Commission Regulation (EU) No 500/2013 of 30 May 2013 amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid, Adoxophyes orana granulovirus strain BV-0001, azoxystrobin, clothianidin, fenpyrazamine, heptamaloxyloglucan, metrafenone, Paecilomyces lilacinus strain 251, propiconazole, quizalofop-P, spiromesifen, tebuconazole, thiamethoxam and zucchini yellow mosaik virus - weak strain in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 500/2013

of 30 May 2013

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(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 Articles 5(1) and 14(1)(a) thereof,

Whereas:

(1) For acetamiprid, azoxystrobin and propiconazole maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For clothianidin, fenpyrazamine, metrafenone, quizalofop-P, spiromesifen, tebuconazole and thiamethoxam MRLs were set in Part A of Annex III to Regulation (EC) No 396/2005. For *Adoxophyes orana granulovirus* strain BV-0001, heptamaloxyloglucan, *Paecilomyces lilacinus* strain 251 and *zucchini yellow mosaik virus* - weak strain, no specific MRLs were set in Annex II and III nor were the substances included in Annex IV to Regulation (EC) No 396/2005, so the default value of 0.01 mg/kg applies.

(2) In the context of a procedure for the authorisation of the use of a plant protection product containing the active substance acetamiprid on purslane, legume vegetables and pulses (beans and peas), an application was made in accordance with Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRLs.

(3) As regards azoxystrobin, such an application was made for lettuce and other salad plants, spinach and similar, celery, cardoon, spices (seeds, fruits and berries) and rhubarb. As regards clothianidin, such an application was made for fresh herbs

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(except chervil). As regards fenpyrazamine, such an application was made for peaches, apricots and strawberries. As regards metrafenone, such an application was made for strawberries, tomatoes, peppers, aubergines, cucurbits and cultivated fungi. As regards propiconazole, such an application was made for citrus fruits. As regards quizalofop-P, such an application was made for rape seed, sunflower seed, soya bean and cotton seed. As regards tebuconazole, such an application was made for citrus fruits (except orange), lettuce and other salad plants, parsley, chives and pulses. As regards thiamethoxam, such an application was made for table olives, olives for oil production, cauliflower and globe artichokes.

(4) In accordance with Article 6(2) and (4) of Regulation (EC) No 396/2005 an application was made for fenpyrazamine on almonds, grapes and strawberries. The applicant claims that the authorised use of fenpyrazamine on such crops in the United States leads to residues exceeding the MRLs authorised under Regulation (EC) No 396/2005 and that higher MRLs are necessary to avoid trade barriers for the importation of these crops.

(5) As regards spiromesifen, such an application was made for tea. The applicant claims that the authorised use of spiromesifen on such crop in Japan, India and Indonesia leads to residues exceeding the MRL authorised under Regulation (EC) No 396/2005 and that a higher MRL is necessary to avoid trade barriers for the importation of tea.

(6) 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.

(7) 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.

(8) The Authority concluded in its reasoned opinions that, as regards the use of acetamiprid on legume vegetables (beans and peas with pods) and pulses (beans and peas), the number of trials is insufficient to set new MRLs for northern EU. As regards the use of fenpyrazamine on apricots and the use of quizalofop-P on soya bean, it concluded that the submitted data are not sufficient to set a new MRL. As regards the use of fenpyrazamine on strawberries, the Authority concluded that the submitted data are not sufficient to set a new MRL for the outdoor use.

(9) 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 these substances, nor the short-term exposure due to extreme 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.

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(10) As regards *Adoxophyes orana granulovirus* strain BV-0001, *Paecilomyces lilacinus* strain 251 and *zucchini yellow mosaik virus* - weak strain the Authority concluded[(3)] that these substances are not pathogenic to humans and will not produce any toxins. In view of that conclusion, the Commission considers that the inclusion of such substances in Annex IV to Regulation (EC) No 396/2005 is appropriate. As regards heptamaloxyloglucan, the Authority concluded[(4)] that its inclusion in Annex IV to Regulation (EC) No 396/2005 is appropriate.

(11) On 7 July 2012 the Codex Alimentarius Commission (CAC)[(5)] adopted Codex maximum residue limits (CXLs) for acetamiprid, clothianidin, tebuconazole and thiamethoxam. These CXLs should be included in Regulation (EC) No 396/2005 as MRLs, with the exception of those CXLs which are not safe for a European consumer group and for which the Union presented a reservation to the CAC[(6)].

(12) 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 relevant requirements of Article 14(2) of Regulation (EC) No 396/2005.

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

(14) 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 IV 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 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, 30 May 2013.

For the Commission

The President

José Manuel BARROSO

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ANNEX

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

(1) In Annex II, the columns for acetamiprid, azoxystrobin and propiconazole 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]	**Acetamiprid (R)**	**Azoxystrobin**	**Propiconazole**
(1)	(2)	(3)	(4)	(5)
0100000	1. **FRUIT FRESH OR FROZEN; NUTS**			
0110000	(i) **Citrus fruit**	1	15	**6**
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)			

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

b Indicates lower limit of analytical determination

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

Acetamiprid (R)

(R) = The residue definition differs for the following combinations pesticide-code number:
Acetamiprid - code 1000000: Sum of acetamiprid and N-desmethyl-acetamiprid (IM-2-1), expresed as acetamiprid

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0110040	Limes			
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids)			
0110990	Others			
0120000	(ii) **Tree nuts (shelled or unshelled)**	**0,06**		0,05[b]
0120010	Almonds		0,1[b]	
0120020	Brazil nuts		0,1[b]	
0120030	Cashew nuts		0,1[b]	
0120040	Chestnuts		0,1[b]	
0120050	Coconuts		0,1[b]	
0120060	Hazelnuts (Filbert)		0,1[b]	
0120070	Macadamia		0,1[b]	
0120080	Pecans		0,1[b]	
0120090	Pine nuts		0,1[b]	
0120100	Pistachios		1	
0120110	Walnuts		0,1[b]	
0120990	Others		0,1[b]	
0130000	(iii) **Pome fruit**	**0,8**	0,05[b]	
0130010	Apples (Crab apple)			0,15
0130020	Pears (Oriental pear)			0,05[b]
0130030	Quinces			0,05[b]

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