Commission Regulation (EU) No 322/2012 of 16 April 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 clopyralid, dimethomorph, fenpyrazamine, folpet and pendimethalin in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 322/2012

of 16 April 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 clopyralid, dimethomorph, fenpyrazamine, folpet and pendimethalin 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 folpet and pendimethalin maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For clopyralid and dimethomorph MRLs were set in Part A of Annex III to Regulation (EC) No 396/2005. For fenpyrazamine, no MRLs were set before in any of the Annexes to Regulation (EC) No 396/2005, so the default value of 0,01 mg/kg applied.

(2) In the context of a procedure, for the authorisation of the use of a plant protection product containing the active substance dimethomorph on spinach and beet leaves an application was made under Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRLs.

(3) As regards clopyralid, such an application was made for cauliflower, broccoli, head cabbage, linseed, swedes, turnips and animal products, taking into account uses on animal feed crops fed to domestic food producing animals. As regards fenpyrazamine, such an application was made for grapes, tomatoes, peppers, aubergines, and cucurbits with edible peel. As regards folpet, such an application was made for wine grapes, garlic and tomatoes. As regards pendimethalin, such an application was made for leafy brassica, kohlrabi and herbs.

(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 322/2012. 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) 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 folpet on wine grapes, a potential risk to consumer health could not be excluded, if the MRL was raised, as requested by the applicant. Therefore, the MRL should not be raised. As regards clopyralid on milk, the Authority proposed a lower MRL provided that the analytical method was validated. As there is no evidence provided for this, the MRL should be kept unmodified.

(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*.

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

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 322/2012. 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*

Done at Brussels, 16 April 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 folpet and pendimethalin 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]	**Folpet**	**Pendimethalin (F)**
(1)	(2)	(3)	(4)
0100000	1. **FRUIT FRESH OR FROZEN; NUTS**		0,05[b]
0110000	(i) **Citrus fruit**	0,02[b]	
0110010	Grapefruit (Shaddocks,		

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

Folpet
(+) Sum of captan and folpet.

0130000	(iii) Pome fruit
0152000	(b) Strawberries
0153010	Blackberries
0153030	Raspberries (Wineberries, arctic bramble/raspberry, (Rubus arcticus), nectar raspberries (Rubus arcticus x idaeus))
0154030	Currants (red, black and white)
0154040	Gooseberries (Including hybrids with other ribes species)
0231010	Tomatoes (Cherry tomatoes, tree tomato, Physalis, gojiberry, wolfberry (Lycium barbarum and L. chinense))
0260010	Beans (with pods) (Green bean (french beans, snap beans), scarlet runner bean, slicing bean, yardlong beans)
0260020	Beans (without pods) (Broad beans, Flageolets, jack bean, lima bean, cowpea)

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	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)**	0,02[b]	
0120010	Almonds		

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