EUROPEAN UNION COMMENTS ON
CODEX CIRCULAR LETTER CL 2012/10-PR

SUBJECT: DISTRIBUTION OF THE REPORT OF THE 44th SESSION OF THE
CODEX COMMITTEE ON PESTICIDE RESIDUES (REP12/PR)

PART A: MATTERS FOR ADOPTION BY THE 35th SESSION OF THE CODEX
ALIMENTARIUS COMMISSION:

1. DRAFT MAXIMUM RESIDUE LIMITS FOR PESTICIDES AT STEP 8 (PARA. 28 - 85 AND
APPENDIX II);

   The EU supports the adoption at Step 8 of all the Draft MRLs in Appendix II of REP
12/PR with the exception of the Draft MRL for TEBUCONAZOLE (189) in Lettuce,
head, due to differences in the ARfD established by JMPR and EFSA. The EU
appreciates the clarifications provided by the JMPR during the 44th session of the
CCPR in relation to its concerns. The EU requests that this reservation in included in
the report of the CAC 35.

4. PROPOSED DRAFT MAXIMUM RESIDUE LIMITS FOR PESTICIDES AT STEP 5/8 (WITH
OMISSION OF STEPS 6/7) (PARAS. 28 - 85 AND APPENDIX III);

   The EU supports the adoption at Step 5/8 of all the Proposed Draft MRLs in
Appendix III of REP 12/PR with the exception of the Proposed Draft MRLs for the
substances/commodities below for which the EU request that its reservations are
included in the report of the CAC 35.

   ACEPHATE (095)/METHAMIDOPHOS (100): the EU does not support the adoption of
the proposed draft MRL for Rice because of a methodological disagreement about the
use of human studies for deriving the ADI and ARfD. The addition of the rice MRL to
the other EU MRLs would lead to exceedence of the ADI.

   HEXYTHIAZOX (176): The EU does not support the adoption of the proposed draft
MRLs for Hops, Dry and Tea, green, black (black, fermented and dried) until the
toxicological profile of metabolite PT-1-3 is elucidated and the behaviour of
metabolites during processing is investigated.

   TEBUCONAZOLE (189): The EU does not support the adoption of the proposed draft
MRLs for table grapes, dried grapes, peaches (includes nectarines at EU level), apples,
pears, peppers, cherries and apricots due to acute intake concerns. (differences in the
ARfD established by JMPR and EFSA). The EU appreciates the clarifications
provided by the JMPR during the 44th session of the CCPR.

   PYRACLOSTROBIN (210): The EU does not support the adoption of the proposed draft
MRL for citrus due to the extrapolation made by JMPR (from orange to the whole
group of citrus). For the same reason the EU does not support the adoption of the
proposed draft MRL for oilseeds (except peanuts) as it is considered that for cotton
seeds a separate MRL is more appropriate. The EU does not support the proposed
draft MRL for papaya (0.15 mg/kg) as based on the residue trials, the MRL could be set at a lower level (0.07 mg/kg).

**SPIROTETRAMAT (234):** the EU does not support the adoption of the proposed draft MRL for edible offal ((mammalian) (1 mg/kg) as it considers that based on the trial data a lower MRL could be set (0.7 mg/kg).

**ACETAMIPRID (246):** The EU does not support the adoption of the proposed draft MRLs for spring onions and plums because it considers that the number of trials was not sufficient to derive a reliable CXL.

**ISOPYRAZAM (249):** the EU does not support the adoption of the proposed draft MRLs due to the lower ADI and ARfD set by the EU compared to the JMPR assessment resulting from a different interpretation of the toxicological studies.

**5. PROPOSED DRAFT MAXIMUM RESIDUE LIMITS FOR PESTICIDES AT STEP 5 (PARAS. 28 – 85 AND APPENDIX IV);**

The EU **supports** the adoption at Step 5 of all the Proposed Draft MRLs in Appendix IV of REP 12/PR **with the exception** of the Proposed Draft MRLs for the substances/commodities below for which the EU request that its **reservations** are included in the report of the CAC 35.

**DIFLUBENZURON (130):** the EU does not support the adoption of the proposed draft MRLs for this substance. In the EU the evaluation of diflubenzuron is ongoing. It is very likely that the outcome of the evaluation is that certain metabolites will be classified as carcinogenic and/or genotoxic. In addition to this general reservation, the EU has specific reservations for the proposals for peaches, plums and peppers as it considers that the number of trials is not sufficient to derive a robust MRL.

**HEXYTHIAZOX (176):** the EU does not support the adoption of the proposed draft MRL for Strawberry as it has been derived by applying the proportionality approach. Strawberry is a major crop in the EU (strawberries are a seasonal crop and are considered as major in short/medium term consumption). The EU has a **general reservation** to the application of this approach until guidance and principles have been agreed by the CCPR.

**ETOFENPROX (184):** the EU does not support the adoption at Step 5 of the proposed draft MRL for Grapes (major crop) as it has been derived by applying the proportionality approach. The EU has a **general reservation** to the application of this approach until guidance and principles have been agreed by the CCPR.

**DICAMBA (240):** the EU does not support the adoption at Step 5 of the proposed draft MRL for soybeans because it was derived by applying the proportionality approach (herbicide used on a major crop). Furthermore, the EU has also science related concerns. The EU has a **general reservation** to the application of this approach until guidance and principles have been agreed by the CCPR.

**ACETAMIPRID (246):** the EU does not support the adoption of the proposed draft MRL for scarole (leafy vegetables except spinach) due to intake concerns.
**Flutriafol (248):** The EU does not support the adoption of the proposed draft MRLs for dried grapes (=currants, raisins and sultanas) and grapes as they have been derived using the proportionality approach. The EU has a general reservation to the application of this approach until guidance and principles have been agreed by the CCPR.

The EU would like to inform the Codex Alimentarius Commission that the following concern forms have been forwarded to the JMPR for its consideration: Haloxyfop (194), Diflubenzuron (130), Tebuconazole: (189), Clothianidin (238), Dicamba (240) and Acetamiprid (246).