EC) No 1333/2008, in food category 08.2 'Meat preparations as defined by Regulation (EC) No 853/2004', the entry for phosphoric acid — phosphates — di-, tri- and polyphosphates (E 338-452) is replaced by the following:

	E 338-452	Phosphoric acid — phosphates — di-, tri- and polyphosphates	5 000	(1) (4)	only <i>breakfast sausages</i> : in this product, the meat is minced in such a way so that the muscle and fat tissue are completely dispersed, so that fibre makes an emulsion with the fat, giving the product its typical appearance; Finnish grey salted Christmas ham, <i>burger meat</i> with a minimum vegetable and/or cereal content of 4 % mixed within the meat, <i>Kasseler</i> , <i>Bräte</i> , <i>Surfleisch</i> , <i>toorvorst</i> , <i>šaslōkk</i> , <i>ahjupraad</i> , <i>Bílá klobása</i> , <i>Vinná klobása</i> , <i>Sváteční klobása</i> , <i>Syrová klobása</i> and frozen vertical rotating meat spits made of sheep, lamb, veal and/or beef treated with liquid seasoning or from poultry meat treated with or without liquid seasoning used alone and/or combined as well as sliced and/or minced and designed to be roasted by a food business operator and then consumed by the final consumer'
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COMMISSION REGULATION (EU) 2018/75**of 17 January 2018****amending the Annex to Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for Microcrystalline cellulose (E460(i))****(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 14 thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings ⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Commission Regulation (EU) No 231/2012 ⁽³⁾ lays down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008.
- (2) Those specifications may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application.
- (3) On 8 February 2016 an application was submitted for the amendment of specifications concerning the food additive microcrystalline cellulose (E 460(i)). The application was made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.
- (4) The current specification as regards the solubility of the food additive microcrystalline cellulose (E 460(i)) states 'Insoluble in water, ethanol, ether and dilute mineral acids. Slightly soluble in sodium hydroxide solution'.
- (5) The applicant requests that the solubility of this food additive is amended to 'Insoluble in water, ethanol, ether and dilute mineral acids. Practically insoluble or insoluble in sodium hydroxide solution'.
- (6) In its opinion of 24 January 2017 ⁽⁴⁾ the European Food Safety Authority ('the Authority') concluded that the amendment to the specifications as regards the solubility of microcrystalline cellulose (E 460(i)) proposed by the applicant is not of a safety concern. However, the Authority recommended that the concentration of sodium hydroxide solution to be used in the solubility test should be indicated in the EU specifications.
- (7) Consequently, it is appropriate to amend the description of the solubility of the food additive microcrystalline cellulose (E 460(i)) in sodium hydroxide solution (concentration: 50 g NaOH/L) to 'practically insoluble or insoluble'.
- (8) Regulation (EU) No 231/2012 should therefore be amended accordingly.
- (9) 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

The Annex to Regulation (EU) No 231/2012 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ OJ L 354, 31.12.2008, p. 1.

⁽³⁾ Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).

⁽⁴⁾ EFSA ANS Panel (EFSA Panel on Food Additives and Nutrient Sources added to food), 2017. Safety of the proposed amendment of the specifications for microcrystalline cellulose (E 460(i)) as a food additive. *EFSA Journal* 2017;15(2):4699, 7 pp. doi:10.2903/j.efsa.2017.4699.

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 Members States.

Done at Brussels, 17 January 2018.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

In the Annex to Regulation (EU) No 231/2012, the entry for food additive E 460(i) microcrystalline cellulose as regards its solubility is replaced by the following:

'Solubility	Insoluble in water, ethanol, ether and dilute mineral acids. Practically insoluble or insoluble in sodium hydroxide solution (concentration: 50 g NaOH/L).'
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CORRIGENDA**Corrigendum to Definitive adoption (EU, Euratom) 2017/30 of amending budget No 5 of the European Union for the financial year 2017**

(Official Journal of the European Union L 9 of 12 January 2018)

In the Contents page and on page 1 in the title:

for: '2017/30',

read: '2018/30'.

