Commission Regulation (EU) No 508/2011 of 24 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 abamectin, acetamiprid, cyprodinil, difenoconazole, dimethomorph, fenhexamid, proquinazid, prothioconazole, pyraclostrobin, spirotetramat, thiacloprid, thiamethoxam and trifloxystrobin in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 508/2011

of 24 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 abamectin, acetamiprid, cyprodinil, difenoconazole, dimethomorph, fenhexamid, proquinazid, prothioconazole, pyraclostrobin, spirotetramat, thiacloprid, thiamethoxam and trifloxystrobin 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 abamectin, acetamiprid, fenhexamid, pyraclostrobin, thiacloprid and trifloxystrobin maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For cyprodinil, difenoconazole, dimethomorph, proquinazid, prothioconazole, spirotetramat, and thiamethoxam, MRLs were set in Part A of Annex III to Regulation (EC) No 396/2005.

(2) In the context of a procedure, in accordance with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market[(2)], for the authorisation of the use of a plant protection product containing the active substance fenhexamid on onions an application was made under Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRLs.

(3) As regards abamectin, such an application was made for the use on apricots and peaches. As regards acetamiprid, such an application was made for the use on land cress and red mustard. As regards cyprodinil, such application was made for the use in fresh lentils. As regards difenoconazole, such an application was made for the use on peppers and aubergines. As regards dimethomorph, such an application was made for the use in garlic, onions, shallots, aubergines and globe artichokes. As regards proquinazid, such an application was made for the use on strawberries. As regards prothioconazole,

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 508/2011. 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*

such an application was made for the use on various root vegetables As regards pyraclostrobin, such an application was made for the use on tomatoes, aubergines, globe artichokes and celeriac. As regards spirotetramat, such an application was made for the use in various crops outside the European Union. As regards thiacloprid, such an application was made for the use on cotton seed and figs. As regards thiamethoxam, such an application was made for the use in strawberries and beans (with pods). As regards trifloxystrobin, such an application was made for the use on leafy brassica.

(4) Regarding trifloxystrobin, the European Food Safety Authority, hereinafter 'the Authority' has reviewed not only the use on leafy brassica but also the animal feeding studies and has concluded that it is necessary to set MRLs for products of animal origin with an amended residue definition at the limit of determination for enforcement purposes.

(5) 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.

(6) 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[(3)]. It forwarded these opinions to the Commission and the Member States and made them available to the public.

(7) 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 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.

(8) Based on the reasoned opinions and statement 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) of Regulation (EC) No 396/2005.

(9) Annex II and III to 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.

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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.

Done at Brussels, 24 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 abamectin, fenhexamid, pyraclostrobin, thiacloprid and trifloxystrobin 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]	**Abamectin (sum of avermectin B1a, avermectin B1b and delta-8,9 isomer of avermectin B1a) (F)**	**Fenhexamid**	**Pyraclostrobin (F)**	**Thiacloprid (F)**	**Trifloxystrobin (F)**
1	2	3	4	5	6	7
0100000	1. **FRUIT FRESH OR FROZEN; NUTS**					
0110000	(i) **Citrus fruit**	0,01[b]	0,05[b]	1	0,02[b]	0,3
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)					
0110020	Oranges (Bergamot,					

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

Trifloxystrobin-code 1000000 : the sum of trifloxystrobin and its metabolite (E, E)-methoxyimino- {2-[1-(3-trifluoromethyl-phenyl)-ethylideneamino-oxymethyl]-phenyl}-acetic acid (CGA 321113)

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	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)**	0,01[b]	0,05[b]		0,02[b]	0,02[b]
0120010	Almonds			0,02[b]		
0120020	Brazil nuts			0,02[b]		
0120030	Cashew nuts			0,02[b]		
0120040	Chestnuts			0,02[b]		
0120050	Coconuts			0,02[b]		
0120060	Hazelnuts (Filbert)			0,02[b]		
0120070	Macadamia			0,02[b]		
0120080	Pecans			0,02[b]		
0120090	Pine nuts			0,02[b]		
0120100	Pistachios			1		

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

Trifloxystrobin-code 1000000 : the sum of trifloxystrobin and its metabolite (E, E)-methoxyimino- {2-[1-(3-trifluoromethyl-phenyl)-ethylideneamino-oxymethyl]-phenyl}-acetic acid (CGA 321113)