

II

(Non-legislative acts)

REGULATIONS

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 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.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ EFSA Scientific Report (2008) 217, Conclusion regarding the peer review of the pesticide risk assessment of the active substance 2-phenylphenol (finalised 19 December 2008).

- (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

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 ^(ft)
110010	Grapefruit	
110020	Oranges	
110030	Lemons	
110040	Limes	
110050	Mandarins	
110990	Others	
120000	(ii) Tree nuts (shelled or unshelled)	0,1 ^(*)
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	
130000	(iii) Pome fruit	0,05 ^(*)
130010	Apples	
130020	Pears	
130030	Quinces	
130040	Medlar	
130050	Loquat	
130990	Others	
140000	(iv) Stone fruit	0,05 ^(*)

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
140010	Apricots	
140020	Cherries	
140030	Peaches	
140040	Plums	
140990	Others	
150000	(v) Berries and small fruit	0,05 (*)
151000	(a) <i>Table and wine grapes</i>	
151010	Table grapes	
151020	Wine grapes	
152000	(b) <i>Strawberries</i>	
153000	(c) <i>Cane fruit</i>	
153010	Blackberries	
153020	Dewberries	
153030	Raspberries	
153990	Others	
154000	(d) <i>Other small fruit and berries</i>	
154010	Blueberries	
154020	Cranberries	
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 (*)
161000	(a) <i>Edible peel</i>	
161010	Dates	
161020	Figs	
161030	Table olives	
161040	Kumquats	
161050	Carambola	
161060	Persimmon	

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
161070	Jambolan (java plum)	
161990	Others	
162000	(b) <i>Inedible peel, small</i>	
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) <i>Inedible peel, large</i>	
163010	Avocados	
163020	Bananas	
163030	Mangoes	
163040	Papaya	
163050	Pomegranate	
163060	Cherimoya (Custard apple, sugar apple (sweetsop), llama and other medium sized Annonaceae)	
163070	Guava	
163080	Pineapples	
163090	Bread fruit	
163100	Durian	
163110	Soursop (guanabana)	
163990	Others	
200000	2. VEGETABLES FRESH OR FROZEN	0,05 (*)
210000	(i) Root and tuber vegetables	
211000	(a) <i>Potatoes</i>	
212000	(b) <i>Tropical root and tuber vegetables</i>	
212010	Cassava	
212020	Sweet potatoes	
212030	Yams	
212040	Arrowroot	
212990	Others	

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
213000	(c) <i>Other root and tuber vegetables except sugar beet</i>	
213010	Beetroot	
213020	Carrots	
213030	Celeriac	
213040	Horseradish	
213050	Jerusalem artichokes	
213060	Parsnips	
213070	Parsley root	
213080	Radishes	
213090	Salsify	
213100	Swedes	
213110	Turnips	
213990	Others	
220000	(ii) Bulb vegetables	
220010	Garlic	
220020	Onions	
220030	Shallots	
220040	Spring onions	
220990	Others	
230000	(iii) Fruiting vegetables	
231000	(a) <i>Solanacea</i>	
231010	Tomatoes	
231020	Peppers	
231030	Aubergines	
231040	Okra, lady's fingers	
231990	Others	
232000	(b) <i>Cucurbits — edible peel</i>	
232010	Cucumbers	
232020	Gherkins	
232030	Courgettes (Summer squash, marrow (patisson))	
232990	Others	
233000	(c) <i>Cucurbits inedible peel</i>	

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
233010	Melons	
233020	Pumpkins	
233030	Watermelons	
233990	Others	
234000	(d) <i>Sweet corn</i>	
239000	(e) <i>Other fruiting vegetables</i>	
240000	(iv) Brassica vegetables	
241000	(a) <i>Flowering brassica</i>	
241010	Broccoli	
241020	Cauliflower	
241990	Others	
242000	(b) <i>Head brassica</i>	
242010	Brussels sprouts	
242020	Head cabbage	
242990	Others	
243000	(c) <i>Leafy brassica</i>	
243010	Chinese cabbage	
243020	Kale	
243990	Others	
244000	(d) <i>Kohlrabi</i>	
250000	(v) Leaf vegetables and fresh herbs	
251000	(a) <i>Lettuce and other salad plants including Brassicacea</i>	
251010	Lamb's lettuce	
251020	Lettuce	
251030	Scarole	
251040	Cress	
251050	Land cress	
251060	Rocket, Rucola	
251070	Red mustard	
251080	Leaves and sprouts of Brassica spp.	
251990	Others	
252000	(b) <i>Spinach and similar (leaves)</i>	

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
252010	Spinach	
252020	Purslane	
252030	Beet leaves (chard)	
252990	Others	
253000	(c) <i>Vine leaves (grape leaves)</i>	
254000	(d) <i>Water cress</i>	
255000	(e) <i>Witloof</i>	
256000	(f) <i>Herbs</i>	
256010	Chervil	
256020	Chives	
256030	Celery leaves	
256040	Parsley	
256050	Sage	
256060	Rosemary	
256070	Thyme	
256080	Basil	
256090	Bay leaves	
256100	Tarragon	
256990	Others	
260000	(vi) Legume vegetables (fresh)	
260010	Beans (with pods)	
260020	Beans (without pods)	
260030	Peas (with pods)	
260040	Peas (without pods)	
260050	Lentils	
260990	Others	
270000	(vii) Stem vegetables (fresh)	
270010	Asparagus	
270020	Cardoons	
270030	Celery	
270040	Fennel	
270050	Globe artichokes	
270060	Leek	

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
270070	Rhubarb	
270080	Bamboo shoots	
270090	Palm hearts	
270990	Others	
280000	(viii) Fungi	
280010	Cultivated	
280020	Wild	
280990	Others	
290000	(ix) Sea weeds	
300000	3. PULSES, DRY	0,05 (*)
300010	Beans	
300020	Lentils	
300030	Peas	
300040	Lupins	
300990	Others	
400000	4. OILSEEDS AND OILFRUITS	
401000	(i) Oilseeds	0,1 (*)
401010	Linseed	
401020	Peanuts	
401030	Poppy seed	
401040	Sesame seed	
401050	Sunflower seed	
401060	Rape seed	
401070	Soya bean	
401080	Mustard seed	
401090	Cotton seed	
401100	Pumpkin seeds	
401110	Safflower	
401120	Borage	
401130	Gold of pleasure	
401140	Hempseed	
401150	Castor bean	

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
401990	Others	
402000	(ii) Oilfruits	
402010	Olives for oil production	0,05 (*)
402020	Palm nuts (palmoil kernels)	0,1 (*)
402030	Palmfruit	0,1 (*)
402040	Kapok	0,1 (*)
402990	Others	0,1 (*)
500000	5. CEREALS	0,05 (*)
500010	Barley	
500020	Buckwheat	
500030	Maize	
500040	Millet	
500050	Oats	
500060	Rice	
500070	Rye	
500080	Sorghum	
500090	Wheat	
500990	Others	
600000	6. TEA, COFFEE, HERBAL INFUSIONS AND COCOA	0,1 (*)
610000	(i) Tea (dried leaves and stalks, fermented or otherwise of <i>Camellia sinensis</i>)	
620000	(ii) Coffee beans	
630000	(iii) Herbal infusions (dried)	
631000	(a) <i>Flowers</i>	
631010	Camomille flowers	
631020	Hybiscus flowers	
631030	Rose petals	
631040	Jasmine flowers	
631050	Lime (linden)	
631990	Others	
632000	(b) <i>Leaves</i>	
632010	Strawberry leaves	
632020	Rooibos leaves	

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
632030	Maté	
632990	Others	
633000	(c) <i>Roots</i>	
633010	Valerian root	
633020	Ginseng root	
633990	Others	
639000	(d) <i>Other herbal infusions</i>	
640000	(iv) Cocoa (fermented beans)	
650000	(v) Carob (St Johns bread)	
700000	7. HOPS (dried), including hop pellets and unconcentrated powder	0,1 (*)
800000	8. SPICES	0,1 (*)
810000	(i) Seeds	
810010	Anise	
810020	Black caraway	
810030	Celery seed	
810040	Coriander seed	
810050	Cumin seed	
810060	Dill seed	
810070	Fennel seed	
810080	Fenugreek	
810090	Nutmeg	
810990	Others	
820000	(ii) Fruits and berries	
820010	Allspice	
820020	Anise pepper (Japan pepper)	
820030	Caraway	
820040	Cardamom	
820050	Juniper berries	
820060	Pepper, black and white	
820070	Vanilla pods	
820080	Tamarind	
820990	Others	

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
830000	(iii) Bark	
830010	Cinnamon	
830990	Others	
840000	(iv) Roots or rhizome	
840010	Liquorice	
840020	Ginger	
840030	Turmeric (Curcuma)	
840040	Horseradish	
840990	Others	
850000	(v) Buds	
850010	Cloves	
850020	Capers	
850990	Others	
860000	(vi) Flower stigma	
860010	Saffron	
860990	Others	
870000	(vii) Aril	
870010	Mace	
870990	Others	
900000	9. SUGAR PLANTS	0,05 (*)
900010	Sugar beet (root)	
900020	Sugar cane	
900030	Chicory roots	
900990	Others	
1000000	10. PRODUCTS OF ANIMAL ORIGIN — TERRESTRIAL ANIMALS	0,05 (*)
1010000	(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	
1011000	(a) <i>Swine</i>	
1011010	Meat	
1011020	Fat free of lean meat	
1011030	Liver	
1011040	Kidney	

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
1011050	Edible offal	
1011990	Others	
1012000	(b) <i>Bovine</i>	
1012010	Meat	
1012020	Fat	
1012030	Liver	
1012040	Kidney	
1012050	Edible offal	
1012990	Others	
1013000	(c) <i>Sheep</i>	
1013010	Meat	
1013020	Fat	
1013030	Liver	
1013040	Kidney	
1013050	Edible offal	
1013990	Others	
1014000	(d) <i>Goat</i>	
1014010	Meat	
1014020	Fat	
1014030	Liver	
1014040	Kidney	
1014050	Edible offal	
1014990	Others	
1015000	(e) <i>Horses, asses, mules or hinnies</i>	
1015010	Meat	
1015020	Fat	
1015030	Liver	
1015040	Kidney	
1015050	Edible offal	
1015990	Others	
1016000	(f) <i>Poultry — chicken, geese, duck, turkey and Guinea fowl-, ostrich, pigeon</i>	
1016010	Meat	

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
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offal	
1016990	Others	
1017000	(g) <i>Other farm animals</i>	
1017010	Meat	
1017020	Fat	
1017030	Liver	
1017040	Kidney	
1017050	Edible offal	
1017990	Others	
1020000	(ii) Milk and cream, not concentrated, nor containing added sugar or sweetening matter, butter and other fats derived from milk, cheese and curd	
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others	
1030000	(iii) 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	
1030010	Chicken	
1030020	Duck	
1030030	Goose	
1030040	Quail	
1030990	Others	
1040000	(iv) Honey	
1050000	(v) Amphibians and reptiles	
1060000	(vi) Snails	
1070000	(vii) Other terrestrial animal products	

^(a) 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.

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