Commission Regulation (EU) No 897/2012 of 1 October 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 acibenzolar-S-methyl, amisulbrom, cyazofamid, diflufenican, dimoxystrobin, methoxyfenozide and nicotine in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 897/2012

of 1 October 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 acibenzolar-S-methyl, amisulbrom, cyazofamid, diflufenican, dimoxystrobin, methoxyfenozide and nicotine 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 acibenzolar-S-methyl, cyazofamid and methoxyfenozide maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For amisulbrom, diflufenican, dimoxystrobin and nicotine, 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 acibenzolar-S-methyl on lettuce and other salad plants including *Brassicaceae* an application was made under Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRLs.

(3) As regards amisulbrom, such an application was made for tomatoes, aubergines and lettuce. As regards cyazofamid, such an application was made for horseradish. As regards diflufenican, such an application was made for olives for oil production. As regards dimoxystrobin, such an application was made for rye, mustard seed and sunflower seed. As regards methoxyfenozide such an application was made for leafy vegetables and fresh herbs (except scarole, vine leaves, water cress and witloof).

(4) 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.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 897/2012. 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*

(5) As regards nicotine in wild mushrooms, temporary MRLs were set with a condition to review those MRLs based on the evaluation of new data and information, including any scientific evidence on the natural occurrence or formation of nicotine in wild fungi. The Commission received new data and information from European food business operators, which confirm the presence of nicotine in wild mushrooms at levels compatible with the current MRLs. However, scientific evidence is still not available to demonstrate that nicotine occurs naturally in wild mushrooms and to elucidate its mechanism of formation. Therefore, the management decision taken at the Standing Committee of the Food Chain and Animal Health (SCoFCAH) on 11 May 2009 regarding the levels set in wild mushrooms for two years is still valid although, it is appropriate to extend the validity of these MRLs for another two years, pending the availability of such information.

(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) 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.

(8) 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.

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

(10) 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 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*.

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

Done at Brussels, 1 October 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:

(1) In Annex II, the columns for acibenzolar-S-methyl, cyazofamid and methoxyfenozide 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]	**Acibenzolar-S-methyl (sum of acybenzolar-S-methyl and acibenzolar acid (CGA 210007) expressed as acybenzolar-S-methyl)**	**Cyazofamid**	**Methoxyfenozide (F)**
(1)	(2)	(3)	(4)	(5)
0100000	1. **FRUIT FRESH OR FROZEN; NUTS**			
0110000	(i) **Citrus fruit**	0,02[b]	0,01[b]	1
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)			
0110040	Limes			
0110050	Mandarins (Clementine, tangerine,			

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	mineola and other hybrids)			
0110990	Others			
0120000	(ii) **Tree nuts (shelled or unshelled)**		0,01[b]	0,02[b]
0120010	Almonds	0,02[b]		
0120020	Brazil nuts	0,02[b]		
0120030	Cashew nuts	0,02[b]		
0120040	Chestnuts	0,02[b]		
0120050	Coconuts	0,02[b]		
0120060	Hazelnuts (Filbert)	0,1		
0120070	Macadamia	0,02[b]		
0120080	Pecans	0,02[b]		
0120090	Pine nuts	0,02[b]		
0120100	Pistachios	0,02[b]		
0120110	Walnuts	0,02[b]		
0120990	Others	0,02[b]		
0130000	(iii) **Pome fruit**	0,02[b]	0,01[b]	2
0130010	Apples (Crab apple)			
0130020	Pears (Oriental pear)			
0130030	Quinces			
0130040	Medlar	[c]	[c]	[c]
0130050	Loquat	[c]	[c]	[c]
0130990	Others			
0140000	(iv) **Stone fruit**		0,01[b]	
0140010	Apricots	0,2		0,3
0140020	Cherries (sweet cherries, sour cherries)	0,02[b]		0,02[b]