# Commission Regulation (EU) No 750/2010 of 7 July 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 certain pesticides in or on certain products (Text with EEA relevance)

## COMMISSION REGULATION (EU) No 750/2010

## of 7 July 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 certain pesticides 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 acetamiprid, acibenzolar-S-methyl, azoxystrobin, imazalil, prohexadione, pyraclostrobin and thiacloprid maximum residue levels (MRLs) were set in Annex II and part B of Annex III to Regulation (EC) No 396/2005. For dimethomorph, dithiocarbamates (mancozeb), fipronil, fludioxonil, pirimicarb, prosulfocarb, tebuconazole, triclopyr and valiphenal, MRLs were set in part A of Annex III to Regulation (EC) No 396/2005. So far, for amisulbrom, ametoctradin and bixafen no specific MRLs were set nor were the substances included in Annex IV 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 azoxystrobin on cardoon an application was made under Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRL.

(3) As regards acetamiprid, such an application was made for the use on beet leaves and cherries. As regards acibenzolar-S-methyl, such an application was made for the use on peach and apricots. As regards amisulbrom, such an application was made for the use on wine and table grapes. As regards bixafen, such an application was made for cereals. In view of that application, it is necessary to set MRLs for meat, fat, liver, kidney and milk from bovines, sheep and goats, since cereals are used as feed and residues may end up on forage for these animals. As regards ametoctradin, such an application was made for the use on table and wine grapes, potatoes, tomatoes, peppers, cucumbers, courgette,

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melon, watermelon, pumpkin, lettuce, and lamb's lettuce. As regards dithiocarbamates (mancozeb), such an application was made for the use on peas without pods. As regards dimethomorph, such an application was made for the use on peas without pods and leeks. As regards fludioxonil, such an application was made for the use on celeriac. As regards fipronil, an application was made to modify the values for cereals. As regards imazalil, an application was made to modify the value for the limit of determination, LOD. As regards pirimicarb, such an application was made for the use on fennel. As regards prohexadione, such an application was made to change the residue definition and for the use on rye. As regards prosulfocarb, such an application was made for the use on carrots and celeriac. As regards tebuconazole, such an application was made for the use on mandarins. As regards thiacloprid, such an application was made for olives, poppy seeds and various root and tuber vegetables. As regards triclopyr, such an application was made to change the residue definition on animal products and to change the MRLs on animal products. As regards valifenalate, such an application was made for the use on tomatoes and aubergine.

(4) In accordance with Article 6(2) and (4) of Regulation (EC) No 396/2005 an application was made for tebuconazole on passion fruit. The authorised use of tebuconazole on passion fruit in Kenya leads to higher residues than the MRL in Annex III to Regulation (EC) No 396/2005. To avoid trade barriers for the importation of passion fruits, a higher MRL is necessary. The authorised uses of pyraclostrobin on cherries, plums, strawberries, cane fruit, other small fruits and berries, spring onions, cucumbers, melon, watermelon, pumpkin sunflower seeds and coffee beans in USA, Canada and Brazil lead to higher residues than the MRL in Annex III to Regulation (EC) No 396/2005. To avoid trade barriers for the importation of these crops, higher MRLs are necessary.

(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 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.

(7) 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. In the case of valifenalate the Authority considered that lower MRLs than the MRLs proposed by the evaluating Member State were sufficient. In that case it is appropriate to set the lower MRLs.

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(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 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, 7 July 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 acetamiprid, acibenzolar-S-methyl, azoxystrobin, dithiocarbamates, imazalil, prohexadione, pyraclostrobin and thiacloprid 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]** | **Acetamiprid (R)** | **Acibenzolar-S-methyl (sum of acybenzolar-S-methyl and acibenzolar acid (CGA 210007) expressed as acybenzolar-S-methyl)** | **Azoxystrobin** | **Dithiocarbamates (dithiocarbamates expressed as CS2, including maneb, mancozeb, metiram, propineb, thiram and ziram)** | **Imazalil** | **Prohexadione (prohexadione (acid) and its salts expressed as prohexadione-calcium)** | **Pyraclostrobin (F)** | **Thiacloprid (F)** |
|---|---|---|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| 0100000 | 1. **FRUIT FRESH OR FROZEN; NUTS** | | | | | | 0,05[b] | | |
| 0110000 | (i) **fruit** | 1 **Citrus** | 0,02[b] | 15 | 5 | 5 | | 1 | 0,02[b] |
| 0110010 | Grapefruit | | | | | | | | |
| 0110020 | Oranges | | | | | | | | |
| 0110030 | Lemons | | | | | | | | |

**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:
Acetamiprid — code 1000000: Acetamiprid and IM-2-1 metabolite

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| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 0110040 | Limes | | | | | | | | |
| 0110050 | Mandarins | | | | | | | | |
| 0110990 | Others | | | | | | | | |
| 0120000 | (ii) **nuts (shelled or unshelled)** | 0,01[b] **Tree** | | | | **0,05**[b] | | | 0,02[b] |
| 0120010 | Almonds | | 0,02[b] | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0120020 | Brazil nuts | | 0,02[b] | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0120030 | Cashew nuts | | 0,02[b] | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0120040 | Chestnuts | | 0,02[b] | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0120050 | Coconuts | | 0,02[b] | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0120060 | Hazelnuts | | 0,1 | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0120070 | Macadamia | | 0,02[b] | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0120080 | Pecans | | 0,02[b] | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0120090 | Pine nuts | | 0,02[b] | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0120100 | Pistachios | | 0,02[b] | 1 | 0,05[b] | | | 1 | |
| 0120110 | Walnuts | | 0,02[b] | 0,1[b] | 0,1 | | | 0,02[b] | |
| 0120990 | Others | | 0,02[b] | 0,1[b] | 0,05[b] | | | 0,02[b] | |
| 0130000 | (iii) **fruit** | 0,1 **Pome** | 0,02[b] | 0,05[b] | 5 | | | 0,3 | 0,3 |
| 0130010 | Apples | | | | | 2 | | | |
| 0130020 | Pears | | | | | 2 | | | |
| 0130030 | Quinces | | | | | 2 | | | |
| 0130040 | Medlar | [c] | [c] | [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.

**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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Acetamiprid — code 1000000: Acetamiprid and IM-2-1 metabolite