

**COMMISSION REGULATION (EU) 2023/127****of 18 January 2023****amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acequinocyl 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 14(1), point (a), thereof,

Whereas:

- (1) For acequinocyl, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005.
- (2) In the context of a procedure for the authorisation of the use of a plant protection product containing the active substance acequinocyl on sweet peppers/bell peppers, an application pursuant to Article 6(1) of Regulation (EC) No 396/2005, requesting a modification of the existing MRL, was submitted.
- (3) In accordance with Article 8 of Regulation (EC) No 396/2005, the application was evaluated by the Member State concerned and the evaluation report was forwarded to the Commission.
- (4) The European Food Safety Authority ('the Authority') assessed the application and the evaluation report, examining in particular the risks to consumers and, where relevant, to animals, and gave a reasoned opinion on the proposed MRL <sup>(2)</sup>. It forwarded that opinion to the applicant, the Commission and the Member States and made it available to the public.
- (5) The Authority concluded that all requirements with respect to completeness of data submission were met and that the modification to the MRL requested by the applicant was acceptable with regard to consumer safety on the basis of a consumer exposure assessment for 27 specific European consumer groups. In so concluding, the Authority took into account the most recent information on the toxicological properties of the substance. Neither the lifetime exposure to this substance via consumption of all food products that may contain it, nor the short-term exposure due to high consumption of the relevant products showed that there is a risk that the acceptable daily intake or the acute reference dose is exceeded.
- (6) An application pursuant to Article 6(1) of Regulation (EC) No 396/2005, requesting a modification of the existing MRL for acequinocyl in kaki/Japanese persimmons, was submitted.
- (7) As regards this application, a Member State made a request to use the fast-track procedure, foreseen in the Technical Guidelines on the MRL setting procedure <sup>(3)</sup>, to set an MRL based on residue trials on apples.

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

<sup>(2)</sup> Reasoned Opinion on the modification of the existing maximum residue level for acequinocyl in sweet peppers/bell peppers. *EFSA Journal* 2022;20(3):7175. EFSA scientific reports available online: <http://www.efsa.europa.eu>

<sup>(3)</sup> Technical guidelines MRL setting procedure in accordance with Articles 6 to 11 of Regulation (EC) No 396/2005 and Article 8 of Regulation (EC) No 1107/2009 (SANTE/2015/10595 Rev. 6.1).

- (8) The Authority has recently assessed residue trials on apples in the framework of the review of the existing MRLs for acequinocyl, and gave a reasoned opinion on the proposed MRL <sup>(4)</sup>. This opinion from the Authority relies on the current scientific and technical knowledge on the subject. As it is appropriate to extrapolate from the residue trials on apples to kaki/Japanese persimmons, as confirmed by the existing Union guidelines on extrapolation of MRLs <sup>(5)</sup>, it is unnecessary to request the Authority to provide a reasoned opinion on kaki/Japanese persimmons.
- (9) It is therefore appropriate to set the MRL for kaki/Japanese persimmons at 0,05 mg/kg on the basis of the residue trials performed on apples.
- (10) Based on the reasoned opinions of the Authority and taking into account the factors relevant to the matter under consideration, the proposed modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (11) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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 the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 23 February 2023 as regards all proposed MRLs.

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

Done at Brussels, 18 January 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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<sup>(4)</sup> Reasoned Opinion on the review of the existing maximum residue levels for acequinocyl according to Article 12 of Regulation (EC) No 396/2005. *EFSA Journal* 2020;18(1):5983. EFSA scientific reports available online: <http://www.efsa.europa.eu>

<sup>(5)</sup> Technical guidelines on data requirements for setting maximum residue levels, comparability of residue trials and extrapolation of residue data on products from plant and animal origin (SANTE/2019/12752 – 23 November 2020).

## ANNEX

In Annex II to Regulation (EC) No 396/2005, the column for acequinocyl is replaced by the following:

**“Pesticide residues and maximum residue levels (mg/kg)**

<b>Code number</b>	<b>Groups and examples of individual products to which the MRLs apply <sup>(1)</sup></b>	<b>Acequinocyl (F)</b>
(1)	(2)	(3)
0100000	<b>FRUITS, FRESH or FROZEN; TREE NUTS</b>	
0110000	<b>Citrus fruits</b>	0,6(+)
0110010	Grapefruits	(+)
0110020	Oranges	(+)
0110030	Lemons	(+)
0110040	Limes	(+)
0110050	Mandarins	(+)
0110990	Others (2)	
0120000	<b>Tree nuts</b>	0,01 *
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	(+)
0120070	Macadamias	
0120080	Pecans	
0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others (2)	
0130000	<b>Pome fruits</b>	0,4(+)
0130010	Apples	(+)
0130020	Pears	(+)
0130030	Quinces	(+)
0130040	Medlars	(+)
0130050	Loquats/Japanese medlars	(+)
0130990	Others (2)	

0140000	<b>Stone fruits</b>	
0140010	Apricots	0,01 *
0140020	Cherries (sweet)	0,1
0140030	Peaches	0,1
0140040	Plums	0,03
0140990	Others (2)	0,01 *
0150000	<b>Berries and small fruits</b>	
0151000	(a) <b>grapes</b>	0,8
0151010	Table grapes	(+)
0151020	Wine grapes	(+)
0152000	(b) <b>strawberries</b>	0,01 *
0153000	(c) <b>cane fruits</b>	0,01 *
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others (2)	
0154000	(d) <b>other small fruits and berries</b>	0,01 *
0154010	Blueberries	
0154020	Cranberries	
0154030	Currants (black, red and white)	
0154040	Gooseberries (green, red and yellow)	
0154050	Rose hips	
0154060	Mulberries (black and white)	
0154070	Azaroles/Mediterranean medlars	
0154080	Elderberries	
0154990	Others (2)	
0160000	<b>Miscellaneous fruitswith</b>	
0161000	(a) <b>edible peel</b>	
0161010	Dates	0,01 *
0161020	Figs	0,01 *
0161030	Table olives	0,01 *
0161040	Kumquats	0,01 *
0161050	Carambolas	0,01 *
0161060	Kaki/Japanese persimmons	<b>0,05</b>
0161070	Jambuls/jambolans	0,01 *
0161990	Others (2)	0,01 *
0162000	(b) <b>inedible peel, small</b>	0,01 *
0162010	Kiwi fruits (green, red, yellow)	
0162020	Litchis/lychees	

0162030	Passionfruits/maracujas	
0162040	Prickly pears/cactus fruits	
0162050	Star apples/cainitos	
0162060	American persimmons/Virginia kaki	
0162990	Others (2)	
0163000	<b>(c) inedible peel, large</b>	0,01 *
0163010	Avocados	
0163020	Bananas	
0163030	Mangoes	
0163040	Papayas	
0163050	Granate apples/pomegranates	
0163060	Cherimoyas	
0163070	Guavas	
0163080	Pineapples	
0163090	Breadfruits	
0163100	Durians	
0163110	Soursops/guanabanas	
0163990	Others (2)	
0200000	<b>VEGETABLES, FRESH or FROZEN</b>	
0210000	<b>Root and tuber vegetables</b>	0,01 *
0211000	<b>(a) potatoes</b>	
0212000	<b>(b) tropical root and tuber vegetables</b>	
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others (2)	
0213000	<b>(c) other root and tuber vegetables except sugar beets</b>	
0213010	Beetroots	
0213020	Carrots	
0213030	Celeriacs/turnip rooted celeries	
0213040	Horseradishes	
0213050	Jerusalem artichokes	
0213060	Parsnips	
0213070	Parsley roots/Hamburg roots parsley	
0213080	Radishes	
0213090	Salsifies	

0213100	Swedes/rutabagas	
0213110	Turnips	
0213990	Others (2)	
0220000	<b>Bulb vegetables</b>	0,01 *
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others (2)	
0230000	<b>Fruiting vegetables</b>	
0231000	(a) <b>Solanaceae and Malvaceae</b>	
0231010	Tomatoes	0,3(+)
0231020	Sweet peppers/bell peppers	<b>0,3</b>
0231030	Aubergines/eggplants	0,3(+)
0231040	Okra/lady's fingers	0,01 *
0231990	Others (2)	0,01 *
0232000	(b) <b>cucurbits with edible peel</b>	
0232010	Cucumbers	0,08
0232020	Gherkins	0,04
0232030	Courgettes	0,08
0232990	Others (2)	0,01 *
0233000	(c) <b>cucurbits with inedible peel</b>	0,01 *
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others (2)	
0234000	(d) <b>sweet corn</b>	0,01 *
0239000	(e) <b>other fruiting vegetables</b>	0,01 *
0240000	<b>Brassica vegetables(excluding brassica roots and brassica baby leaf crops)</b>	0,01 *
0241000	(a) <b>flowering brassica</b>	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others (2)	
0242000	(b) <b>head brassica</b>	
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others (2)	

0243000	(c) <b>leafy brassica</b>	
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others (2)	
0244000	(d) <b>kohlrabies</b>	
0250000	<b>Leaf vegetables, herbs and edible flowers</b>	
0251000	(a) <b>lettuces and salad plants</b>	0,01 *
0251010	Lamb's lettuces/corn salads	
0251020	Lettuces	
0251030	Escaroles/broad-leaved endives	
0251040	Cresses and other sprouts and shoots	
0251050	Land cresses	
0251060	Roman rocket/rucola	
0251070	Red mustards	
0251080	Baby leaf crops (including brassica species)	
0251990	Others (2)	
0252000	(b) <b>spinaches and similar leaves</b>	0,01 *
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others (2)	
0253000	(c) <b>grape leaves and similar species</b>	0,01 *
0254000	(d) <b>watercresses</b>	0,01 *
0255000	(e) <b>witloofs/Belgian endives</b>	0,01 *
0256000	(f) <b>herbs and edible flowers</b>	0,02 *
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	
0256080	Basil and edible flowers	
0256090	Laurel/bay leaves	
0256100	Tarragon	
0256990	Others (2)	
0260000	<b>Legume vegetables</b>	0,01 *
0260010	Beans (with pods)	
0260020	Beans (without pods)	

0260030	Peas (with pods)	
0260040	Peas (without pods)	
0260050	Lentils	
0260990	Others (2)	
0270000	<b>Stem vegetables</b>	0,01 *
0270010	Asparagus	
0270020	Cardoons	
0270030	Celeries	
0270040	Florence fennels	
0270050	Globe artichokes	
0270060	Leeks	
0270070	Rhubarbs	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others (2)	
0280000	<b>Fungi, mosses and lichens</b>	0,01 *
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	<b>Algae and prokaryotes organisms</b>	0,01 *
0300000	<b>PULSES</b>	0,01 *
0300010	Beans	
0300020	Lentils	
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others (2)	
0400000	<b>OILSEEDS AND OIL FRUITS</b>	0,01 *
0401000	<b>Oilseeds</b>	
0401010	Linseeds	
0401020	Peanuts/groundnuts	
0401030	Poppy seeds	
0401040	Sesame seeds	
0401050	Sunflower seeds	
0401060	Rapeseeds/canola seeds	
0401070	Soyabeans	
0401080	Mustard seeds	
0401090	Cotton seeds	
0401100	Pumpkin seeds	



0401110	Safflower seeds	
0401120	Borage seeds	
0401130	Gold of pleasure seeds	
0401140	Hemp seeds	
0401150	Castor beans	
0401990	Others (2)	
0402000	<b>Oil fruits</b>	
0402010	Olives for oil production	
0402020	Oil palms kernels	
0402030	Oil palms fruits	
0402040	Kapok	
0402990	Others (2)	
0500000	<b>CEREALS</b>	0,01 *
0500010	Barley	
0500020	Buckwheat and other pseudocereals	
0500030	Maize/corn	
0500040	Common millet/proso millet	
0500050	Oat	
0500060	Rice	
0500070	Rye	
0500080	Sorghum	
0500090	Wheat	
0500990	Others (2)	
0600000	<b>TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS</b>	0,05 *
0610000	<b>Teas</b>	
0620000	<b>Coffee beans</b>	
0630000	<b>Herbal infusions from</b>	
0631000	(a) <b>flowers</b>	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others (2)	
0632000	(b) <b>leaves and herbs</b>	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others (2)	

0633000	(c) <b>roots</b>	
0633010	Valerian	
0633020	Ginseng	
0633990	Others (2)	
0639000	(d) <b>any other parts of the plant</b>	
0640000	<b>Cocoa beans</b>	
0650000	<b>Carobs/Saint John's breads</b>	
0700000	<b>HOPS</b>	20(+)
0800000	<b>SPICES</b>	
0810000	<b>Seed spices</b>	0,05 *
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	
0810060	Dill	
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others (2)	
0820000	<b>Fruit spices</b>	0,05 *
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others (2)	
0830000	<b>Bark spices</b>	0,05 *
0830010	Cinnamon	
0830990	Others (2)	
0840000	<b>Root and rhizome spices</b>	
0840010	Liquorice	0,05 *
0840020	Ginger (10)	
0840030	Turmeric/curcuma	0,05 *
0840040	Horseradish (11)	
0840990	Others (2)	0,05 *

0850000	<b>Bud spices</b>	0,05 *
0850010	Cloves	
0850020	Capers	
0850990	Others (2)	
0860000	<b>Flower pistil spices</b>	0,05 *
0860010	Saffron	
0860990	Others (2)	
0870000	<b>Aril spices</b>	0,05 *
0870010	Mace	
0870990	Others (2)	
0900000	<b>SUGAR PLANTS</b>	0,01 *
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others (2)	
1000000	<b>PRODUCTS OF ANIMAL ORIGIN - TERRESTRIAL ANIMALS</b>	
1010000	<b>Commodities from</b>	0,01 *
1011000	(a) <b>swine</b>	
1011010	Muscle	(+)
1011020	Fat	(+)
1011030	Liver	(+)
1011040	Kidney	(+)
1011050	Edible offals (other than liver and kidney)	
1011990	Others (2)	
1012000	(b) <b>bovine</b>	
1012010	Muscle	(+)
1012020	Fat	(+)
1012030	Liver	(+)
1012040	Kidney	(+)
1012050	Edible offals (other than liver and kidney)	
1012990	Others (2)	
1013000	(c) <b>sheep</b>	
1013010	Muscle	
1013020	Fat	
1013030	Liver	
1013040	Kidney	
1013050	Edible offals (other than liver and kidney)	
1013990	Others (2)	

1014000	d) <b>goat</b>	
1014010	Muscle	
1014020	Fat	
1014030	Liver	
1014040	Kidney	
1014050	Edible offals (other than liver and kidney)	
1014990	Others (2)	
1015000	(e) <b>equine</b>	
1015010	Muscle	(+)
1015020	Fat	(+)
1015030	Liver	(+)
1015040	Kidney	(+)
1015050	Edible offals (other than liver and kidney)	
1015990	Others (2)	
1016000	(f) <b>poultry</b>	
1016010	Muscle	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offals (other than liver and kidney)	
1016990	Others (2)	
1017000	(g) <b>other farmed terrestrial animals</b>	
1017010	Muscle	
1017020	Fat	
1017030	Liver	
1017040	Kidney	
1017050	Edible offals (other than liver and kidney)	
1017990	Others (2)	
1020000	<b>Milk</b>	0,01 *
1020010	Cattle	(+)
1020020	Sheep	
1020030	Goat	
1020040	Horse	(+)
1020990	Others (2)	
1030000	<b>Birds eggs</b>	0,01 *
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others (2)	

1040000	<b>Honey and other apiculture products (7)</b>	0,05 *
1050000	<b>Amphibians and Reptiles</b>	0,01 *
1060000	<b>Terrestrial invertebrate animals</b>	0,01 *
1070000	<b>Wild terrestrial vertebrate animals</b>	0,01 *
1100000	<b>PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)</b>	
1200000	<b>PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)</b>	
1300000	<b>PROCESSED FOOD PRODUCTS (9)</b>	

\* Indicates lower limit of analytical determination

(e) For the complete list of products of plant and animal origin to which MRL's apply, reference should be made to Annex I

Acequinocyl (F)

#### **(F) Fat soluble**

The European Food Safety Authority identified some information on analytical methods and storage stability as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 2 August 2024, or, if that information is not submitted by that date, the lack of it.

##### **0120060 Hazelnuts/cobnuts**

The European Food Safety Authority identified some information on analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 2 August 2024, or, if that information is not submitted by that date, the lack of it.

##### **1011010 Muscle**

##### **1011020 Fat**

##### **1011030 Liver**

##### **1011040 Kidney**

##### **1012010 Muscle**

##### **1012020 Fat**

##### **1012030 Liver**

##### **1012040 Kidney**

##### **1015010 Muscle**

##### **1015020 Fat**

##### **1015030 Liver**

##### **1015040 Kidney**

##### **1020010 Cattle**

##### **1020040 Horse**

The European Food Safety Authority identified some information on hydrolysis studies simulating pasteurisation, boiling and sterilisation as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 2 August 2024, or, if that information is not submitted by that date, the lack of it.

##### **0110000 Citrus fruits**

##### **0110010 Grapefruits**

##### **0110020 Oranges**

##### **0110030 Lemons**

##### **0110040 Limes**

##### **0110050 Mandarins**

##### **0130000 Pome fruits**

##### **0130010 Apples**

##### **0130020 Pears**

##### **0130030 Quinces**

##### **0130040 Medlars**

##### **0130050 Loquats/Japanese medlars**

##### **0151010 Table grapes**

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**0151020 Wine grapes**

**0231010 Tomatoes**

**0231030 Aubergines/eggplants**

The European Food Safety Authority identified some information on storage stability and hydrolysis studies simulating pasteurisation, boiling and sterilisation as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 2 August 2024, or, if that information is not submitted by that date, the lack of it.

**0700000 HOPS"**

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