Commission Regulation (EU) No 491/2014 of 5 May 2014 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 ametoctradin, azoxystrobin, cycloxydim, cyfluthrin, dinotefuran, fenbuconazole, fenvalerate, fludioxonil, fluopyram, flutriafol, fluxapyroxad, glufosinate-ammonium, imidacloprid, indoxacarb, MCPA, methoxyfenozide, penthiopyrad, spinetoram and trifloxystrobin in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 491/2014

of 5 May 2014

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 ametoctradin, azoxystrobin, cycloxydim, cyfluthrin, dinotefuran, fenbuconazole, fenvalerate, fludioxonil, fluopyram, flutriafol, fluxapyroxad, glufosinate-ammonium, imidacloprid, indoxacarb, MCPA, methoxyfenozide, penthiopyrad, spinetoram and trifloxystrobin 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) thereof,

Whereas:

(1) On 5 July 2013 the Codex Alimentarius Commission (CAC)[(2)], on proposal of the Codex Committee on Pesticides Residues (CCPR), adopted Codex maximum residue limits (CXLs) for ametoctradin, azoxystrobin, buprofezin, carbofuran, chlorothalonil, cycloxydim, cyfluthrin, cyromazine, dichlorvos, dicofol, diflubenzuron, dinotefuran, esfenvalerate, etofenprox, fenbuconazole, fenvalerate, fludioxonil, fluopyram, flutriafol, fluxapyroxad, glufosinate-ammonium, hexythiazox, imidacloprid, indoxacarb, MCPA, methoxyfenozide, penthiopyrad, phorate, pyraclostrobin, saflufenacil, sedaxane, spinetoram, spirotetramat, sulfoxaflor and trifloxystrobin.

(2) Maximum residue levels (MRLs) are set for those substances in Regulation (EC) No 396/2005 except for dinotefuran, sedaxane and sulfoxaflor. As dinotefuran, sedaxane and sulfoxaflor are not included in Annex IV to Regulation (EC) No 396/2005, the default value of 0,01 mg/kg laid down in Article 18(1)(b) applies.

(3) In accordance with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), MRLs should be adapted to international

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standards, except where there is a scientific justification to maintain a higher level of protection than provided by an international standard.

(4) Accordingly, the Union presented a reservation to the CCPR on the MRLs proposed for the following pesticide/product combinations: ametoctradin (brassica vegetables; leafy vegetables; spring onions); buprofezin (tea); chlorothalonil (all products); cycloxydim (brassica vegetables; eggs); cyromazine (all products); dichlorvos (eggs; poultry (edible offal, fat, meat); rice; wheat); dicofol (tea); diflubenzuron (all products); dinotefuran (brassicas; fruiting vegetables; leafy vegetables except water cress); fenvalerate (Chinese broccoli); fluxapyroxad (stone fruit); glufosinate-ammonium (assorted tropical and subtropical fruits; currants; potatoes; stone fruit); hexythiazox (all products); imidacloprid (celery); methoxyfenozide (cucurbits); penthiopyrad (flowerhead brassicas; stone fruit; leafy vegetables); phorate (all products); saflufenacil (all products); spinetoram (celery; spinach and brassica vegetables); and sulfoxaflor (all products).

(5) CXLs for ametoctradin, azoxystrobin, cycloxydim, cyfluthrin, dinotefuran, fenbuconazole, fenvalerate, fludioxonil, fluopyram, flutriafol, fluxapyroxad, glufosinate-ammonium, imidacloprid, indoxacarb, MCPA, methoxyfenozide, penthiopyrad, spinetoram and trifloxystrobin should therefore be included in Regulation (EC) No 396/2005 as MRLs except where they relate to products which are not set out in Annex I to that Regulation or where they are set at a lower level than the current MRLs. Those CXLs are safe for consumers in the Union[(3)].

(6) As regards fenvalerate and fludioxonil, MRLs were set for several commodities by Commission Regulation (EU) No 79/2014[(4)]. As that Regulation applies as of 19 August 2014, it is appropriate for the MRLs set for fenvalerate and fludioxonil by this Regulation, to apply from the same date.

(7) Regulation (EC) No 396/2005 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

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*.

It shall, however, apply from 19 August 2014, as regards the MRLs for fenvalerate and fludioxonil in mangoes with code number 0163030.

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

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Done at Brussels, 5 May 2014.

For the Commission

The President

José Manuel BARROSO

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ANNEX

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

(1) in Annex II, the columns for cyfluthrin, fenvalerate, fludioxonil, indoxacarb, MCPA, methoxyfenozide and trifloxystrobin 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**[a]	**Cyfluthrin (cyfluthrin including other mixtures of constituent isomers (sum of isomers)) (F)**	**Fenvalerate (any ratio of constituent isomers (RR, SS, RS & SR) including esfenvalerate) (F) (R)**	**Fludioxonil (F) (R)**	**Indoxacarb (sum of indoxacarb and its R enantiomer) (F)**	**MCPA and MCPB (MCPA, MCPB including their salts, esters and conjugates expressed as MCPA) (F) (R)**	**Methoxyfenozide (F)**	**Trifloxystrobin (F) (R)**
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
0100000	1. **FRESH OR FROZEN NUTS**	**FRUIT**				0,05[b]		
0110000	(i) **fruit**	0,02[b] **Citrus**	0,02[b]	10	0,02[b]		**2**	0,3
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)							
0110020	Oranges (Bergamot, bitter orange, chinotto							

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	and other hybrids)							
0110030	Lemons (Citron, lemon, Buddha's hand (Citrus medica var. sarcodactylis))							
0110040	Limes							
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids tangor (Citrus reticulata x sinensis))							
0110990	Others							
0120000	(ii) **nuts**	**Tree** 0,02[b]	0,05[b]		0,02[b]		0,02[b]	0,02[b]
0120010	Almonds		(+)	0,01[b]				
0120020	Brazil nuts			0,01[b]				
0120030	Cashew nuts			0,01[b]				
0120040	Chestnuts			0,01[b]				
0120050	Coconuts			0,01[b]				
0120060	Hazelnuts (Filbert)			0,01[b]				
0120070	Macadamia			0,01[b]				
0120080	Pecans			0,01[b]				
0120090	Pine nuts			0,01[b]				
0120100	Pistachios			0,2				
0120110	Walnuts			0,01[b]				