Commission Regulation (EU) No 520/2011 of 25 May 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 benalaxyl, boscalid, buprofezin, carbofuran, carbosulfan, cypermethrin, fluopicolide, hexythiazox, indoxacarb, metaflumizone, methoxyfenozide, paraquat, prochloraz, spirodiclofen, prothioconazole and zoxamide in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 520/2011

of 25 May 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 benalaxyl, boscalid, buprofezin, carbofuran, carbosulfan, cypermethrin, fluopicolide, hexythiazox, indoxacarb, metaflumizone, methoxyfenozide, paraquat, prochloraz, spirodiclofen, prothioconazole and zoxamide 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 benalaxyl, carbofuran, carbosulfan, cypermethrin, indoxacarb, methoxyfenozide, paraquat, prochloraz, and zoxamide maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For boscalid, buprofezin, fluopicolide, hexythiazox, metaflumizone, prothioconazole and spirodiclofen, MRLs were set in Part A of Annex III to Regulation (EC) No 396/2005.

(2) In accordance with Article 6(2) and (4) of Regulation (EC) No 396/2005 an application was made for boscalid in a wide range of crops for modification of the existing MRLs. The authorised use of boscalid in NAFTA (North American Free Trade Agreement) countries lead to higher residues than the MRLs in Annex III to Regulation (EC) No 396/2005. To avoid trade barriers for the importation of cherries, onions, spring onions, tomatoes, aubergines, cucumbers, melons, broccoli, head cabbage, basil, dry beans, dry peas, sunflower seed and rape seed, higher MRLs are necessary.

(3) In accordance with Article 8 of Regulation (EC) No 396/2005, this application was evaluated by the Member State concerned and the evaluation report was forwarded to the Commission.

(4) The European Food Safety Authority, hereinafter ‘the Authority’, assessed the application and the evaluation report, examining in particular the risks to the consumer

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 520/2011. 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*

and where relevant to animals and gave a reasoned opinion on the proposed MRLs[(2)]. It forwarded this opinion to the Commission and the Member States and made it available to the public.

(5) The Authority concluded in its reasoned opinion 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 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 showed that there is a risk that the acceptable daily intake (ADI) or the acute reference dose (ARfD) is exceeded.

(6) On 9 July 2010 the Codex Alimentarius Commission (CAC) adopted Codex limits (CXLs) for benalaxyl, boscalid, buprofezin, carbofuran, carbosulfan, cypermethrin, fluopicolide, hexythiazox, indoxacarb, metaflumizone, methoxyfenozide, paraquat, prochloraz, spirodiclofen, prothioconazole and zoxamide. 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[(3)] based on a scientific report of the Authority.

(7) Based on the reasoned opinion 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)(a)(e) of Regulation (EC) No 396/2005.

(8) Annex II and III to Regulation (EC) No 396/2005 should therefore be amended accordingly.

(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 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 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 520/2011. 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, 25 May 2011.

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 benalaxyl, carbofuran, carbosulfan, cypermethrin, indoxacarb, methoxyfenozide, paraquat, prochloraz and zoxamide 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]	Benalaxyl including other mixtures of constituent isomers including benalaxyl-M (sum of isomers)	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)	Carbosulfan	Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers) (F)	Indoxacarb (sum of the isomers S and R (F))	Methoxyfenozide	Paraquat	Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz)	Zoxamide
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
0100000	1. **FRESH OR FROZEN; NUTS**							0,02[b]		
0110000	(i) **fruit**	0,05[b]	**Citrus**		2	0,02[b]	1		10	0,02[b]
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)		0,3	0,05[b]						

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

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0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)		**0,5**	**0,1**						
0110030	Lemons (Citron, lemon)		0,3	0,05[b]						
0110040	Limes		0,3	0,05[b]						
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids)		**0,5**	**0,1**						
0110990	Others		0,3	0,05[b]						
0120000	(ii) **Tree nuts (shelled or unshelled)**	0,05[b]	0,02[b]	0,05[b]	0,05[b]	0,05[b]	0,02[b]		0,1[b]	0,02[b]
0120010	Almonds									
0120020	Brazil nuts									
0120030	Cashew nuts									
0120040	Chestnuts									
0120050	Coconuts									
0120060	Hazelnuts (Filbert)									
0120070	Macadamia									
0120080	Pecans									
0120090	Pine nuts									

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