Commission Regulation (EU) No 87/2014 of 31 January 2014 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid, butralin, chlorotoluron, daminozide, isoproturon, picoxystrobin, pyrimethanil and trinexapac in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) No 87/2014

of 31 January 2014

amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid, butralin, chlorotoluron, daminozide, isoproturon, picoxystrobin, pyrimethanil and trinexapac 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), Article 18(1)(b) and Article 49(2) thereof,

Whereas:

(1) For acetamiprid, daminozide, isoproturon, picoxystrobin and pyrimethanil, maximum residue levels (MRLs) were set in Annex II and Part B of Annex III to Regulation (EC) No 396/2005. For butralin, chlorotoluron and trinexapac, MRLs were set in Part A of Annex III to that Regulation.

(2) For acetamiprid, the European Food Safety Authority, hereinafter 'the Authority', submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[(2)]. Commission Regulation (EU) No 500/2013 of 30 May 2013[(3)] introduced some modifications to the existing MRLs of this substance. Taking into consideration these modifications in conjunction with the recommendations made by the reasoned opinion of the Authority, it is appropriate to lower the MRL for citrus fruits, lamb's lettuce, lettuce, rocket, leaves and sprouts of *Brassica* spp. It is also appropriate to keep the existing MRLs for certain products and to raise the MRL for globe artichokes. The Authority concluded that concerning the MRLs for apricots, peaches, swine (meat, fat, liver and kidney), bovine animals (meat, fat, liver and kidney), sheep (meat, fat, liver and kidney), goat (meat, fat, liver and kidney), poultry (meat, fat and liver), as well as for milk and eggs, some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified

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by the Authority. Those MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(3) For butralin, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[4]. The non-inclusion of butralin in Annex I to Directive 91/414/EEC is provided for in Commission Decision No 2008/819/EC[5] and Member States were authorized to grant a period of grace expiring no later than 20 April 2010. All existing authorisations for plant protection products containing the active substance butralin have been revoked. In accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof the MRLs set out for those active substances in Annexes II and III should therefore be deleted. This should not apply to CXLs based on uses in third countries, provided that those CXLs are acceptable with regard to consumer safety. Nor should it apply in cases where MRLs have been specifically set as import tolerances.

(4) For chlorotoluron, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof. It recommended keeping the existing MRLs for certain products. It concluded that concerning the MRLs for apples, pears, cereals, bovine animals (meat, fat, liver and kidney), sheep (meat, fat, liver and kidney) and goat (meat, fat, liver and kidney), some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority. Those MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(5) For daminozide, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005. It proposed to change the residue definition. All existing authorisations for plant protection products containing daminozide are restricted to non-edible crops. It is therefore appropriate to set the MRLs at the specific limit of determination.

(6) For isoproturon, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[6]. It recommended keeping the existing MRLs for certain products. It concluded that concerning the MRLs for chives, thymes, bovine animals (meat, fat, liver and kidney), sheep (meat, fat, liver and kidney) and goat (meat, fat, liver and kidney), some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the level identified by the Authority. Those MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(7) For picoxystrobin, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[7]. It recommended lowering the MRLs for bovine animals (meat, fat, liver and kidney), sheep (meat, fat, liver and kidney), goat (meat, fat, liver and

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kidney) and milk. It recommended keeping the existing MRLs for rye and wheat and raising the MRLs for barley and oats. It concluded that concerning the MRLs for rape seed some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. Those MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(8) For pyrimethanil, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[8]. It proposed to change the residue definition. It recommended lowering the MRLs for citrus fruits, plums, cucumbers, gherkins and courgettes. It recommended keeping the existing MRLs for some products and raising the MRLs for pome fruits, apricots, cherries, spring onions, leaves and sprouts of *Brassica* spp., herbs and beans (fresh, with pods). It concluded that concerning the MRLs for cereals, swine (meat, fat, liver and kidney), bovine animals (meat, fat, liver and kidney), sheep (meat, fat, liver and kidney), goat (meat, fat, liver and kidney) and milk, some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. Those MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(9) For trinexapac, the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(2) of Regulation (EC) No 396/2005 in conjunction with Article 12(1) thereof[9]. It proposed to change the residue definition. It recommended lowering the MRLs for swine (meat, fat and liver), bovine animals (meat, fat and liver), sheep (meat, fat and liver), goat (meat, fat and liver), poultry (meat, fat and liver), milk and eggs. It recommended keeping the existing MRLs for rape seed, cereals and kidney from swine, bovine animals, sheep and goat. It concluded that concerning the MRLs for dry beans and poppy seeds some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. Those MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(10) As regards products for which no relevant authorisations or import tolerances were reported at European Union level and no Codex MRL was available, the Authority concluded that further consideration by risk managers was required. Taking into account the current scientific and technical knowledge, MRLs for those products should be set at the specific limit of determination or at the default MRL in accordance with Article 18(1)(b) of Regulation (EC) No 396/2005.

(11) 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.

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(12) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.

(13) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been lawfully produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained.

(14) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.

(15) 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

Annexes II, III and V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were lawfully produced before 25 August 2014.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall, however, apply from 25 August 2014.

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

Done at Brussels, 31 January 2014.

For the Commission

The President

José Manuel BARROSO

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ANNEX

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

(1) Annex II is amended as follows:

(a) The columns for acetamiprid, isoproturon, picoxystrobin and pyrimethanil 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)**	**Isoproturon**	**Picoxystrobin (F)**	**Pyrimethanil (R)**
(1)	(2)	(3)	(4)	(5)	(6)
0100000	1. **FRESH OR FROZEN NUTS**	**FRUIT**	**0,01**[b]	**0,01**[b]	
0110000	(i) **Citrus fruit**	**0,9**			**8**
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)				
0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)				
0110030	Lemons (Citron,				