

**SANCO/10262/2013**

**Draft**

**COMMISSION IMPLEMENTING REGULATION (EU) No .../..**

**of XXX**

**amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substances clothianidin, thiamethoxam and imidacloprid**

(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 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>1</sup>, and in particular the first alternative of Articles 21(3), 49(2) and 78(2) thereof,

Whereas:

- (1) The active substances clothianidin, thiamethoxam and imidacloprid were included in Annex I to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market<sup>2</sup> by Commission Directives 2006/41/EC, 2007/6/EC, 2008/116/EC.
- (2) Commission Directive 2010/21/EU amended Annex I to Council Directive 91/414/EEC as regards the specific provisions relating to clothianidin, thiamethoxam and imidacloprid.
- (3) Active substances included in Annex I of Directive 91/414/EEC are deemed to be approved under Regulation (EU) No 1107/2009 and are listed in Part A of the Annex to Commission Regulation (EC) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances<sup>3</sup>.
- (4) In spring 2012, new scientific information on the sub-lethal effects of neonicotinoids on bees was published. The Commission, in accordance with Article 21(2) of Regulation (EC) No 1107/2009, requested the European Food Safety Authority, hereinafter ‘the Authority’, for scientific and technical assistance to assess this new

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

<sup>2</sup> OJ L 230, 19.8.1991, p. 1.

<sup>3</sup> OJ L 153, 11.6.2011, p. 1.

information and to review the risk assessment of neonicotinoids as regards their impact on bees.

- (5) The Authority presented its conclusions on the risk assessment for bees for clothianidin, thiamethoxam and imidacloprid on 16 January 2013<sup>4</sup>.
- (6) The Authority identified for certain crops high acute risks for bees from plant protection products containing the active substances clothianidin, thiamethoxam or imidacloprid. The Authority identified in particular high acute risks for bees as regards the exposure to dust in several crops, to residues in pollen and nectar in some crops and to guttation in maize. In addition, unacceptable risks due to acute or chronic effects on colony survival and development could not be excluded for several crops. Furthermore the Authority identified a number of data gaps for each of the evaluated crops.
- (7) The conclusions of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on XXXX in the format of addenda to the review reports for clothianidin, thiamethoxam and imidacloprid.
- (8) In the light of the new scientific and technical knowledge, the Commission considered that there are indications that the approved uses of clothianidin, thiamethoxam and imidacloprid no longer satisfy the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 with respect to their impact on bees and that the high risk for bees could not be excluded except by imposing further restrictions.
- (9) The Commission invited the notifiers to submit its comments on the addenda to the review reports for clothianidin, thiamethoxam and imidacloprid.
- (10) It is confirmed that the active substances clothianidin, thiamethoxam and imidacloprid are to be deemed to have been approved under Regulation (EC) No 1107/2009. In order to minimise the exposure of bees, it is appropriate to restrict the uses of this active substances and to provide for specific risk mitigation measures for the protection of those species. In particular the use of plant protection products containing clothianidin, thiamethoxam or imidacloprid should be prohibited for crops attractive to bees and to cereals except for winter cereals.
- (11) Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (12) Member States should be provided with time to withdraw authorisations for plant protection products containing clothianidin, thiamethoxam or imidacloprid.

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<sup>4</sup>

*European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment for bees for the active substance clothianidin. EFSA Journal 2013;11(1):3066. [58 pp.] doi:10.2903/j.efsa.2013.3066.*  
*Conclusion on the peer review of the pesticide risk assessment for bees for the active substance imidacloprid. EFSA Journal 2013;11(1):3068. [55 pp.] doi:10.2903/j.efsa.2013.3068.*  
*Conclusion on the peer review of the pesticide risk assessment for bees for the active substance thiamethoxam. EFSA Journal 2013;11(1):3067. [68 pp.] doi:10.2903/j.efsa.2013.3067.*  
Available online: [www.efsa.europa.eu/efsajournal.htm](http://www.efsa.europa.eu/efsajournal.htm).

- (13) For plant protection products containing clothianidin, thiamethoxam or imidacloprid, where Member States grant any period of grace in accordance with Article 46 of Regulation (EC) No 1107/2009, this period should expire at the latest [...].
- (14) Taking into consideration risks linked with the use of treated seeds, the placing on the market and the use of seeds treated with plant protection products containing clothianidin, thiamethoxam or imidacloprid should be prohibited for seeds of crops attractive to bees and for seeds of cereals except winter cereals.
- (15) Concerning applications of clothianidin, thiamethoxam or imidacloprid for which no restrictions are foreseen under the present regulation, it is appropriate to require further confirmatory information.
- (16) Within two years from the date of entry into force of the present regulation the Commission will initiate a review of the new scientific information which it has received.
- (17) 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*  
*Amendment to Regulation (EC) No 540/2011*

The Annex to Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

*Article 2*  
*Placing on the market of treated seeds*

From 1 July 2013, the placing on the market and use of seeds treated with plant protection products containing clothianidin, thiamethoxam or imidacloprid is prohibited for seeds of crops listed in Annex to the present Regulation.

*Article 3*  
*Transitional measures*

Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary amend or withdraw existing authorisations for plant protection products containing clothianidin, thiamethoxam or imidacloprid as active substance by 30 April 2013.

*Article 4*  
*Period of grace*

Any period of grace granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire 30 June 2013 at the latest.

*Article 5*  
*Entry into force*

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

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

Done at Brussels,

*For the Commission*  
*The President*  
*José Manuel BARROSO*

## ANNEX

(1) The column 'Specific provisions' of row 121, clothianidin, of Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

### ‘PART A

Only uses as insecticide may be authorised.

**Uses as seed treatment, soil treatment or foliar application is not authorised for the following crops:**

Alfalfa *Medicago sativa*

Almonds *Prunus amygdalus*; *P. communis*; *Amygdalus communis*.

Anise, badian, fennel, corian. Including: anise (*Pimpinella anisum*); badian or star anise (*Illicium verum*); caraway (*Carum carvi*); coriander (*Coriandrum sativum*); cumin (*Cuminum cyminum*); fennel (*Foeniculum vulgare*); juniper berries (*Juniperus communis*).

Apples *Malus pumila*; *M. sylvestris*; *M. communis*; *Pyrus malus*.

Apricots *Prunus armeniaca*

Artichokes *Cynara scolymus*.

Asparagus *Asparagus officinalis*.

Avocados *Persea americana*.

Bananas *Musa sapientum*; *M. cavendishii*; *M. nana*.

Beans *Phaseolus* spp.

Blueberries European blueberry, wild bilberry, whortleberry (*Vaccinium myrtillus*); American blueberry (*V. corymbosum*).

Broad beans, horse beans, dry *Vicia faba*: horse-bean (var. *equina*); broad bean (var. *major*); field bean (var. *minor*).

Buckwheat *Fagopyrum esculentum* (Polygonaceae).

Cabbages and other brassicas

Chinese, mustard cabbage, pak-choi (*Brassica chinensis*);

white, red, savoy cabbage, Brussels sprouts, collards, kale and kohlrabi (*Brassica oleracea* all var. except *botrytis*).

Carobs *Ceratonia siliqua* Carob-tree, locust bean.

Carrots *Daucus carota*

Castor oil seed *Ricinus communis*

Cauliflowers and broccoli *Brassica oleracea* var. *botrytis*, subvariety *cauliflora* and *cymosa*. Includes headed broccoli.

Cherries Mazzard, sweet cherry (*Prunus avium*; *Cerasus avium*); hardfleshed cherry (var. *duracina*); heart cherry (var. *juliana*).

Chick peas Chickpea, Bengal gram, garbanzos (*Cicer arietinum*).

Chicory roots *Cichorium intybus* subsp. *sativum*.

Chillies and peppers Red and cayenne pepper, paprika, chillies (*Capsicum frutescens*; *C. annuum*); allspice, Jamaica pepper (*Pimenta officinalis*).

Clover for forage and silage *Trifolium* spp.. Various species grown for pasture, green fodder or silage.

Coffee, green *Coffea* spp. (*arabica*, *robusta*, *liberica*).

Cow peas Cowpea, blackeye pea/bean (*Vigna unguiculata*).

Cranberries American cranberry (*Vaccinium macrocarpon*); European cranberry (*V. oxycoccus*).

Cucumbers and gherkins *Cucumis sativus*.

Currants Black (*Ribes nigrum*); red and white (*R. rubrum*).

Dates Phoenix *dactylifera*.

Eggplants (aubergines) *Solanum melongena*. Also called aubergines.

Garlic *Allium sativum*.

Gooseberries *Ribes grossularia*.

Grapefruit (inc. pomelos) *Citrus maxima*; *C. grandis*; *C. paradisi*.

Grapes *Vitis vinifera*.

Groundnuts, with shell *Arachis hypogaea*.

Hemp *Cannabis sativa*.

Kiwi fruit *Actinidia chinensis*

Leeks, other alliaceous veg. Leeks (*Allium porrum*); chives (*A. schoenoprasum*); other alliac.

Leguminous for Silage Including inter alia: birdsfoot, trefoil (*Lotus corniculatus*); lespedeza (*Lespedeza* spp.); kudzu (*Pueraria lobata*); sesbania (*Sesbania* spp.); sainfoin, esparcette (*Onobrychis sativa*); sulla (*Hedysarum coronarium*).

Leguminous vegetables, as *Vicia faba*.

Lemons and limes Lemon (*Citrus limon*); sour lime (*C. aurantifolia*); sweet lime (*C. limetta*).

Lentils *Lens esculenta*; *Ervum lens*

Linseed *Linum usitatissimum* Flaxseed

Lupins *Lupinus spp.*

Maize *Zea mays* Corn, Indian corn, mealies.

Melonseed *Cucumis melo*

Cucurbitaceae

Mustard seed White mustard (*Brassica alba*; *B. hirta*; *Sinapis alba*); black mustard (*Brassica nigra*; *Sinapis nigra*).

Okra *Abelmoschus esculentus*; *Hibiscus esculentus*. Also called gombo.

Olives *Olea europaea*.

Onions. *Allium cepa*

Oranges Common, sweet orange (*Citrus sinensis*); bitter orange (*C. aurantium*).

Peaches and nectarines *Prunus persica*; *Amygdalus persica*; *Persica laevis*.

Pears *Pyrus communis*

Peas Garden pea (*Pisum sativum*); field pea (*P. arvense*).

Peppermint *Mentha spp.*: *M. piperita*.

Persimmons *Diospyros kaki*; *D. virginiana*

Pistachios *Pistacia vera*.

Plums and sloes Greengage, mirabelle, damson (*Prunus domestica*); sloe (*P. spinosa*).

Poppy seed *Papaver somniferum*

Potatoes *Solanum tuberosum* Irish potato

Pumpkins, squash and gourds *Cucurbita spp.* Includes marrows

Pyrethrum, Dried *Chrysanthemum cinerariifolium*

Quinces *Cydonia oblonga*; *C. vulgaris*; *C. japonica*

Rapeseed *Brassica napus* var. *oleifera*.

Raspberries *Rubus idaeus*

Safflower seed *Carthamus tinctorius*



Seed cotton *Gossypium* spp

Sesame seed *Sesamum indicum*

Soybeans *Glycine soja*

Spices, nes Including inter alia: bay leaves (*Laurus nobilis*); dill seed (*Anethum graveolens*); fenugreek seed (*Trigonella foenumgraecum*); saffron (*Crocus sativus*); thyme (*Thymus vulgaris*); turmeric (*Curcuma longa*).

Strawberries *Fragaria* spp..

Sunflower seed *Helianthus annuus*.

Tangerines, mandarins, clem. Mandarin, tangerine (*Citrus reticulata*); clementine, satsuma (*C. unshiu*).

Tobacco, unmanufactured. *Nicotiana tabacum*.

Tomatoes *Lycopersicon esculentum*

Turnips for Fodder. *Brassica rapa* var. *rapifera*

Vetches Spring/common vetch (*Vicia sativa*).

Walnuts, with shell Jugland spp.: *J. regia*.

Watermelons *Citrullus vulgaris*

Ornamentals flowering in year of treatment

For the protection of non-target organisms, in particular honey bees, for use as seed treatment:

- the seed coating shall only be performed in professional seed treatment facilities. Those facilities must apply the best available techniques in order to ensure that the release of dust during application to the seed, storage, and transport can be minimised;
- adequate seed drilling equipment shall be used to ensure a high degree of incorporation in soil, minimisation of spillage and minimisation of dust emission.

Member States shall ensure that:

- the label of the treated seed includes the indication that the seeds were treated with clothianidin and sets out the risk mitigation measures provided for in the authorisation;
- the conditions of the authorisation, in particular for spray applications, include, where appropriate, risk mitigation measures to protect honey bees;
- monitoring programmes are initiated to verify the real exposure of honey bees to clothianidin in areas extensively used by bees for foraging or by beekeepers, where and as appropriate."

## PART B

For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on clothianidin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 27 January 2006 shall be taken into account.

In this overall assessment Member States

- must pay particular attention to the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climate conditions,
- must pay particular attention to the risk to granivorous birds and mammals when the substance is used as a seed dressing.

Conditions of use shall include risk mitigation measures, where appropriate.

The Member States concerned shall request the submission of:

- Further information of the risk to honey bees foraging in nectar and/pollen in succeeding crops;
- Further information to address potential uptake via roots to flowering weeds.
- Further information to address the risk to honey bees foraging on insect honey dew.
- Further information to address the potential guttation exposure and hence the risk (i.e. the acute and the long-term risk to colony survival and development, and the risk to bee brood).
- Further information to address the acute and long term risk to colony survival and development and the risk to bee brood for honeybees from dust drift following drill.

They shall ensure that the notifier provides such confirmatory data and information to the Commission by 31 December 2014.'

(2) The column 'Specific provisions' of row 140, thiamethoxam of Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

"Only uses as insecticide may be authorised.

**Uses as seed treatment, soil treatment or foliar application is not authorised for the following crops:**

Alfalfa *Medicago sativa*

Almonds *Prunus amygdalus*; *P. communis*; *Amygdalus communis*.

Anise, badian, fennel, corian. Including: anise (*Pimpinella anisum*); badian or star anise (*Illicium verum*); caraway (*Carum carvi*); coriander (*Coriandrum sativum*); cumin (*Cuminum cyminum*); fennel (*Foeniculum vulgare*); juniper berries (*Juniperus communis*).

Apples *Malus pumila*; *M. sylvestris*; *M. communis*; *Pyrus malus*.

Apricots *Prunus armeniaca*

Artichokes *Cynara scolymus*.

Asparagus *Asparagus officinalis*.

Avocados *Persea americana*.

Bananas *Musa sapientum*; *M. cavendishii*; *M. nana*.

Beans *Phaseolus* spp.

Blueberries European blueberry, wild bilberry, whortleberry (*Vaccinium myrtillus*); American blueberry (*V. corymbosum*).

Broad beans, horse beans, dry *Vicia faba*: horse-bean (var. *equina*); broad bean (var. *major*); field bean (var. *minor*).

Buckwheat *Fagopyrum esculentum* (Polygonaceae).

Cabbages and other brassicas

Chinese, mustard cabbage, pak-choi (*Brassica chinensis*);

white, red, savoy cabbage, Brussels sprouts, collards, kale and kohlrabi (*Brassica oleracea* all var. except *botrytis*).

Carobs *Ceratonia siliqua* Carob-tree, locust bean.

Carrots *Daucus carota*

Castor oil seed *Ricinus communis*

Cauliflowers and broccoli *Brassica oleracea* var. *botrytis*, subvariety *cauliflora* and *cymosa*. Includes headed broccoli.

Cherries Mazzard, sweet cherry (*Prunus avium*; *Cerasus avium*); hardfleshed cherry (var. *duracina*); heart cherry (var. *juliana*).

Chick peas Chickpea, Bengal gram, garbanzos (*Cicer arietinum*).

Chicory roots *Cichorium intybus* subsp. *sativum*.

Chillies and peppers Red and cayenne pepper, paprika, chillies (*Capsicum frutescens*; *C. annuum*); allspice, Jamaica pepper (*Pimenta officinalis*).

Clover for forage and silage *Trifolium* spp.. Various species grown for pasture, green fodder or silage.

Coffee, green *Coffea* spp. (*arabica*, *robusta*, *liberica*).

Cow peas Cowpea, blackeye pea/bean (*Vigna unguiculata*).

Cranberries American cranberry (*Vaccinium macrocarpon*); European cranberry (*V. oxycoccus*).

Cucumbers and gherkins *Cucumis sativus*.

Currants Black (*Ribes nigrum*); red and white (*R. rubrum*).

Dates Phoenix *dactylifera*.

Eggplants (aubergines) *Solanum melongena*. Also called aubergines.

Garlic *Allium sativum*.

Gooseberries *Ribes grossularia*.

Grapefruit (inc. pomelos) *Citrus maxima*; *C. grandis*; *C. paradisi*.

Grapes *Vitis vinifera*.

Groundnuts, with shell *Arachis hypogaea*.

Hemp *Cannabis sativa*.

Kiwi fruit *Actinidia chinensis*

Leeks, other alliaceous veg. Leeks (*Allium porrum*); chives (*A. schoenoprasum*); other alliac.

Leguminous for Silage Including inter alia: birdsfoot, trefoil (*Lotus corniculatus*); lespedeza (*Lespedeza spp.*); kudzu (*Pueraria lobata*); sesbania (*Sesbania spp.*); sainfoin, esparcette (*Onobrychis sativa*); sulla (*Hedysarum coronarium*).

Leguminous vegetables, as *Vicia faba*.

Lemons and limes Lemon (*Citrus limon*); sour lime (*C. aurantifolia*); sweet lime (*C. limetta*).

Lentils *Lens esculenta*; *Ervum lens*

Linseed *Linum usitatissimum* Flaxseed

Lupins *Lupinus spp.*

Maize *Zea mays* Corn, Indian corn, mealies.

Melonseed *Cucumis melo*

Cucurbitaceae

Mustard seed White mustard (*Brassica alba*; *B. hirta*; *Sinapis alba*); black mustard (*Brassica nigra*; *Sinapis nigra*).

Okra *Abelmoschus esculentus*; *Hibiscus esculentus*. Also called gombo.

Olives *Olea europaea*.

Onions. *Allium cepa*

Oranges Common, sweet orange (*Citrus sinensis*); bitter orange (*C. aurantium*).

Peaches and nectarines *Prunus persica*; *Amygdalus persica*; *Persica laevis*.

Pears *Pyrus communis*

Peas Garden pea (*Pisum sativum*); field pea (*P. arvense*).

Peppermint *Mentha* spp.: *M. piperita*.

Persimmons *Diospyros kaki*; *D. virginiana*

Pistachios *Pistacia vera*.

Plums and sloes Greengage, mirabelle, damson (*Prunus domestica*); sloe (*P. spinosa*).

Poppy seed *Papaver somniferum*

Potatoes *Solanum tuberosum* Irish potato

Pumpkins, squash and gourds *Cucurbita* spp. Includes marrows

Pyrethrum, Dried *Chrysanthemum cinerariifolium*

Quinces *Cydonia oblonga*; *C. vulgaris*; *C. japonica*

Rapeseed *Brassica napus* var. *oleifera*.

Raspberries *Rubus idaeus*

Safflower seed *Carthamus tinctorius*

Seed cotton *Gossypium* spp

Sesame seed *Sesamum indicum*

Soybeans *Glycine soja*

Spices, nes Including inter alia: bay leaves (*Laurus nobilis*); dill seed (*Anethum graveolens*); fenugreek seed (*Trigonella foenumgraecum*); saffron (*Crocus sativus*); thyme (*Thymus vulgaris*); turmeric (*Curcuma longa*).

Strawberries *Fragaria* spp..

Sunflower seed *Helianthus annuus*.

Tangerines, mandarins, clem. Mandarin, tangerine (*Citrus reticulata*); clementine, satsuma (*C. unshiu*).

Tobacco, unmanufactured. *Nicotiana tabacum*.

Tomatoes *Lycopersicon esculentum*

Turnips for Fodder. *Brassica rapa* var. *rapifera*

Vetches Spring/common vetch (*Vicia sativa*).

Walnuts, with shell Jugland spp.: *J. regia*.

Watermelons *Citrullus vulgaris*

Ornamentals flowering in year of treatment

For the protection of non-target organisms, in particular honey bees, for use as seed treatment:

- the seed coating shall only be performed in professional seed treatment facilities. Those facilities must apply the best available techniques in order to ensure that the release of dust during application to the seed, storage, and transport can be minimised;
- adequate seed drilling equipment shall be used to ensure a high degree of incorporation in soil, minimisation of spillage and minimisation of dust emission.

Member States shall ensure that:

the label of the treated seed includes the indication that the seeds were treated with clothianidin and sets out the risk mitigation measures provided for in the authorisation;

the conditions of the authorisation, in particular for spray applications, include, where appropriate, risk mitigation measures to protect honey bees;

monitoring programmes are initiated to verify the real exposure of honey bees to clothianidin in areas extensively used by bees for foraging or by beekeepers, where and as appropriate."

## PART B

For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on thiamethoxam, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 14 July 2006 shall be taken into account.

In this overall assessment Member States:

must pay particular attention to the potential for groundwater contamination, particularly of the active substance and its metabolites NOA 459602, SYN 501406 and CGA 322704, when the active substance is applied in regions with vulnerable soil and/or climatic conditions,

must pay particular attention to the protection of aquatic organisms,

must pay particular attention to the long-term risk to small herbivorous animals if the substance is used for seed treatment.

The Member States concerned shall request the submission of:

- Further information of the risk to honey bees foraging in nectar and/pollen in succeeding crops;
- Further information to address the risk to honey bees foraging on insect honey dew.
- Further information to address potential uptake via roots to flowering weeds.
- Further information to address the potential guttation exposure and hence the risk (i.e. the acute and the long-term risk to colony survival and development, and the risk to bee brood).
- Further information to address the acute and long term risk to colony survival and development and the risk to bee brood for honeybees from dust drift following drill.

They shall ensure that the notifier provides such confirmatory data and information to the Commission by 31 December 2014."

(3) The column 'Specific provisions' of row 216, imidacloprid, of Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

**‘PART A**

Only uses as insecticide may be authorised.

**Uses as seed treatment, soil treatment or foliar application is not authorised for the following crops:**

Alfalfa *Medicago sativa*

Almonds *Prunus amygdalus*; *P. communis*; *Amygdalus communis*.

Anise, badian, fennel, corian. Including: anise (*Pimpinella anisum*); badian or star anise (*Illicium verum*); caraway (*Carum carvi*); coriander (*Coriandrum sativum*); cumin (*Cuminum cyminum*); fennel (*Foeniculum vulgare*); juniper berries (*Juniperus communis*).

Apples *Malus pumila*; *M. sylvestris*; *M. communis*; *Pyrus malus*.

Apricots *Prunus armeniaca*

Artichokes *Cynara scolymus*.

Asparagus *Asparagus officinalis*.

Avocados *Persea americana*.

Bananas *Musa sapientum*; *M. cavendishii*; *M. nana*.

Beans *Phaseolus* spp.

Blueberries European blueberry, wild bilberry, whortleberry (*Vaccinium*

*myrtillus*); American blueberry (*V. corymbosum*).

Broad beans, horse beans, dry *Vicia faba*: horse-bean (var. *equina*); broad bean (var. *major*); field bean (var. *minor*).

Buckwheat *Fagopyrum esculentum* (Polygonaceae).

Cabbages and other brassicas

Chinese, mustard cabbage, pak-choi (*Brassica chinensis*);

white, red, savoy cabbage, Brussels sprouts, collards, kale and kohlrabi (*Brassica oleracea* all var. except *botrytis*).

Carobs *Ceratonia siliqua* Carob-tree, locust bean.

Carrots *Daucus carota*

Castor oil seed *Ricinus communis*

Cauliflowers and broccoli *Brassica oleracea* var. *botrytis*, subvariety *cauliflora* and *cymosa*. Includes headed broccoli.

Cherries Mazzard, sweet cherry (*Prunus avium*; *Cerasus avium*); hardfleshed cherry (var. *duracina*); heart cherry (var. *juliana*).

Chick peas Chickpea, Bengal gram, garbanzos (*Cicer arietinum*).

Chicory roots *Cichorium intybus* subsp. *sativum*.

Chillies and peppers Red and cayenne pepper, paprika, chillies (*Capsicum frutescens*; *C. annuum*); allspice, Jamaica pepper (*Pimenta officinalis*).

Clover for forage and silage *Trifolium* spp.. Various species grown for pasture, green fodder or silage.

Coffee, green *Coffea* spp. (*arabica*, *robusta*, *liberica*).

Cow peas Cowpea, blackeye pea/bean (*Vigna unguiculata*).

Cranberries American cranberry (*Vaccinium macrocarpon*); European cranberry (*V. oxycoccus*).

Cucumbers and gherkins *Cucumis sativus*.

Currants Black (*Ribes nigrum*); red and white (*R. rubrum*).

Dates *Phoenix dactylifera*.

Eggplants (aubergines) *Solanum melongena*. Also called aubergines.

Garlic *Allium sativum*.

Gooseberries *Ribes grossularia*.



Grapefruit (inc. pomelos) *Citrus maxima*; *C. grandis*; *C. paradisi*.

Grapes *Vitis vinifera*.

Groundnuts, with shell *Arachis hypogaea*.

Hemp *Cannabis sativa*.

Kiwi fruit *Actinidia chinensis*

Leeks, other alliaceous veg. Leeks (*Allium porrum*); chives (*A. schoenoprasum*); other alliac.

Leguminous for Silage Including inter alia: birdsfoot, trefoil (*Lotus corniculatus*); lespedeza (*Lespedeza spp.*); kudzu (*Pueraria lobata*); sesbania (*Sesbania spp.*); sainfoin, esparcette (*Onobrychis sativa*); sulla (*Hedysarum coronarium*).

Leguminous vegetables, as *Vicia faba*.

Lemons and limes Lemon (*Citrus limon*); sour lime (*C. aurantifolia*); sweet lime (*C. limetta*).

Lentils *Lens esculenta*; *Ervum lens*

Linseed *Linum usitatissimum* Flaxseed

Lupins *Lupinus spp.*

Maize *Zea mays* Corn, Indian corn, mealies.

Melonseed *Cucumis melo*

Cucurbitaceae

Mustard seed White mustard (*Brassica alba*; *B. hirta*; *Sinapis alba*); black mustard (*Brassica nigra*; *Sinapis nigra*).

Okra *Abelmoschus esculentus*; *Hibiscus esculentus*. Also called gombo.

Olives *Olea europaea*.

Onions. *Allium cepa*

Oranges Common, sweet orange (*Citrus sinensis*); bitter orange (*C. aurantium*).

Peaches and nectarines *Prunus persica*; *Amygdalus persica*; *Persica laevis*.

Pears *Pyrus communis*

Peas Garden pea (*Pisum sativum*); field pea (*P. arvense*).

Peppermint *Mentha spp.*: *M. piperita*.

Persimmons *Diospyros kaki*; *D. virginiana*

Pistachios *Pistacia vera*.

Plums and sloes Greengage, mirabelle, damson (*Prunus domestica*); sloe (*P. spinosa*).

Poppy seed *Papaver somniferum*

Potatoes *Solanum tuberosum* Irish potato

Pumpkins, squash and gourds *Cucurbita spp.* Includes marrows

Pyrethrum, Dried *Chrysanthemum cinerariifolium*

Quinces *Cydonia oblonga*; *C. vulgaris*; *C. japonica*

Rapeseed *Brassica napus* var. *oleifera*.

Raspberries *Rubus idaeus*

Safflower seed *Carthamus tinctorius*

Seed cotton *Gossypium spp*

Sesame seed *Sesamum indicum*

Soybeans *Glycine soja*

Spices, nes Including inter alia: bay leaves (*Laurus nobilis*); dill seed (*Anethum graveolens*); fenugreek seed (*Trigonella foenumgraecum*); saffron (*Crocus sativus*); thyme (*Thymus vulgaris*); turmeric (*Curcuma longa*).

Strawberries *Fragaria spp.*.

Sunflower seed *Helianthus annuus*.

Tangerines, mandarins, clem. Mandarin, tangerine (*Citrus reticulata*); clementine, satsuma (*C. unshiu*).

Tobacco, unmanufactured. *Nicotiana tabacum*.

Tomatoes *Lycopersicon esculentum*

Turnips for Fodder. *Brassica rapa* var. *rapifera*

Vetches Spring/common vetch (*Vicia sativa*).

Walnuts, with shell Jugland spp.: *J. regia*.

Watermelons *Citrullus vulgaris*

Ornamentals flowering in year of treatment

For the protection of non-target organisms, in particular honey bees, for use as seed treatment:

- the seed coating shall only be performed in professional seed treatment facilities. Those facilities must apply the best available techniques in order to ensure that the

release of dust during application to the seed, storage, and transport can be minimised;

- adequate seed drilling equipment shall be used to ensure a high degree of incorporation in soil, minimisation of spillage and minimisation of dust emission.

Member States shall ensure that:

- the label of the treated seed includes the indication that the seeds were treated with clothianidin and sets out the risk mitigation measures provided for in the authorisation;
- the conditions of the authorisation, in particular for spray applications, include, where appropriate, risk mitigation measures to protect honey bees;
- monitoring programmes are initiated to verify the real exposure of honey bees to clothianidin in areas extensively used by bees for foraging or by beekeepers, where and as appropriate."

## PART B

In assessing applications to authorise plant protection products containing imidacloprid for uses other than tomatoes in glasshouses, Member States shall pay particular attention to the criteria in Article 4(3) of Regulation (EC) No 1107/2009, and shall ensure that any necessary data and information is provided before such an authorisation is granted.

For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on imidacloprid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 September 2008 shall be taken into account.

In this overall assessment Member States must pay particular attention to:

- the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal protective equipment,
- the impact on aquatic organisms, non-target arthropods, earthworms, other soil macroorganisms and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures.

The Member States concerned shall request the submission of:

- information to further address the risk assessment for operators and workers,
- information to further address the risk to birds and mammals.

They shall ensure that the notifier provides such confirmatory data and information to the Commission by 31 July 2011.

The Member States concerned shall request the submission of:

- Further information of the risk to honey bees foraging in nectar and/pollen in succeeding crops;

- Further information to address potential uptake via roots to flowering weeds.
- Further information to address the risk to honey bees foraging on insect honey dew.
- Further information to address the potential guttation exposure and hence the risk (i.e. the acute and the long-term risk to colony survival and development, and the risk to bee brood).
- Further information to address the acute and long term risk to colony survival and development and the risk to bee brood for honeybees from dust drift following drill.

They shall ensure that the notifier provides such confirmatory data and information to the Commission by 31 December 2014."