Commission Regulation (EU) No 893/2010 of 8 October 2010 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 acequinocyl, bentazone, carbendazim, cyfluthrin, fenamidone, fenazaquin, flonicamid, flutriafol, imidacloprid, ioxynil, metconazole, prothioconazole, tebufenozide and thiophanate-methyl in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 893/2010

of 8 October 2010

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 acequinocyl, bentazone, carbendazim, cyfluthrin, fenamidone, fenazaquin, flonicamid, flutriafol, imidacloprid, ioxynil, metconazole, prothioconazole, tebufenozide and thiophanate-methyl 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 bentazone, carbendazim, cyfluthrin, fenamidone, ioxynil, and thiophanate-methyl maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For acequinocyl, fenazaquin, flonicamid, Flutriafol, imidacloprid, metconazole, prothioconazole, and tebufenozide, 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 bentazone on sweet corn an application was made under Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRLs.

(3) As regards acequinocyl, such an application was made for the use on oranges, mandarins, peaches, grapes, tomatoes and aubergines. As regards carbendazim, such an application was made for the use on lemon, limes and mandarins. As regards cyfluthrin, such an application was made for the use on courgettes, gherkins, beans with pods, peas with pods and potatoes. As regards fenamidone, such an application was made for the use on strawberries and cucurbits. As regards fenazaquin, such an application was made for the use on tea. As regards flonicamid, such an application was made for

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 893/2010. 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*

the use on citrus fruit, cherries, peppers, aubergines and peas without pods. As regards flutriafol, such an application was made for the use on apples, bananas and wine grapes. As regards imidacloprid, such an application was made for the use on rice. As regards ioxynil, such an application was made for the use on chives. As regards metconazole, such an application was made for the use on cherries, peaches, apricots, cotton seed, wheat and sugar beet. As regards prothioconazole, such an application was made for the use on broccoli and cauliflower. As regards tebufenozide, such an application was made for the use on rice. As regards thiophanate-methyl, such an application was made for the use on grapefruit, orange, lemon, limes and mandarins.

(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.

(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[3]. 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 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 showed that there is a risk that the acceptable daily intake (ADI) or the acute reference dose (ARfD) is exceeded.

(7) 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.

(8) 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*.

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

Done at Brussels, 8 October 2010.

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 bentazone, carbendazim, cyfluthrin, fenamidone, ioxynil, and thiophanate-methyl 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]**	**Bentazone (sum of bentazone and the conjugates of 6-OH and 8-OH bentazone expressed as bentazone) (R)**	**Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim) (R)**	**Cyfluthrin (cyfluthrin including other mixtures of constituent isomers (sum of isomers)) (F)**	**Fenamidone**	**Ioxynil, including its esters expressed as ioxynil (F)**	**Thiophanate-methyl (R)**
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
0100000	1. **FRESH OR FROZEN; NUTS**	0,1[b] **FRUIT**				0,05[b]	
0110000	(i) **fruit**	**Citrus**		0,02[b]	0,02[b]		
0110010	Grapefruit		0,5				6
0110020	Oranges		0,5				6
0110030	Lemons		0,7				6
0110040	Limes		0,7				6

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:
Bentazone — code 1000000: Bentazone
Carbendazim — code 1000000: Carbendazim and thiophanate-methyl, expressed as carbendazim
Thiofanate-methyl — code 1000000: Carbendazim and thiophanate-methyl, expressed as carbendazim

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0110050	Mandarins		0,7				6
0110990	Others		0,5				0,1[b]
0120000	(ii) **nuts (shelled or unshelled)**	**Tree**	0,1[b]	0,02[b]	0,02[b]		0,2[b]
0120010	Almonds						
0120020	Brazil nuts						
0120030	Cashew nuts						
0120040	Chestnuts						
0120050	Coconuts						
0120060	Hazelnuts						
0120070	Macadamia						
0120080	Pecans						
0120090	Pine nuts						
0120100	Pistachios						
0120110	Walnuts						
0120990	Others						
0130000	(iii) **fruit**	**Pome**		0,2	0,02[b]		
0130010	Apples		0,2				0,5
0130020	Pears		0,2				0,5
0130030	Quinces		0,2				0,5
0130040	Medlar	[c]	[c]	[c]	[c]	[c]	[c]
0130050	Loquat	[c]	[c]	[c]	[c]	[c]	[c]

a For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

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Thiofanate-methyl — code 1000000: Carbendazim and thiophanate-methyl, expressed as carbendazim