

## COMMISSION REGULATION (EU) No 473/2012

of 4 June 2012

## amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for spinetoram (XDE-175) 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<sup>(1)</sup>, and in particular Article 18(4) thereof,

Whereas:

(1) For spinetoram (XDE-175) MRLs are set in Part A of Annex III to Regulation (EC) No 396/2005.

(2) In accordance with Article 53 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC<sup>(2)</sup>, France notified on 11 May 2012 to the Commission the temporary authorisation of plant protection products containing the active substance spinetoram (XDE-175), due to an unexpected outbreak of *Drosophila suzukii*, a danger that was unforeseeable and could not be contained by any other reasonable means. Consequently, France has also notified to the other Member States, the Commission and the Authority in accordance with Article 18(4) of Regulation (EC) No 396/2005 that it has authorised the placing on the market in its territory of cherries, raspberries and blueberries containing pesticide residues higher than the MRLs. Currently, those MRLs are established at the limit of determination in Annex III to Regulation (EC) No 396/2005.

(3) France submitted to the Commission an appropriate consumer risk assessment and proposed temporary MRLs on that basis.

(4) The European Food Safety Authority, hereinafter "the Authority", assessed the data provided and issued a statement<sup>(3)</sup> on the safety of the proposed temporary MRLs.

(5) The Authority concluded that the emergency use of spinetoram (XDE-175) on cherries, raspberries and blueberries is not likely to result in a consumer exposure exceeding the toxicological reference value and therefore is not expected to pose a public health concern.

(6) France did not report details of supervised field trials, nor complete a quality assessment of such trials. The Authority had to base its statement on the assumption that the supervised field trials are valid and confirm the proposed temporary MRLs. In order to verify the correctness of the assumption, France should update the evaluation report as soon as possible.

(7) Based on the statement 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 18(4) of Regulation (EC) No 396/2005.

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

(9) Given that the emergency uses of plant protection products concerning spinetoram are already authorized by France and the resulting urgent need to ensure a high level of consumer protection, it is appropriate to provide for the MRLs by applying the procedure referred to in Article 45(5) of Regulation (EC) No 396/2005.

(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,

HAS ADOPTED THIS REGULATION:

## Article 1

Annex III 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 the next day following that of its publication in the *Official Journal of the European Union*.

<sup>(1)</sup> OJ L 70, 16.3.2005, p. 1.

<sup>(2)</sup> OJ L 309, 24.11.2009, p. 1.

<sup>(3)</sup> European Food Safety Authority; Statement on the modification of the existing MRLs for spinetoram in cherries, raspberries and blueberries. EFSA Journal 2012;10(5):2708. [24 pp.] doi:10.2903/j.efsa.2012.2708. Available online: <http://www.efsa.europa.eu/efsajournal.htm>

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

Done at Brussels, 4 June 2012.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

In Part A of Annex III to Regulation (EC) No 396/2005, the column for spinetoram (XDE-175) is 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 (*)	Spinetoram (XDE-175)
(1)	(2)	(3)
0100000	<b>1. FRUIT FRESH OR FROZEN; NUTS</b>	
0110000	<b>(i) Citrus fruit</b>	0,2
0110010	Grapefruit (Shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)	
0110020	Oranges (Bergamot, bitter orange, chinotto and other hybrids)	
0110030	Lemons (Citron, lemon)	
0110040	Limes	
0110050	Mandarins (Clementine, tangerine, mineola and other hybrids)	
0110990	Others	
0120000	<b>(ii) Tree nuts (shelled or unshelled)</b>	0,05 (*)
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts (Filbert)	
0120070	Macadamia	
0120080	Pecans	
0120090	Pine nuts	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others	
0130000	<b>(iii) Pome fruit</b>	0,2
0130010	Apples (Crab apple)	
0130020	Pears (Oriental pear)	
0130030	Quinces	
0130040	Medlar	
0130050	Loquat	
0130990	Others	
0140000	<b>(iv) Stone fruit</b>	
0140010	Apricots	0,2

(1)	(2)	(3)
0140020	Cherries (sweet cherries, sour cherries)	<b>0,2 (+)</b>
0140030	Peaches (Nectarines and similar hybrids)	0,2
0140040	Plums (Damson, greengage, mirabelle, sloe)	0,05 (*)
0140990	Others	0,05 (*)
0150000	<b>(v) Berries &amp; small fruit</b>	
0151000	(a) <i>Table and wine grapes</i>	0,5
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>Strawberries</i>	0,2
0153000	(c) <i>Cane fruit</i>	
0153010	Blackberries	0,05 (*)
0153020	Dewberries (Loganberries, boysenberries, and cloudberrries)	0,05 (*)
0153030	Raspberries (Wineberries, arctic bramble/raspberry, ( <i>Rubus arcticus</i> ), nectar raspberries ( <i>Rubus arcticus</i> x <i>idaeus</i> ))	<b>0,8 (+)</b>
0153990	Others	0,05 (*)
0154000	(d) <i>Other small fruit &amp; berries</i>	
0154010	Blueberries (Bilberries)	<b>0,2 (+)</b>
0154020	Cranberries (Cowberries (red bilberries))	0,05 (*)
0154030	Currants (red, black and white)	0,05 (*)
0154040	Gooseberries (Including hybrids with other ribes species)	0,05 (*)
0154050	Rose hips	0,05 (*)
0154060	Mulberries (arbutus berry)	0,05 (*)
0154070	Azarole (mediteranean medlar) (Kiwiberry ( <i>Actinidia arguta</i> ))	0,05 (*)
0154080	Elderberries (Black chokeberry (appleberry), mountain ash, buckthorn (sea sallowthorn), hawthorn, service berries, and other treeberries)	0,05 (*)
0154990	Others	0,05 (*)
0160000	<b>(vi) Miscellaneous fruit</b>	0,05 (*)
0161000	(a) <i>Edible peel</i>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats (Marumi kumquats, nagami kumquats, limequats ( <i>Citrus aurantifolia</i> x <i>Fortunella</i> spp.))	
0161050	Carambola (Bilimbi)	
0161060	Persimmon	
0161070	Jambolan (java plum) (Java apple (water apple), pomerac, rose apple, Brazilian cherry Surinam cherry ( <i>grumichama Eugenia uniflora</i> ),)	
0161990	Others	
0162000	(b) <i>Inedible peel, small</i>	
0162010	Kiwi	

(1)	(2)	(3)
0162020	Lychee (Litchi) (Pulasan, rambutan (hairy litchi), mangosteen)	
0162030	Passion fruit	
0162040	Prickly pear (cactus fruit)	
0162050	Star apple	
0162060	American persimmon (Virginia kaki) (Black sapote, white sapote, green sapote, canistel (yellow sapote), and mammey sapote)	
0162990	Others	
0163000	(c) <i>Inedible peel, large</i>	
0163010	Avocados	
0163020	Bananas (Dwarf banana, plantain, apple banana)	
0163030	Mangoes	
0163040	Papaya	
0163050	Pomegranate	
0163060	Cherimoya (Custard apple, sugar apple (sweetsop), llama and other medium sized Annonaceae)	
0163070	Guava (Red pitaya or dragon fruit (Hylocereus undatus))	
0163080	Pineapples	
0163090	Bread fruit (Jackfruit)	
0163100	Durian	
0163110	Soursop (guanabana)	
0163990	Others	
0200000	<b>2. VEGETABLES FRESH OR FROZEN</b>	
0210000	(i) <b>Root and tuber vegetables</b>	0,05 (*)
0211000	(a) <i>Potatoes</i>	
0212000	(b) <i>Tropical root and tuber vegetables</i>	
0212010	Cassava (Dasheen, eddoe (Japanese taro), tannia)	
0212020	Sweet potatoes	
0212030	Yams (Potato bean (yam bean), Mexican yam bean)	
0212040	Arrowroot	
0212990	Others	
0213000	(c) <i>Other root and tuber vegetables except sugar beet</i>	
0213010	Beetroot	
0213020	Carrots	
0213030	Celeriac	
0213040	Horseradish (Angelica roots, lovage roots, gentiana roots,)	
0213050	Jerusalem artichokes	
0213060	Parsnips	
0213070	Parsley root	

(1)	(2)	(3)
0213080	Radishes (Black radish, Japanese radish, small radish and similar varieties, tiger nut ( <i>Cyperus esculentus</i> ))	
0213090	Salsify ( <i>Scorzonera</i> , Spanish salsify (Spanish oysterplant))	
0213100	Swedes	
0213110	Turnips	
0213990	Others	
0220000	(ii) <b>Bulb vegetables</b>	0,05 (*)
0220010	Garlic	
0220020	Onions (Silverskin onions)	
0220030	Shallots	
0220040	Spring onions (Welsh onion and similar varieties)	
0220990	Others	
0230000	(iii) <b>Fruiting vegetables</b>	
0231000	(a) <i>Solanacea</i>	0,5
0231010	Tomatoes (Cherry tomatoes, tree tomato, <i>Physalis</i> , gojiberry, wolfberry ( <i>Lycium barbarum</i> and <i>L. chinense</i> ))	
0231020	Peppers (Chilli peppers)	
0231030	Aubergines (egg plants) (Pepino)	
0231040	Okra, lady's fingers	
0231990	Others	
0232000	(b) <i>Cucurbits - edible peel</i>	0,2
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes (Summer squash, marrow ( <i>patisson</i> ))	
0232990	Others	
0233000	(c) <i>Cucurbits-inedible peel</i>	0,05 (*)
0233010	Melons ( <i>Kiwano</i> )	
0233020	Pumpkins (Winter squash)	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>Sweet corn</i>	0,05 (*)
0239000	(e) <i>Other fruiting vegetables</i>	0,05 (*)
0240000	(iv) <b>Brassica vegetables</b>	0,05 (*)
0241000	(a) <i>Flowering brassica</i>	
0241010	Broccoli (Calabrese, Chinese broccoli, broccoli raab)	
0241020	Cauliflower	
0241990	Others	

(1)	(2)	(3)
0242000	(b) <i>Head brassica</i>	
0242010	Brussels sprouts	
0242020	Head cabbage (Pointed head cabbage, red cabbage, savoy cabbage, white cabbage)	
0242990	Others	
0243000	(c) <i>Leafy brassica</i>	
0243010	Chinese cabbage (Indian (Chinese) mustard, pak choi, Chinese flat cabbage (tai goo choi), choi sum, peking cabbage (pe-tsai),)	
0243020	Kale (Borecole (curly kale), collards, Portuguese Kale, Portuguese cabbage, cow cabbage)	
0243990	Others	
0244000	(d) <i>Kohlrabi</i>	
0250000	(v) <b>Leaf vegetables &amp; fresh herbs</b>	
0251000	(a) <i>Lettuce and other salad plants including Brassicacea</i>	
0251010	Lamb's lettuce (Italian cornsalad)	0,05 (*)
0251020	Lettuce (Head lettuce, lollo rosso (cutting lettuce), iceberg lettuce, romaine (cos) lettuce)	10
0251030	Scarole (broad-leaf endive) (Wild chicory, red-leaved chicory, radicchio, curld leave endive, sugar loaf)	0,05 (*)
0251040	Cress	0,05 (*)
0251050	Land cress	0,05 (*)
0251060	Rocket, Rucola (Wild rocket)	0,05 (*)
0251070	Red mustard	0,05 (*)
0251080	Leaves and sprouts of Brassica spp (Mizuna, leaves of peas and radish and other babyleaf brassica crops (crops harvested up to 8 true leaf stage))	0,05 (*)
0251990	Others	0,05 (*)
0252000	(b) <i>Spinach &amp; similar (leaves)</i>	0,05 (*)
0252010	Spinach (New Zealand spinach, amaranthus spinach)	
0252020	Purslane (Winter purslane (miner's lettuce), garden purslane, common purslane, sorrel, glassworth, Agretti (Salsola soda))	
0252030	Beet leaves (chard) (Leaves of beetroot)	
0252990	Others	
0253000	(c) <i>Vine leaves (grape leaves)</i>	0,05 (*)
0254000	(d) <i>Water cress</i>	0,05 (*)
0255000	(e) <i>Witloof</i>	0,05 (*)
0256000	(f) <i>Herbs</i>	0,05 (*)
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves (Fennel leaves, Coriander leaves, dill leaves, Caraway leaves, lovage, angelica, sweet ciselny and other Apiacea leaves)	
0256040	Parsley	

(1)	(2)	(3)
0256050	Sage (Winter savory, summer savory,)	
0256060	Rosemary	
0256070	Thyme (Marjoram, oregano)	
0256080	Basil (Balm leaves, mint, peppermint)	
0256090	Bay leaves (laurel)	
0256100	Tarragon (Hyssop)	
0256990	Others (Edible flowers)	
0260000	<b>(vi) Legume vegetables (fresh)</b>	
0260010	Beans (with pods) (Green bean (french beans, snap beans), scarlet runner bean, slicing bean, yardlong beans)	0,1
0260020	Beans (without pods) (Broad beans, Flageolets, jack bean, lima bean, cowpea)	0,05 (*)
0260030	Peas (with pods) (Mangetout (sugar peas, snow peas))	0,1
0260040	Peas (without pods) (Garden pea, green pea, chickpea)	0,05 (*)
0260050	Lentils	0,05 (*)
0260990	Others	0,05 (*)
0270000	<b>(vii) Stem vegetables (fresh)</b>	0,05 (*)
0270010	Asparagus	
0270020	Cardoons	
0270030	Celery	
0270040	Fennel	
0270050	Globe artichokes	
0270060	Leek	
0270070	Rhubarb	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others	
0280000	<b>(viii) Fungi</b>	0,05 (*)
0280010	Cultivated (Common mushroom, Oyster mushroom, Shi-take)	
0280020	Wild (Chanterelle, Truffle, Morel, Cep)	
0280990	Others	
0290000	<b>(ix) Sea weeds</b>	0,05 (*)
0300000	<b>3. PULSES, DRY</b>	0,05 (*)
0300010	Beans (Broad beans, navy beans, flageolets, jack beans, lima beans, field beans, cowpeas)	
0300020	Lentils	
0300030	Peas (Chickpeas, field peas, chickling vetch)	
0300040	Lupins	
0300990	Others	



(1)	(2)	(3)
0400000	<b>4. OILSEEDS AND OILFRUITS</b>	0,05 (*)
0401000	<b>(i) Oilseeds</b>	
0401010	Linseed	
0401020	Peanuts	
0401030	Poppy seed	
0401040	Sesame seed	
0401050	Sunflower seed	
0401060	Rape seed (Bird rapeseed, turnip rape)	
0401070	Soya bean	
0401080	Mustard seed	
0401090	Cotton seed	
0401100	Pumpkin seeds (Other seeds of cucurbitacea)	
0401110	Safflower	
0401120	Borage	
0401130	Gold of pleasure	
0401140	Hempseed	
0401150	Castor bean	
0401990	Others	
0402000	<b>(ii) Oilfruits</b>	
0402010	Olives for oil production	
0402020	Palm nuts (palmoil kernels)	
0402030	Palmfruit	
0402040	Kapok	
0402990	Others	
0500000	<b>5. CEREALS</b>	0,05 (*)
0500010	Barley	
0500020	Buckwheat (Amaranthus, quinoa)	
0500030	Maize	
0500040	Millet (Foxtail millet, teff)	
0500050	Oats	
0500060	Rice	
0500070	Rye	
0500080	Sorghum	
0500090	Wheat (Spelt, triticale)	
0500990	Others	
0600000	<b>6. TEA, COFFEE, HERBAL INFUSIONS AND COCOA</b>	0,1 (*)
0610000	<b>(i) Tea (dried leaves and stalks, fermented or otherwise of Camellia sinensis)</b>	

(1)	(2)	(3)
0620000	(ii) <b>Coffee beans</b>	
0630000	(iii) <b>Herbal infusions (dried)</b>	
0631000	(a) <i>Flowers</i>	
0631010	Camomille flowers	
0631020	Hybiscus flowers	
0631030	Rose petals	
0631040	Jasmine flowers (Elderflowers ( <i>Sambucus nigra</i> ))	
0631050	Lime (linden)	
0631990	Others	
0632000	(b) <i>Leaves</i>	
0632010	Strawberry leaves	
0632020	Rooibos leaves ( <i>Ginkgo</i> leaves)	
0632030	Maté	
0632990	Others	
0633000	(c) <i>Roots</i>	
0633010	Valerian root	
0633020	Ginseng root	
0633990	Others	
0639000	(d) <i>Other herbal infusions</i>	
0640000	(iv) <b>Cocoa (fermented beans)</b>	
0650000	(v) <b>Carob (st johns bread)</b>	
0700000	<b>7. HOPS (dried), including hop pellets and unconcentrated powder</b>	0,1 (*)
0800000	<b>8. SPICES</b>	0,1 (*)
0810000	(i) <b>Seeds</b>	
0810010	Anise	
0810020	Black caraway	
0810030	Celery seed ( <i>Lovage</i> seed)	
0810040	Coriander seed	
0810050	Cumin seed	
0810060	Dill seed	
0810070	Fennel seed	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others	

(1)	(2)	(3)
0820000	(ii) <b>Fruits and berries</b>	
0820010	Allspice	
0820020	Anise pepper (Japan pepper)	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berries	
0820060	Pepper, black and white (Long pepper, pink pepper)	
0820070	Vanilla pods	
0820080	Tamarind	
0820990	Others	
0830000	(iii) <b>Bark</b>	
0830010	Cinnamon (Cassia)	
0830990	Others	
0840000	(iv) <b>Roots or rhizome</b>	
0840010	Liquorice	
0840020	Ginger	
0840030	Turmeric (Curcuma)	
0840040	Horseradish	
0840990	Others	
0850000	(v) <b>Buds</b>	
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	(vi) <b>Flower stigma</b>	
0860010	Saffron	
0860990	Others	
0870000	(vii) <b>Aril</b>	
0870010	Mace	
0870990	Others	
0900000	<b>9. SUGAR PLANTS</b>	0,05 (*)
0900010	Sugar beet (root)	
0900020	Sugar cane	
0900030	Chicory roots	
0900990	Others	

(1)	(2)	(3)
1000000	<b>10. PRODUCTS OF ANIMAL ORIGIN-TERRESTRIAL ANIMALS</b>	
1010000	<b>(i) Meat, preparations of meat, offals, blood, animal fats fresh chilled or frozen, salted, in brine, dried or smoked or processed as flours or meals other processed products such as sausages and food preparations based on these</b>	
1011000	(a) <i>Swine</i>	
1011010	Meat	0,2
1011020	Fat free of lean meat	0,01 (*)
1011030	Liver	0,01 (*)
1011040	Kidney	0,01 (*)
1011050	Edible offal	0,01 (*)
1011990	Others	0,01 (*)
1012000	(b) <i>Bovine</i>	
1012010	Meat	0,2
1012020	Fat	0,01 (*)
1012030	Liver	0,01 (*)
1012040	Kidney	0,01 (*)
1012050	Edible offal	0,01 (*)
1012990	Others	0,01 (*)
1013000	(c) <i>Sheep</i>	
1013010	Meat	0,2
1013020	Fat	0,01 (*)
1013030	Liver	0,01 (*)
1013040	Kidney	0,01 (*)
1013050	Edible offal	0,01 (*)
1013990	Others	0,01 (*)
1014000	(d) <i>Goat</i>	
1014010	Meat	0,2
1014020	Fat	0,01 (*)
1014030	Liver	0,01 (*)
1014040	Kidney	0,01 (*)
1014050	Edible offal	0,01 (*)
1014990	Others	0,01 (*)
1015000	(e) <i>Horses, asses, mules or hinnies</i>	
1015010	Meat	0,2
1015020	Fat	0,01 (*)
1015030	Liver	0,01 (*)

(1)	(2)	(3)
1015040	Kidney	0,01 (*)
1015050	Edible offal	0,01 (*)
1015990	Others	0,01 (*)
1016000	(f) <i>Poultry -chicken, geese, duck, turkey and Guinea fowl-, ostrich, pigeon</i>	0,01 (*)
1016010	Meat	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offal	
1016990	Others	
1017000	(g) <i>Other farm animals (Rabbit, Kangaroo)</i>	
1017010	Meat	0,2
1017020	Fat	0,01 (*)
1017030	Liver	0,01 (*)
1017040	Kidney	0,01 (*)
1017050	Edible offal	0,01 (*)
1017990	Others	0,01 (*)
1020000	(ii) <b>Milk and cream, not concentrated, nor containing added sugar or sweetening matter, butter and other fats derived from milk, cheese and curd</b>	0,01 (*)
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others	
1030000	(iii) <b>Birds' eggs, fresh preserved or cooked Shelled eggs and egg yolks fresh, dried, cooked by steaming or boiling in water, moulded, frozen or otherwise preserved whether or not containing added sugar or sweetening matter</b>	0,01 (*)
1030010	Chicken	
1030020	Duck	
1030030	Goose	
1030040	Quail	
1030990	Others	
1040000	(iv) <b>Honey (Royal jelly, pollen)</b>	0,01 (*)
1050000	(v) <b>Amphibians and reptiles (Frog legs, crocodiles)</b>	0,01 (*)

(1)	(2)	(3)
1060000	(vi) <b>Snails</b>	0,01 (*)
1070000	(vii) <b>Other terrestrial animal products</b>	0,01 (*)

(<sup>a</sup>) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(\*) Indicates lower limit of analytical determination

**Spinetoram (XDE-175)**

(+) MRL applicable until 31 December 2014, after that date 0,05 (\*) will be applicable unless modified by a Regulation. Detailed information on supervised field trials to be submitted to the Authority and the European Commission by 30 June 2013 at the latest. Reassessment of data may lead to modification of the MRL.

**0140020**      **Cherries (sweet cherries, sour cherries)**

**0153030**      **Raspberries (Wineberries, arctic bramble/raspberry, (*Rubus arcticus*), nectar raspberries (*Rubus arcticus* x *idaeus*))**

**0154010**      **Blueberries (Bilberries)**