Commission Regulation (EU) No 364/2014 of 4 April 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 fenpyroximate, flubendiamide, isopyrazam, kresoxim-methyl, spirotetramat and thiacloprid in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 364/2014

of 4 April 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 fenpyroximate, flubendiamide, isopyrazam, kresoxim-methyl, spirotetramat and thiacloprid 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) For kresoxim-methyl and thiacloprid maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For fenpyroximate, flubendiamide, isopyrazam and spirotetramat MRLs were set in Part A of Annex III 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 fenpyroximate on blackberries, raspberries, peppers and beans (with pods), an application was submitted in accordance with Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRLs.

(3) As regards flubendiamide, such an application was made for strawberries. As regards isopyrazam, such an application was made for root and tuber vegetables (except sugar beet, potatoes and tropical root and tuber vegetables), peppers and cucurbits. As regards kresoxim-methyl, such an application was made for azaroles. As regards spirotetramat, such an application was made for strawberries, bananas, table olives and shallots. As regards thiacloprid, such an application was made for spinach and similar leaves.

(4) In accordance with Article 6(2) and (4) of Regulation (EC) No 396/2005 an application was submitted for spirotetramat on pineapples. The applicant claims that the authorised use of that substance on such crop in the United States leads to residues exceeding the MRL in Regulation (EC) No 396/2005 and that a higher MRL is necessary to avoid trade barriers for the importation of that crop.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 364/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) In accordance with Article 8 of Regulation (EC) No 396/2005 these applications were evaluated by the Member States concerned and the evaluation reports were forwarded to the Commission.

(6) The European Food Safety Authority, hereinafter 'the Authority' assessed the applications and the evaluation reports, examining in particular the risks to the consumer and, where relevant, to animals and gave reasoned opinions on the proposed MRLs[(2)]. It forwarded these opinions to the Commission and the Member States and made them available to the public.

(7) The Authority concluded in its reasoned opinion that, as regards the use of kresoxim-methyl on azaroles, the submitted data are sufficient to set a new MRL based on the northern EU outdoor use. As regards the use of thiacloprid in spinach and similar leaves, the submitted data are sufficient to set a new MRL based on the northern EU outdoor use for spinach and beet leaves only.

(8) As regards all other applications, the Authority concluded that all requirements with respect to data 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. It took into account the most recent information on the toxicological properties of the substances. Neither the lifetime 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 crops and products showed that there is a risk that the acceptable daily intake (ADI) or the acute reference dose (ARfD) is exceeded.

(9) Based on the reasoned opinions 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) Regulation (EC) No 396/2005 should therefore be amended accordingly.

(11) 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*.

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

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 364/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Done at Brussels, 4 April 2014.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 364/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX

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

(1) In Annex II, the column for thiacloprid 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[c]**	**Thiacloprid (F)**
(1)	(2)	(3)
0100000	1. **FRUIT FRESH OR FROZEN NUTS**	
0110000	(i) **Citrus fruit**	0,02[a]
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)	
0110020	Oranges (Bergamot, bitter orange, chinotto 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) **Tree nuts**	0,02[a]
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	

a Indicates lower limit of analytical determination

b Pesticide-code combination for which the MRL as set in Annex III Part B applies.

c 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"

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 364/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts (Filbert)	
0120070	Macadamia	
0120080	Pecans	
0120090	Pine nuts	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others	
0130000	(iii) **Pome fruit**	0,3
0130010	Apples (Crab apple)	
0130020	Pears (Oriental pear)	
0130030	Quinces	
0130040	Medlar	[b]
0130050	Loquat	[b]
0130990	Others	
0140000	(iv) **Stone fruit**	
0140010	Apricots	0,3
0140020	Cherries (Sweet cherries, sour cherries)	0,3
0140030	Peaches (Nectarines and similar hybrids)	0,3
0140040	Plums (Damson, greengage, mirabelle, sloe, red date/Chinese date/Chinese jujube (Ziziphus zizyphus))	0,1
0140990	Others	0,02[a]
0150000	(v) **Berries & small fruit**	

a	Indicates lower limit of analytical determination
b	Pesticide-code combination for which the MRL as set in Annex III Part B applies.
c	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"