# Commission Regulation (EU) No 289/2014 of 21 March 2014 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for foramsulfuron, azimsulfuron, iodosulfuron, oxasulfuron, mesosulfuron, flazasulfuron, imazosulfuron, propamocarb, bifenazate, chlorpropham and thiobencarb in or on certain products (Text with EEA relevance)

## COMMISSION REGULATION (EU) No 289/2014

## of 21 March 2014

## amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for foramsulfuron, azimsulfuron, iodosulfuron, oxasulfuron, mesosulfuron, flazasulfuron, imazosulfuron, propamocarb, bifenazate, chlorpropham and thiobencarb 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), Article 18(1)(b) and Article 49(2) thereof,

Whereas:

(1) For foramsulfuron, azimsulfuron, iodosulfuron, oxasulfuron, mesosulfuron, flazasulfuron and imazosulfuron maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For propamocarb MRLs were set in Part A of Annex III to that Regulation.

(2) For foramsulfuron, the European Food Safety Authority, hereinafter 'the Authority', submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[(2)]. The Authority recommended, for certain products, raising or keeping the existing MRLs or setting MRLs at the level identified by the Authority. It concluded that concerning the MRL for maize grain some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRL for this product should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. This MRL will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation.

(3) For azimsulfuron, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[(3)]. It recommended lowering the MRL for rice.

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(4) For iodosulfuron, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[4]. It proposed to change the residue definition. It recommended lowering the MRLs for barley grain, maize grain, rye grain and wheat grain. For linseed it recommended keeping the existing MRL. It concluded that concerning the MRLs for linseed and maize forage some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. Those MRLs will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation.

(5) For oxasulfuron, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[5]. It recommended lowering the MRLs for soya bean.

(6) For mesosulfuron, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[6]. It proposed to change the residue definition. It recommended, for certain products, raising or keeping the existing MRLs or setting MRLs at the level identified by the Authority.

(7) For flazasulfuron, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[7]. It recommended lowering the MRLs for citrus fruit and table and wine grapes. It concluded that concerning the MRLs for table olives and olives for oil production some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. Those MRLs will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation.

(8) For imazosulfuron, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[8]. It concluded that concerning the MRLs for barley grain, rice grain, rye grain and wheat grain some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. Those MRLs will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation.

(9) For propamocarb, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[9]. It proposed to change the residue definition. As regards rocket (rucola) and leek, after submitting the opinion referred to in the first sentence, the

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Authority submitted a further opinion concerning the MRLs[10]. It is appropriate to take that opinion into account.

(10) The Authority indicated that the evaluated use for propamocarb in leek as well as the existing MRL for lettuce may raise concerns of consumer protection. The Authority therefore recommended lowering the existing MRLs for lettuce. The MRL for leek should be set at the specific limit of determination or at the default MRL as laid down in Article 18(1)(b) of Regulation (EC) No 396/2005.

(11) The Authority recommended lowering the existing MRLs for potatoes, radishes, onions, tomatoes, peppers, aubergines (egg plants), cucumbers, gherkins, courgettes, pumpkins, broccoli, Brussels sprouts, head cabbage, Chinese cabbage, kohlrabi, lettuce. It recommended, for certain products, raising or keeping the existing MRLs or setting MRLs at the level identified by the Authority. It concluded that concerning the MRLs for cauliflower, lamb's lettuce, scarole, cress, land cress, rocket (rucola), red mustard, *Brassica* spp. (leaves and sprouts), fresh herbs, swine (muscle, fat, kidney), bovine (muscle, fat, kidney), sheep (muscle, fat, kidney), goat (muscle, fat, kidney), milk (cattle, sheep, goat), poultry (muscle, fat, liver) and birds' eggs some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. Those MRLs will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation. For other products the Authority recommended raising or keeping the existing MRLs.

(12) As regards products of plant and animal origin for which neither relevant authorisations nor import tolerances were reported at Union level nor Codex MRLs were available, the Authority concluded that further consideration by risk managers was required. Taking into account the current scientific and technical knowledge, MRLs for those products should be set at the specific limit of determination or at the default MRL as laid down in Article 18(1)(b) of Regulation (EC) No 396/2005.

(13) As regards thiobencarb the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[11]. As regards bifenazate and chlorpropham the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[12][13]. It proposed to change the residue definitions. The European Union reference laboratories identified reference standards as commercially not available for the residue definitions proposed by the Authority. Residue definitions for bifenazate and chlorpropham should be set in Annex II to Regulation (EC) No 396/2005 and the residue definition for thiobencarb should be set in Annex V to Regulation (EC) No 396/2005. Those residue definitions will be reviewed; the review will take into account the information available within 2 years from the publication of this Regulation.

(14) 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.

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(15) 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.

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

(17) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.

(18) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been lawfully produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained.

(19) 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, III and V 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 products which were lawfully produced before 11 April 2014:

(1) as regards the active substances foramsulfuron, azimsulfuron, iodosulfuron, oxasulfuron, mesosulfuron, flazasulfuron, imazosulfuron, bifenazate, chlorpropham and thiobencarb in and on all products;

(2) as regards the active substance propamocarb in and on all products except lettuce.

*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 11 October 2014.

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

Done at Brussels, 21 March 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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