Commission Regulation (EU) No 441/2012 of 24 May 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 bifenazate, bifenthrin, boscalid, cadusafos, chlorantraniliprole, chlorothalonil, clothianidin, cyproconazole, deltamethrin, dicamba, difenoconazole, dinocap, etoxazole, fenpyroximate, flubendiamide, fludioxonil, glyphosate, metalaxyl-M, meptyldinocap, novaluron, thiamethoxam, and triazophos in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 441/2012

of 24 May 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 bifenazate, bifenthrin, boscalid, cadusafos, chlorantraniliprole, chlorothalonil, clothianidin, cyproconazole, deltamethrin, dicamba, difenoconazole, dinocap, etoxazole, fenpyroximate, flubendiamide, fludioxonil, glyphosate, metalaxyl-M, meptyldinocap, novaluron, thiamethoxam, and triazophos 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 bifenazate, bifenthrin, chlorothalonil, deltamethrin, etoxazole, glyphosate, metalaxyl-M and triazophos, maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For boscalid, chlorantraniliprole, clothianidin, cyproconazole, dicamba, difenoconazole, dinocap, fenpyroximate, flubendiamide, fludioxonil, meptyldinocap, novaluron, and thiamethoxam, MRLs were set in Part A of Annex III to Regulation (EC) No 396/2005. For cadusafos no MRLs were set before in any of the Annexes 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 metalaxyl-M in lettuce, lamb's lettuce, scarole, cress, land cress, rocket/rucola, red mustard, leaves and sprouts of brassica, an application was made under Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRLs.

(3) As regards fludioxonil, such an application was made for lamb's lettuce, lettuce, scarole, cress, rucola, leaves and sprouts of brassica, spinach, beet leaves and fresh herbs. As regards glyphosate, such an application was made for lentils. As regards

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chlorantraniliprole, such an application was made for citrus fruit, strawberries, beans and peas with and without pods, lentils, other legume vegetables, globe artichokes, rice and coffee bean.

(4) In accordance with Article 8 of Regulation (EC) No 396/2005, these applications were evaluated by the Member State concerned and the evaluation reports were forwarded to the Commission.

(5) 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.

(6) The Authority concluded in its reasoned opinions that, as regards use of fludioxonil, on lamb's lettuce, cress, rucola, leaves and sprouts of brassica, and fresh herbs the data were not adequate to support the MRLs requested. As regards chlorantraniliprole on beans without pods, peas with and without pods, lentils, and other legume vegetables, the Authority concluded that the data were not adequate to support the MRLs requested.

(7) As regards all other applications, the Authority concluded in its reasoned opinions that all requirements with respect to data were met and that the modifications to the MRLs as recommended by the Authority 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 metalaxyl-M. Neither the lifetime exposure to this substance via consumption of all food products that may contain this substance, 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) On 9 July 2011 the Codex Alimentarius Commission (CAC)[(3)] adopted CXLs for bifenazate, bifenthrin, boscalid, cadusafos, chlorantraniliprole, chlorothalonil, clothianidin, cyproconazole, deltamethrin, dicamba, difenoconazole, dinocap, etoxazole, fenpyroximate, flubendiamide, fludioxonil, meptyldinocap, novaluron, thiamethoxam, and triazophos. 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[(4)].

(9) Based on the reasoned opinions and the scientific report of the Authority and taking into account the factors relevant to the matter under consideration, the proposed modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.

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

(11) 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:

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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.*

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

Done at Brussels, 24 May 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 bifenazate, bifenthrin, chlorothalonil, etoxazole, glyphosate, metalaxyl-M and triazophos 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]**	**Bifenazate (F)**	**Bifenthrin (F)**	**Chlorothalonil (R)**	**Etoxazole**	**Glyphosate**	**Metalaxyl and metalaxyl-M (metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers))**	**Triazophos (F)**
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

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
(R) = The residue definition differs for the following combinations pesticide-code number:

Chlorothalonil - code 1011000	enforcement residue definition as Chlorothalonil only
Chlorothalonil - code 1012000	enforcement residue definition as SDS-3701
Chlorothalonil - code 1013000	enforcement residue definition as SDS-3701
Chlorothalonil - code 1014000	enforcement residue definition as SDS-3701
Chlorothalonil - code 1015000	enforcement residue definition as Chlorothalonil only
Chlorothalonil - code 1016000	enforcement residue definition as Chlorothalonil only
Chlorothalonil - code 1017000	enforcement residue definition as Chlorothalonil only

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0100000	1. **FRESH OR FROZEN; NUTS**	**FRUIT**						0,01[b]
0110000	(i) **fruit**	0,01[b] **Citrus**	0,1	0,01[b]	0,1		0,5	
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)					0,1[b]		
0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)					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.

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
(R) = The residue definition differs for the following combinations pesticide-code number:

Chlorothalonil - code 1011000 — enforcement residue definition as Chlorothalonil only
Chlorothalonil - code 1012000 — enforcement residue definition as SDS-3701
Chlorothalonil - code 1013000 — enforcement residue definition as SDS-3701
Chlorothalonil - code 1014000 — enforcement residue definition as SDS-3701
Chlorothalonil - code 1015000 — enforcement residue definition as Chlorothalonil only
Chlorothalonil - code 1016000 — enforcement residue definition as Chlorothalonil only
Chlorothalonil - code 1017000 — enforcement residue definition as Chlorothalonil only