Commission Regulation (EU) No 899/2012 of 21 September 2012 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 acephate, alachlor, anilazine, azocyclotin, benfuracarb, butylate, captafol, carbaryl, carbofuran, carbosulfan, chlorfenapyr, chlorthal-dimethyl, chlorthiamid, cyhexatin, diazinon, dichlobenil, dicofol, dimethipin, diniconazole, disulfoton, fenitrothion, flufenzin, furathiocarb, hexaconazole, lactofen, mepronil, methamidophos, methoprene, monocrotophos, monuron, oxycarboxin, oxydemeton-methyl, parathion-methyl, phorate, phosalone, procymidone, profenofos, propachlor, quinclorac, quintozene, tolylfluanid, trichlorfon, tridemorph and trifluralin in or on certain products and amending that Regulation by establishing Annex V listing default values (Text with EEA relevance)

COMMISSION REGULATION (EU) No 899/2012

of 21 September 2012

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 acephate, alachlor, anilazine, azocyclotin, benfuracarb, butylate, captafol, carbaryl, carbofuran, carbosulfan, chlorfenapyr, chlorthal-dimethyl, chlorthiamid, cyhexatin, diazinon, dichlobenil, dicofol, dimethipin, diniconazole, disulfoton, fenitrothion, flufenzin, furathiocarb, hexaconazole, lactofen, mepronil, methamidophos, methoprene, monocrotophos, monuron, oxycarboxin, oxydemeton-methyl, parathion-methyl, phorate, phosalone, procymidone, profenofos, propachlor, quinclorac, quintozene, tolylfluanid, trichlorfon, tridemorph and trifluralin in or on certain products and amending that Regulation by establishing Annex V listing default values

(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) in conjunction with Article 17 and Article 18(1)(b) thereof,

Whereas:

(1) For acephate, azocyclotin, benfuracarb, captafol, carbaryl, carbofuran, carbosulfan, chlorfenapyr, cyhexatin, diazinon, dicofol, disulfoton, fenitrothion, furathiocarb, hexaconazole, methamidophos, monocrotophos, oxydemeton-methyl, parathion-methyl, phorate, procymidone, profenofos, quintozene, tolylfluanid and tridemorph maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For alachlor, anilazine, butylate, chlorthal-dimethyl, chlorthiamid, dichlobenil, dimethipin, diniconazole, flufenzin, lactofen, mepronil, methoprene, monuron, oxycarboxin, phosalone, propachlor, quinclorac, trichlorfon and trifluralin MRLs were set in Part A of Annex III to Regulation (EC) No 396/2005.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 899/2012. 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*

(2) The European Food Safety Authority ('the Authority') gave reasoned opinions on the existing MRLs for dicofol and propachlor pursuant to Article 12(1) of Regulation (EC) No 396/2005, examining in particular the risks to the consumer and, where relevant, to animals. Those opinions have been forwarded to the Commission and the Member States and were made available to the public.

(3) In its opinion of 22 August 2011[(2)] concerning dicofol, the Authority recommends neither inclusion of that active substance in Annex IV to Regulation (EC) No 396/2005, nor inclusion of the Codex MRLs (CXLs) in Annex II to that Regulation. However, CXLs on melons, cotton seed, tea, hops and poultry were considered acceptable with regard to consumer safety and should therefore not be deleted from Regulation (EC) No 396/2005. All other MRLs should be reduced to the relevant limit of determination (LOD).

(4) In its opinion of 28 July 2011[(3)] concerning propachlor, the Authority does not recommend inclusion of that active substance in Annex IV to Regulation (EC) No 396/2005. All MRLs should therefore be reduced to the relevant LOD.

(5) All existing authorisations for plant protection products containing the active substances referred to in recital 1 have been revoked. In accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof the MRLs set out for those active substances in Annexes II and III should therefore be deleted. This should not apply to those MRLs corresponding to CXLs based on uses in third countries, provided that they are acceptable with regard to consumer safety. Nor should it apply in cases where MRLs have been specifically set as import tolerances.

(6) As regards carbaryl, carbosulfan and profenofos, the Codex Alimentarius Commission adopted CXLs for spices (fruits and berries) on 9 July 2011[(4)]. These CXLs are safe for EU consumers and should therefore be included in Regulation (EC) No 396/2005[(5)].

(7) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain LODs. As regards several substances, those laboratories concluded that for certain commodities technical development permits the setting of lower LODs. For those active substances for which all MRLs should be reduced to the relevant LOD, default values should be fixed and listed in Annex V in accordance with Article 18(1)(b) of Regulation (EC) No 396/2005.

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

(9) In order to allow 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 the Authority's model for acute and chronic risk assessment[(6)] shows that a high level of consumer protection is maintained.

(10) 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.

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(11) 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.

(12) 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 and III to Regulation (EC) No 396/2005 are amended and Annex V thereto is established in accordance with the Annex to this Regulation.

Article 2

As regards the active substances and the products set out in the following list, 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 26 April 2013:

(1) acephate: all products;

(2) azocyclotin and cyhexatin: all products;

(3) benfuracarb: all products;

(4) carbaryl: all products except tomatoes (fresh or frozen), purslane, rice and table olives;

(5) carbosulfan: all products except carrots (fresh or frozen), potatoes, melons and milk;

(6) chlorfenapyr: all products;

(7) chlorthal-dimethyl: all products;

(8) diazinon: all products except pineapples (fresh or frozen), head cabbage and sugar beet (root);

(9) dichlobenil: all products;

(10) dicofol: all products except citrus fruit, tomatoes and table and wine grapes;

(11) dimethipin: all products;

(12) diniconazole: all products;

(13) disulfoton: all products except wheat;

(14) fenitrothion: all products;

(15) furathiocarb: all products except potatoes and melons;

(16) methamidophos: all products;

(17) methoprene: all products;

(18) monocrotophos: all products;

(19) oxydemeton-methyl: all products;

(20) parathion-methyl: all products;

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(21) phorate: peanuts;

(22) phosalone: all products;

(23) procymidone: all products;

(24) profenofos: all products;

(25) quintozene: all products;

(26) tolylfluanid: all products except lettuce and other salad plants including Brassicacea;

(27) trichlorfon: all products;

(28) trifluralin: all products.

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, however, apply from 26 April 2013, except for carbaryl in fruits and berries of code number 0820000, belonging to the group of spices.

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

Done at Brussels, 21 September 2012.

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 and the following Annex V thereto is established.

(1) Annex II is amended as follows:

(a) the columns for acephate, azocyclotin, chlorfenapyr, cyhexatin, diazinon, dicofol, carbaryl, carbofuran, carbosulfan, disulfoton, fenitrothion, methamidophos, oxydemeton-methyl, parathion-methyl, phorate, procymidone, profenofos, quintozene 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]	Acephate and methamidophos (sum of acephate and methamidophos expressed as acephate)	Azocyclotin and cyhexatin (sum of azocyclotin and cyhexatin expressed as cyhexatin) (F)	Carbaryl (sum of carbaryl and 1-naphthol expressed as carbaryl)	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)	Chlorfenapyr (F)	Dicofol (sum of p, p' and o,p' isomers) (F)	Disulfoton (sum of disulfoton, disulfoton sulfoxide and disulfoton sulfone expressed as disulfoton) (F)	Fenitrothion (sum of fenitrothion and fenitrooxon expressed as fenitrothion)	Methamidophos (sum of methamidophos and its O-analogue expressed as methamidophos)	Oxydemeton-methyl (sum of oxydemeton-methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl)	Parathion-methyl (sum of parathion-methyl and paraoxon-methyl expressed as parathion-methyl)	Phorate (sum of phorate, its oxygen analogue and their sulfones expressed as phorate)	Procymidone (R)	Profenofos (F)	Quintozene (sum of quintozene and pentachloro-aniline expressed as quintozene) (F)
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.															
(F)	= Fat soluble															
Procymidone (R)																
(R)	= The residue definition differs for the following combinations pesticide-code number: Procymidone - code 1000000: Vinclozolin, iprodione, procymidone, sum of compounds and all metabolites containing the 3,5-dichloroaniline moiety expressed as 3,5 dichloroaniline															
Profenofos (F)	(+) This MRL shall be reviewed in 1 year, to evaluate monitoring data on the occurrence of profenofos in herbs.															
0256000	(f) *Herbs*															
0256010	Chervil															
0256020	Chives															
0256030	Celery leaves (Fennel leaves, Coriander leaves, dill leaves, Caraway leaves, lovage, angelica, sweet cisely and other Apiacea leaves)															
0256040	Parsley															
0256990	Others (Edible flowers)															