Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 556/2012. 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*

Commission Regulation (EU) No 556/2012 of 26 June 2012 amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for spinosad in or on raspberries (Text with EEA relevance)

COMMISSION REGULATION (EU) No 556/2012

of 26 June 2012

amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for spinosad in or on raspberries

(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 18(4) thereof,

Whereas:

(1) For spinosad maximum residue levels (MRLs) are set in Part A of Annex III to Regulation (EC) No 396/2005.

(2) In accordance with Article 53 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC[(2)], France notified on 11 May 2012 to the Commission the temporary authorisation of plant protection products containing the active substance spinosad, due to an unexpected outbreak of *Drosophila suzukii*, a danger that was unforeseeable and could not be contained by any other reasonable means. Consequently, France has also notified to the other Member States, the Commission and The European Food Safety Authority, hereinafter "the Authority", in accordance with Article 18(4) of Regulation (EC) No 396/2005 that it has authorised the placing on the market in its territory of raspberries containing pesticide residues exceeding the relevant MRL. Currently, that MRL is set at 0,3.

(3) France submitted to the Commission an appropriate consumer risk assesment and proposed a temporary MRL on that basis.

(4) The Authority assessed the data provided and issued a statement[(3)] on the safety of the proposed temporary MRL.

(5) The Authority concluded that the use of spinosad on raspberries, as authorised in France, is not likely to result in a consumer exposure exceeding the toxicological reference value and therefore is not expected to pose a public health concern.

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(6) Based on the statement of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modification to the MRL fulfil the requirements of Article 18(4) of Regulation (EC) No 396/2005.

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

(8) Given that the emergency uses of plant protection products containing spinosad are already authorized by France and the resulting urgent need to ensure a high level of consumer protection, it is appropriate to provide for the MRL by applying the procedure referred to in Article 45(5) of Regulation (EC) No 396/2005.

(9) 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

Annex III to Regulation (EC) No 396/2005 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the next 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, 26 June 2012.

For the Commission

The President

José Manuel BARROSO

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ANNEX

In Part A of Annex III to Regulation (EC) No 396/2005, the column for spinosad is 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]**	**Spinosad: sum of spinosyn A and spinosyn D, expressed as spinosad (F)**
(1)	(2)	(3)
0100000	1. **FRUIT FRESH OR FROZEN; NUTS**	
0110000	(i) **Citrus fruit**	0,3
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, mineola and other hybrids)	
0110990	Others	
0120000	(ii) **Tree nuts (shelled or unshelled)**	
0120010	Almonds	1
0120020	Brazil nuts	0,05
0120030	Cashew nuts	0,05
0120040	Chestnuts	0,05

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

(F) = Fat soluble

Spinosad: sum of spinosyn A and spinosyn D, expressed as spinosad (F)
(+) MRL applicable until 31 December 2014, after that date 0,3 will be applicable unless modified by a Regulation.

0153030	Raspberries (Wineberries, arctic bramble/raspberry, (Rubus arcticus), nectar raspberries (Rubus arcticus x idaeus))

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0120050	Coconuts	0,05
0120060	Hazelnuts (Filbert)	0,05
0120070	Macadamia	0,05
0120080	Pecans	0,05
0120090	Pine nuts	0,05
0120100	Pistachios	0,05
0120110	Walnuts	0,05
0120990	Others	0,05
0130000	(iii) **Pome fruit**	
0130010	Apples (Crab apple)	1
0130020	Pears (Oriental pear)	1
0130030	Quinces	0,5
0130040	Medlar	0,5
0130050	Loquat	0,5
0130990	Others	0,5
0140000	(iv) **Stone fruit**	1
0140010	Apricots	
0140020	Cherries (sweet cherries, sour cherries)	
0140030	Peaches (Nectarines and similar hybrids)	
0140040	Plums (Damson, greengage, mirabelle, sloe)	
0140990	Others	
0150000	(v) **Berries & small fruit**	
0151000	(a) *Table and wine grapes*	0,5

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

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0153030	Raspberries (Wineberries, arctic bramble/raspberry, (Rubus arcticus), nectar raspberries (Rubus arcticus x idaeus))

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0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) *Strawberries*	0,3
0153000	(c) *Cane fruit*	
0153010	Blackberries	0,3
0153020	Dewberries (Loganberries, boysenberries, and cloudberries)	0,02[b]
0153030	Raspberries (Wineberries, arctic bramble/raspberry, (Rubus arcticus), nectar raspberries (Rubus arcticus x idaeus))	**0,9 (+)**
0153990	Others	0,02[b]
0154000	(d) *Other small fruit & berries*	
0154010	Blueberries (Bilberries)	0,3
0154020	Cranberries (Cowberries (red bilberries))	0,02[b]
0154030	Currants (red, black and white)	0,3
0154040	Gooseberries (Including hybrids with other ribes species)	0,3
0154050	Rose hips	0,3
0154060	Mulberries (arbutus berry)	0,02[b]
0154070	Azarole (mediteranean medlar) (Kiwiberry (Actinidia arguta))	0,3
0154080	Elderberries (Black chokeberry (appleberry), mountain ash, buckthorn (sea sallowthorn), hawthorn,	0,3

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

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(F) = Fat soluble

Spinosad: sum of spinosyn A and spinosyn D, expressed as spinosad (F)
(+) MRL applicable until 31 December 2014, after that date 0,3 will be applicable unless modified by a Regulation.

0153030	Raspberries (Wineberries, arctic bramble/raspberry, (Rubus arcticus), nectar raspberries (Rubus arcticus x idaeus))