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Commission Regulation (EU) No 304/2010 of 9 April 2010 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 2-phenylphenol in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 304/2010

of 9 April 2010

amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 2-phenylphenol 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) thereof,

Whereas:

(1) 2-phenylphenol is an active substance belonging to the fourth stage of the review programme of Council Directive 91/414/EEC[(2)] for which the assessment report was presented to the Commission on 19 December 2008 in the format of the EFSA Scientific Report for 2-phenylphenol[(3)]. That report includes the opinion of the European Food Safety Authority, hereinafter 'the Authority', on the necessity of setting MRLs for that active substance in accordance with Article 12(1)(b) of Regulation (EC) No 396/2005, and a proposal for such MRLs.

(2) The Authority examined in particular the risks to consumers and animals. It evaluated the representative use as a post harvest fungicide on citrus and pears and concluded that, based on the available information, a maximum residue level (MRL) of 5 mg/kg should be set provisionally for the notified use on citrus fruit by drench application. In order to confirm the risk assessment, the Authority requested confirmation that the analytical method applied in the residue trials correctly quantifies the residues of 2-phenylphenol, 2-phenylhydroquinone and their conjugates. In addition, the Authority concluded that the notifier should submit two additional residue trials on citrus fruit and valid storage stability studies. As regards the notified use on pears, the Authority could not propose any MRL because the submitted residue data were not acceptable. In the absence of a specific MRL, the lowest limit of analytical determination should apply.

(3) The risk assessment carried out by the Authority took into account the most recent information on the toxicological properties of 2-phenylphenol. It showed that an MRL of 5 mg/kg for citrus fruit is acceptable with regard to consumer safety on the basis

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of a consumer exposure assessment for 27 specific European consumer groups. The lifetime exposure assessment via consumption of all food products that may contain 2-phenylphenol showed that there is no risk that the acceptable daily intake (ADI) is exceeded. As an acute reference dose (ARfD) is not necessary for 2-phenylphenol, there was no need to evaluate the short term exposure.

(4) The Commission invited the notifier to submit its comments on the EFSA Scientific report for 2-phenylphenol, including the proposed MRLs. The notifier submitted its comments, which have been carefully examined.

(5) Based on the Scientific Report of the Authority and taking into account the factors relevant to the matter under consideration, the proposed MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.

(6) Regulation (EC) No 396/2005 should therefore be amended accordingly.

(7) 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

Annex II to Regulation (EC) No 396/2005 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2011.

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

Done at Brussels, 9 April 2010.

For the Commission

The President

José Manuel BARROSO

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ANNEX

In Annex II to Regulation (EC) No 396/2005 the following column for 2-phenylphenol is added:

PESTICIDE RESIDUES AND MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[a]**	**Sum of 2-Phenylphenol, its salts and conjugates, expressed as 2-phenylphenol**
100000	1. **FRUIT FRESH OR FROZEN; NUTS**	
110000	(i) **Citrus fruit**	5[c]
110010	Grapefruit	
110020	Oranges	
110030	Lemons	
110040	Limes	
110050	Mandarins	
110990	Others	
120000	(ii) **Tree nuts (shelled or unshelled)**	0,1[b]
120010	Almonds	
120020	Brazil nuts	
120030	Cashew nuts	
120040	Chestnuts	
120050	Coconuts	
120060	Hazelnuts	
120070	Macadamia	
120080	Pecans	
120090	Pine nuts	
120100	Pistachios	
120110	Walnuts	
120990	Others	

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 MRL valid until 30 September 2012 pending the submission and evaluation of two additional residue trials on citrus fruit and valid storage stability studies.

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130000	(iii) **Pome fruit**	0,05[b]
130010	Apples	
130020	Pears	
130030	Quinces	
130040	Medlar	
130050	Loquat	
130990	Others	
140000	(iv) **Stone fruit**	0,05[b]
140010	Apricots	
140020	Cherries	
140030	Peaches	
140040	Plums	
140990	Others	
150000	(v) **Berries and small fruit**	0,05[b]
151000	(a) *Table and wine grapes*	
151010	Table grapes	
151020	Wine grapes	
152000	(b) *Strawberries*	
153000	(c) *Cane fruit*	
153010	Blackberries	
153020	Dewberries	
153030	Raspberries	
153990	Others	
154000	(d) *Other small fruit and berries*	
154010	Blueberries	
154020	Cranberries	

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154030	Currants (red, black and white)	
154040	Gooseberries	
154050	Rose hips	
154060	Mulberries	
154070	Azarole (Mediterranean medlar)	
154080	Elderberries	
154990	Others	
160000	(vi) **Miscellaneous fruit**	0,05[b]
161000	(a) *Edible peel*	
161010	Dates	
161020	Figs	
161030	Table olives	
161040	Kumquats	
161050	Carambola	
161060	Persimmon	
161070	Jambolan (java plum)	
161990	Others	
162000	(b) *Inedible peel, small*	
162010	Kiwi	
162020	Lychee (Litchi)	
162030	Passion fruit	
162040	Prickly pear (cactus fruit)	
162050	Star apple	
162060	American persimmon (Virginia kaki)	
162990	Others	
163000	(c) *Inedible peel, large*	
163010	Avocados	

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