Commission Regulation (EU) No 777/2013 of 12 August 2013 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 clodinafop, clomazone, diuron, ethalfluralin, ioxynil, iprovalicarb, maleic hydrazide, mepanipyrim, metconazole, prosulfocarb and tepraloxydim in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 777/2013

of 12 August 2013

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 clodinafop, clomazone, diuron, ethalfluralin, ioxynil, iprovalicarb, maleic hydrazide, mepanipyrim, metconazole, prosulfocarb and tepraloxydim 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 49(2) thereof,

Whereas:

(1) For ioxynil, iprovalicarb, maleic hydrazide and mepanipyrim maximum residue levels (MRLs) are set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For clodinafop, clomazone, diuron, ethalfluralin, metconazole, prosulfocarb and tepraloxydim MRLs are set in Part A of Annex III to that Regulation.

(2) For clodinafop, 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 proposed to change the residue definition. It recommended lowering the MRL for rye grain and wheat grain. For other products it recommended raising or keeping the existing MRLs.

(3) For clomazone, 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)]. The Authority recommended lowering the MRL for herbs, rape seeds and pumpkin seeds. For other products it recommended raising or keeping the existing MRLs. The Authority concluded that concerning the MRLs for cucumbers, melons (kiwanos) and kohlrabi 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

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taking into account the information available within two years from the publication of this Regulation.

(4) For diuron, 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]. The Authority proposed to change the residue definition. It recommended lowering the MRL for pome fruits and wine grapes. For other products it recommended raising or keeping the existing MRLs. The Authority concluded that concerning the MRLs for pome fruits and wine grapes 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 taking into account the information available within two years from the publication of this Regulation.

(5) For ethalfluralin, considering that its use is no longer authorised within the Union and no uses authorised in third countries have been notified, the Authority recommended to lower the MRL for all the products to the relevant level of analytical determination (LOD). Therefore the MRLs set out for ethalfluralin in Annexes II and III should be deleted.

(6) For ioxynil, 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]. The Authority recommended raising or keeping the existing MRLs for all the products.

(7) For iprovalicarb, 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]. The Authority recommended lowering the MRL for potatoes, tomatoes, lettuce, scarole and rocket. For other products it recommended raising or keeping the existing MRLs. The Authority concluded that concerning the MRLs for lettuce, scarole and rocket 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 taking into account the information available within two years from the publication of this Regulation.

(8) For maleic hydrazide, 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]. The Authority proposed to change the residue definition for milk and recommended lowering the MRL for cattle milk, sheep milk and goat milk. For other products it recommended raising or keeping the existing MRLs. The Authority concluded that concerning the MRLs for potatoes, carrots, parsnips, garlic, onions and shallots 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

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level identified by the Authority. Those MRLs will be reviewed taking into account the information available within two years from the publication of this Regulation.

(9) For mepanipyrim, 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]. The Authority proposed to change the residue definition. It recommended lowering the MRL for table grapes, wine grapes, strawberries, tomatoes and aubergines. For other products it recommended raising or keeping the existing MRLs.

(10) For metconazole, 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]. The Authority proposed to change the residue definition. It recommended lowering the MRL for peas (fresh without pods), peanuts, rye grain and bovine liver. For other products it recommended raising or keeping the existing MRLs. The Authority concluded that concerning the MRLs for melons (kiwanos) 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 taking into account the information available within two years from the publication of this Regulation.

(11) For prosulfocarb, 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[10]. The Authority recommended lowering the MRL for potatoes, celeriac, horseradish, parsnips, parsley roots, salsify, onions, shallots, spring onions, beans (fresh with pods), beans (fresh without pods), peas (fresh with pods), peas (fresh without pods), asparagus, celery, globe artichokes, leeks, beans (dry), peas (dry), poppy seeds, sunflower seeds, barley grain, oats grain, rye grain and wheat grain. For other products it recommended raising or keeping the existing MRLs. The Authority concluded that concerning the MRLs for strawberries, carrots, celeriac, horseradish, parsnips, parsley roots, salsify, herbs, celery and spices (from seeds and from fruits and berries) 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 taking into account the information available within two years from the publication of this Regulation.

(12) For tepraloxydim, 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[11]. The Authority proposed to change the residue definition. It recommended lowering the MRL for potatoes, beetroots, carrots, celeriac, horseradish, parsnips, parsley roots, salsify, swedes, turnips, beans (dry), lentils (dry), peas (dry), linseeds, rape seeds, poultry meat, poultry fat, poultry liver and birds' eggs. For other products it recommended raising or keeping the existing MRLs. The Authority concluded that concerning the MRLs for strawberries, other small fruits and berries, cucurbits-edible peel, Brassica vegetables, celery leaves, leeks, beans (dry), lentils and

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peas (dry) 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 taking into account the information available within two years from the publication of this Regulation.

(13) 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.

(14) 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.

(15) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States and interested parties to prepare themselves to meet the new requirements which will result from the modification of the MRLs.

(16) Annex II to Regulation (EC) No 396/2005, Parts A and B of Annex III and Annex V to that Regulation should therefore be amended accordingly.

(17) 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 produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained.

(18) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

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 produced before 6 March 2014.

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 6 March 2014.

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

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Done at Brussels, 12 August 2013.

For the Commission

The President

José Manuel BARROSO