Commission Regulation (EU) No 559/2011 of 7 June 2011 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 captan, carbendazim, cyromazine, ethephon, fenamiphos, thiophanate-methyl, triasulfuron and triticonazole in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 559/2011

of 7 June 2011

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(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[(1)] 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, and in particular Article 14(1)(a) and Article 49(2) thereof,

Whereas:

(1) For captan, carbendazim, cyromazine, ethephon, fenamiphos, thiophanate-methyl, triasulfuron and triticonazole maximum residue levels (MRLs) are set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005.

(2) For captan the Commission was informed that uses on celery, spinach, and parsley were revoked and thus the corresponding MRLs could be reduced without requiring the opinion of the European Food Safety Authority, hereinafter 'the Authority', in accordance with Article 17 of Regulation (EC) No 396/2005.

(3) For cyromazine an evaluation by the Authority[(2)] indicated that the MRL for lettuce may raise concerns of consumer protection. The Authority recommended lowering that MRL. These concerns also apply to scarole.

(4) On the basis of additional data submitted by South Africa and Germany, the Authority further refined its earlier evaluation of the consumer exposure for carbendazim[(3)] and thiophanate-methyl[(4)]. It concluded that it is necessary to lower the MRLs as regards carbendazim for grapefruits, oranges, and tomatoes and as regards thiophanate-methyl for tomatoes.

(5) For ethephon[(5)], fenamiphos[(6)], triasulfuron[(7)] and triticonazole[(8)], the Authority submitted reasoned opinions on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005. The Authority concluded that it is necessary to lower the

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MRLs as regards triasulfuron for barley, oats, rye, and wheat and as regards fenamiphos for tomatoes, aubergines, peppers, water melons, courgettes, Brussels sprouts, bananas, peanuts and oilseeds and to raise the MRL for grapes. As regards triticonazole, the Authority concluded that no MRL needs to be modified. It is appropriate to move the MRLs on new commodities for these four substances, temporarily set in Part B of Annex III to Regulation (EC) No 396/2005, to Annex II to that Regulation.

(6) 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.

(7) 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.

(8) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States and interested parties to prepare themselves to meet the new requirements which will result from the modification of the MRLs.

(9) Annex II to Regulation (EC) No 396/2005 and Part B of Annex III to that Regulation should therefore be amended accordingly.

(10) In order to allow for the 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 information shows that a high level of consumer protection is maintained.

(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:

Article 1

Annexes II and III to Regulation (EC) No 396/2005 are amended as follows:

(1) Annex II is amended in accordance with the Annex to this Regulation.

(2) In Part B of Annex III, the columns for ethephon, fenamiphos, triasulfuron and triticonazole are deleted.

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 1 January 2012:

(a) captan: celery, spinach and parsley;

(b) carbendazim and thiophanate-methyl: frozen, canned, preserved and processed products of grapefruits, oranges and tomatoes;

(c) fenamiphos: fruiting vegetables, bananas, oilseeds and Brussels sprouts.

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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 apply from 1 January 2012.

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

Done at Brussels, 7 June 2011.

For the Commission

The President

José Manuel BARROSO

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ANNEX

Annex II to Regulation (EC) No 396/2005 is amended as follows:

The columns for captan, carbendazim, cyromazine, ethephon, fenamiphos, thiophanate-methyl, triasulfuron and triticonazole 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]**	**Captan**	**Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim) (R)**	**Cyromazine**	**Ethephon**	**Fenamiphos (sum of fenamiphos and its sulphoxide and sulphone expressed as fenamiphos)**	**Thiophanate-methyl (R)**	**Triasulfuron**	**Triticonazole**
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
0100000	1. **FRESH OR FROZEN; NUTS**	**FRUIT**		0,05[b]				0,05[b]	0,01[b]
0110000	(i) **fruit**	0,02[b] **Citrus**			0,05[b]	0,02[b]			
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)		**0,2**				6		
0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)		**0,2**				6		

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0110030	Lemons (Citron, lemon)		0,7				6		
0110040	Limes		0,7				6		
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids)		0,7				6		
0110990	Others		**0,1**[b]				0,1[b]		
0120000	(ii) **nuts (shelled or unshelled)**	**Tree**	0,1[b]			0,02[b]	0,2[b]		
0120010	Almonds	0,3			0,1				
0120020	Brazil nuts	0,02[b]			0,1				
0120030	Cashew nuts	0,02[b]			0,1				
0120040	Chestnuts	0,02[b]			0,1				
0120050	Coconuts	0,02[b]			0,1				
0120060	Hazelnuts (Filbert)	0,02[b]			0,2				
0120070	Macadamia	0,02[b]			0,1				
0120080	Pecans	0,02[b]			0,1				
0120090	Pine nuts	0,02[b]			0,1				
0120100	Pistachios	0,02[b]			0,1				
0120110	Walnuts	0,02[b]			0,5				
0120990	Others	0,02[b]			0,1				
0130000	(iii) **fruit**	3 (+) **Pome**				0,02[b]			
0130010	Apples (Crab apple)		0,2		0,6		0,5		