Commission Regulation (EC) No 839/2008 of 31 July 2008 amending Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards Annexes II, III and IV on maximum residue levels of pesticides in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EC) No 839/2008

of 31 July 2008

amending Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards Annexes II, III and IV on maximum residue levels of pesticides in or on certain products

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 396/2005[(1)] 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, and in particular Article 5(1), Article 15(1)(b), Article 21(1) and 22(1) thereof,

Whereas:

(1) Annex II to Regulation (EC) No 396/2005 is to contain, for the products covered by Annex I to that Regulation, the maximum residue levels (MRLs) provided for under Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals[(2)], Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin[(3)] and Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables[(4)]. Those Directives have been amended by Commission Directives 2007/73/EC[(5)] and 2008/17/EC. Annex II to Regulation (EC) No 396/2005 should therefore include the MRLs set out in Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as amended by Directives 2007/73/EC and 2008/17/EC.

(2) MRLs for permethrin have been established in Directives 86/362/EEC and 90/642/EEC by Commission Directive 2002/66/EC[(6)] and in Directive 86/363/EEC by Commission Directive 98/82/EC[(7)]. MRLs for propham have been established in Directives 86/362/EEC, 86/363/EEC and 90/642/EEC by Commission Directive 2000/82/EC[(8)]. It is appropriate to incorporate these MRLs in Annex II to Regulation (EC) No 396/2005.

(3) In accordance with Article 22(1) of Regulation (EC) No 396/2005, Annex III to that Regulation is to establish temporary MRLs for active substances for which a decision on inclusion in Annex I to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market[(9)] has not yet been taken. When

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establishing those MRLs hitherto unharmonised national MRLs are to be taken into account. Those MRLs have to meet certain requirements.

(4) Article 15(1)(b) of Regulation (EC) No 396/2005 also provides that where active substances have not been included in Annex I to Directive 91/414/EEC and where they are not included in Annex II to Regulation (EC) No 396/2005, temporary MRLs may be set and listed in Annex III.

(5) Article 16(1) of Regulation (EC) No 396/2005 also provides that Annex III may contain other categories of MRLs. These include MRLs for new agricultural products included in Annex I of the Regulation, for which no MRLs were set in Directives 86/362/EEC, 86/363/EEC and 90/642/EEC.

(6) As regards the national MRLs notified by Member States, the Member States concerned have communicated the information required under Article 23 of Regulation (EC) No 396/2005. In accordance with Articles 23 and 24 of that Regulation, for each crop/pesticide combination those MRLs were submitted to the European Food Safety Authority, hereinafter 'the Authority'. The Authority has published reasoned opinions[10] on the national MRLs for active substances not included in Annex I to Directive 91/414/EEC, on the basis of which temporary MRLs can be set, which do not present an unacceptable risk to consumers. Those MRLs should therefore be included in Annex III to that Regulation.

(7) Certain Member States have requested additional active substances to be included in Annex IV. Information was submitted and evaluated and based on this information it was concluded that it is appropriate to include these substances in Annex IV 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,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes 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*.

It shall apply from 1 September 2008.

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

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ANNEX

Annexes II, III and IV to Regulation (EC) No 396/2005 are amended as follows:

(1) Annex II is amended as follows:

(a) The lines for acephate, acetamiprid, acibenzolar-S-methyl, aldrin, atrazine, benalaxyl, bifenthrin, benomyl, carbendazim, chlormequat, chlorothalonil, chlorpyrifos, clofentezine, cyfluthrin, cypermethrin, cyromazine, deltamethrin, dieldrin, dimethoate, dithiocarbamates, esfenvalerate, famoxadone, fenhexamid, fenitrothion, fenvalerate, glyphosate, imazalil, indoxacarb, lambda-cyhalothrin, mepanipyrim, metalaxyl-M, methidathion, methoxyfenozide, pendimethanil, pymetrozine, pyraclostrobin pyrimethanil, spiroxamine, thiacloprid, thiophanate-methyl 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[0]	Acephate (sum of acephate and methamidophos expressed as acephate)	Acetamiprid (S- and including N-Dealkyl metabolites (sum of acetamiprid and N-Dealkyl metabolites expressed as acetamiprid))	Acibenzolar-S-methyl including its acid metabolite (CGA 210007) (sum of isomers) expressed as acybenzolar-S-methyl)	Aldrin and dieldrin (sum of aldrin and dieldrin)	Atrazine including other mixtures of constituent isomers (sum of isomers)	Benalaxyl (sum of isomers)	Benomyl (sum of benomyl and carbendazim expressed as carbendazim)	Bifenthrin (sum of isomers)	Carbendazim (sum of benomyl and carbendazim expressed as carbendazim)	Chlormequat including other mixtures of constituent isomers (sum of isomers)	Chlorothalonil	Chlorpyrifos including other mixtures of constituent isomers (sum of isomers)	Clofentezine	Cyfluthrin including other mixtures of constituent isomers (sum of isomers)	Cypermethrin including other mixtures of constituent isomers (sum of isomers)	Cyromazine	Deltamethrin (cis-deltamethrin)	Dieldrin (sum of aldrin and dieldrin)	Dimethoate including other mixtures of constituent isomers (sum of isomers)	Dithiocarbamates (Dithiocarbamates expressed as CS2, including those of maneb, mancozeb, metiram, propineb, thiram and ziram)[00]	Esfenvalerate (Sum of RR & SS isomers)	Famoxadone	Fenhexamid	Fenitrothion including other mixtures of constituent isomers (sum of isomers)	Fenvalerate including other mixtures of constituent isomers (sum of isomers)	Glyphosate	Imazalil	Indoxacarb	Lambda-cyhalothrin (sum of isomers)	Mepanipyrim	Metalaxyl-M (metalaxyl-M including other mixtures of constituent isomers (sum of isomers))	Methidathion[0]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)			
0100000	1. FRESH OR FROZEN; NUTS	0,02[0]	0,01[0]	0,05[0]	FRUIT										0,05[0]																		
0110000	(i) Citrus fruit	0,02[0]	0,05[0]	0,5[0]	0,01[0]	0,5[0]	0,02[0]		0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,05[0]	0,02[0]	0,1[5]
0110010	Grapefruit							0,3												0,1[0]		0,1											
0110020	Oranges							0,3												0,5		0,1											
0110030	Lemons							0,2												0,1[0]		0,2											
0110040	Limes							0,3												0,1[0]		0,2											

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‘Pesticide residues and maximum residue levels (mg/kg)

0110050	Mandarins											2												0,5			0,2			
0110990	Others											0,3												0,1[0]			0,02[0]			
0120000	**(ii) Tree nuts (shelled or unshelled)**			0,01[0]			0,05[0]	0,05[0]	0,1[0]	0,1[0]	0,01[0]	0,05[0]	0,05[0]	0,02[0]	0,05[0]		0,05[0]	0,05[0]	0,02[0]	0,05[0]	0,01[0]	0,02[0]	0,1[0]	0,02[0]	0,05[0]	0,05[0]	0,01[0]	0,05[0]	0,05[0]	
0120010	Almonds			0,02[0]															0,05[0]											
0120020	Brazil nuts			0,02[0]															0,05[0]											
0120030	Cashew nuts			0,02[0]															0,05[0]											
0120040	Chestnuts			0,02[0]															0,05[0]											
0120050	Coconuts			0,02[0]															0,05[0]											
0120060	Hazelnuts			0,1															0,05[0]											
0120070	Macadamia			0,02[0]															0,05[0]											
0120080	Pecans			0,02[0]															0,05[0]											
0120090	Pine nuts			0,02[0]															0,05[0]											
0120100	Pistachios			0,02[0]															0,05[0]											
0120110	Walnuts			0,02[0]															0,1(mz)											
0120990	Others			0,02[0]															0,05[0]											
0130000	**(iii) Pome fruit**		0,1	0,02[0]			0,05	0,3			1	0,5	0,5	0,2	1			0,02[0]	5 (ma, mz, me, pr, t, z)	0,02[0]	0,05[0]		0,05	0,1	2[0]		0,1	0,01	1[0]	0,05
0130010	Apples								0,2	0,05[0]							0,2					0,01[0]				0,5				
0130020	Pears								0,2	0,2[0]							0,1					0,01[0]				0,3				
0130030	Quinces								0,2	0,05[0]							0,1					0,01[0]				0,3				
0130040	Medlar			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0130050	Loquat			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0130990	Others								0,2	0,05[0]							0,1					0,01[0]				0,3				

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'Pesticide residues and maximum residue levels (mg/kg)

0140000	(iv) **Stone fruit**	0,02[0]	0,05[0]	2	0,05[0]	0,02[0]	0,01[0]	0,1[0]	0,02[0]	0,01	0,05[0]
0140010	Apricots	0,2	1	0,05	0,02[0]	2	0,1	0,02[0]	2 (mz, t)	5	0,1	0,3	0,2	0,02[0]
0140020	Cherries	0,5	0,01[0]	0,1	0,02[0]	1	0,2	1	2 (mz, me, pr, t, z)	5	0,02[0]	0,02[0]	1	0,2
0140030	Peaches	0,2	1	0,2	0,02[0]	2	0,1	0,02[0]	2 (mz, t)	5	0,1	0,3	0,2	0,05
0140040	Plums 0,02	0,5	0,01[0]	0,2	0,2	0,2	1	0,1	0,02[0]	2 (mz, me, t, z)	1	0,02[0]	0,02[0]	1	0,2
0140990	Others 0,01[0]	0,1[0]	0,01[0]	0,05[0]	0,02[0]	0,05[0]	0,1	0,02[0]	0,05[0]	0,05[0]	0,02[0]	0,02[0]	1	0,02[0]
0150000	(v) **Berries & small fruit**	0,01[0]	0,02[0]	0,05[0]	0,02[0]	0,02[0]	0,02[0]
0151000	(a) *Table and wine grapes*	0,2	0,2	0,5	0,3	0,5	0,2	5 (ma, mz, me, pr, t)	2	5	0,01[0]	0,5	2	0,2	3
0151010	Table grapes	0,3	1	0,02[0]	2
0151020	Wine grapes	0,5	3	1	1
0152000	(b) *Strawberries*	0,05[0]	5	0,1[0]	3	0,2	2	0,02[0]	0,05[0]	0,2	10 (t)	0,5[0]	0,02[0]	0,01[0]	0,02[0]	1[0]	0,02[0]	2	0,5
0153000	(c) *Cane fruit*	0,05[0]	0,1[0]	0,01[0]	0,02[0]	5	0,05[0]	0,02[0]	1[0]	0,01[0]	0,02[0]	1[0]	0,02[0]	0,01[0]	0,05[0]
0153010	Blackberries	0,3	0,5	3	0,5	0,02[0]
0153020	Dewberries	0,05[0]	0,05[0]	3	0,05[0]	0,02[0]
0153030	Raspberries	0,3	0,5	3	0,5	0,2
0153990	Others	0,05[0]	0,05[0]	3	0,05[0]	0,02[0]
0154000	(d) *Other small*	0,05[0]	0,1[0]	0,02[0]	0,05[0]	5 (mz)	0,02[0]	0,02[0]	1[0]	0,01[0]	0,05[0]