Commission Regulation (EU) 2018/687 of 4 May 2018 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acibenzolar-S-methyl, benzovindiflupyr, bifenthrin, bixafen, chlorantraniliprole, deltamethrin, flonicamid, fluazifop-P, isofetamid, metrafenone, pendimethalin and teflubenzuron in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2018/687

of 4 May 2018

amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acibenzolar-S-methyl, benzovindiflupyr, bifenthrin, bixafen, chlorantraniliprole, deltamethrin, flonicamid, fluazifop-P, isofetamid, metrafenone, pendimethalin and teflubenzuron 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)(a) thereof,

Whereas:

(1) On 1 July 2016 the Codex Alimentarius Commission adopted Codex maximum residue limits (CXLs) for bifenthrin[(2)]. On 22 July 2017 the Codex Alimentarius Commission adopted CXLs for acibenzolar-S-methyl, benzovindiflupyr, bixafen, buprofezin, chlorantraniliprole, deltamethrin, dimethomorph, fipronil, flonicamid, fluazifop-P, fluensulfone, flupyradifurone, imazethapyr, isofetamid, methoprene, metrafenone, oxathiapiprolin, pendimethalin, penthiopyrad, pinoxaden, saflufenacil, spiromesifen, teflubenzuron and tolfenpyrad[(3)].

(2) Maximum residue levels (MRLs) were set for those substances in Annexes II and III to Regulation (EC) No 396/2005, except for fluensulfone for which no specific MRLs were set nor was that substance included in Annex IV to that Regulation, so the default value of 0,01 mg/kg laid down in Article 18(1)(b) thereof applies.

(3) In accordance with Article 5(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council[(4)], where international standards exist or their completion is imminent, they are to be taken into consideration in the development or adaptation of food law, except where such standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives of food law or where there is a scientific justification, or where they would result in a different

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level of protection from the one determined as appropriate in the Union. Moreover, in accordance with point (e) of Article 13 of that Regulation, the Union is to promote consistency between international technical standards and food law while ensuring that the high level of protection adopted in the Union is not reduced.

(4) The Union presented a reservation to the Codex Committee on Pesticides Residues on the CXLs proposed for the following pesticide/product combinations: acibenzolar-S-methyl (brassica vegetables; cucurbits; citrus fruits; kiwi fruit); benzovindiflupyr (cucurbits; mammalian meat); bixafen (mammalian meat); buprofezin (all products); chlorantraniliprole (poultry meat); fipronil (all products); flonicamid (products of plant origin); fluazifop-P (head cabbages; tomato; beans; peas (without pods); carrot; potato; swede; turnip; sunflower seed; mammalian meat, fats and edible offal; milks; poultry meat, fats and edible offal; eggs); fluensulfone (all products); flupyradifurone (all products); imazethapyr (all products); isofetamid (animal products); methoprene (all products); oxathiapiprolin (all products); pendimethalin (brassica leafy vegetables, except kale; mammalian meat; poultry meat; spring onions and Welsh onions); pinoxaden (all products); saflufenacil (all products); spiromesifen (all products).

(5) The CXLs for acibenzolar-S-methyl, benzovindiflupyr, bifenthrin, bixafen, chlorantraniliprole, deltamethrin, flonicamid, fluazifop-P, isofetamid, metrafenone, pendimethalin and teflubenzuron, which are not listed in recital 4, should therefore be included in Regulation (EC) No 396/2005 as MRLs except where they relate to products which are not referred to in Annex I to that Regulation or where they are at a lower level than the current MRLs. Those CXLs are safe for consumers in the Union[(5)].

(6) In the context of a procedure for the authorisation of the use of a plant protection product containing the active substance acibenzolar-S-methyl on kiwi fruits, an application was submitted in accordance with Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRL.

(7) In accordance with Article 8 of Regulation (EC) No 396/2005, that application was evaluated by the Member State concerned and the evaluation report was forwarded to the Commission.

(8) The European Food Safety Authority, hereinafter ‘the Authority’, assessed the application and the evaluation report, examining in particular the risks to the consumer and, where relevant, to animals and gave a reasoned opinion on the proposed MRL[(6)]. It forwarded that opinion to the Commission and the Member States and made it available to the public.

(9) The Authority concluded in its reasoned opinion that all requirements with respect to data 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. It 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 product showed that there is a risk that the acceptable daily intake or the acute reference dose is exceeded.

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(10) Based on the reasoned opinions 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 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

Annexes II and III to Regulation (EC) No 396/2005 are 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*.

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

Done at Brussels, 4 May 2018.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

Annexes II and III to Regulation (EC) No 396/2005 are amended as follows:

(1) In Annex II, the columns for acibenzolar-S-methyl, benzovindiflupyr, bifenthrin, deltamethrin, flonicamid, fluazifop-P, isofetamid, metrafenone, pendimethalin and teflubenzuron are 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[b]**	**Acibenzolar-S-methyl (sum of acibenzolar-S-methyl and acibenzolar acid (free and conjugated), expressed as acibenzolar-S-methyl)**	**Benzovindiflupyr**	**Bifenthrin (sum of isomers) (F)**	**Deltamethrin (cis-deltamethrin) (F)**	**Flonicamid (sum of flonicamid, TFNA and TFNG expressed as flonicamid) (R)**	**Fluazifop-P (sum of all the constituent isomers of fluazifop, its esters and its conjugates, expressed as fluazifop)**	**Isofetamid**	**Metrafenone (F)**	**Pendimethalin (F)**	**Teflubenzuron (F)**
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
0100000	**FRUITS, FRESH OR FROZEN; TREE NUTS**									0,05[a]	
0110000	**Citrus fruits**	0,01[a]	0,01[a]	0,05 (+)	0,04	0,15 (+)	0,01[a]	0,01[a]	0,01[a]		
0110010	Grapefruits				(+)						0,01[a]
0110020	Oranges				(+)						**0,5**
0110030	Lemons				(+)						**0,5**
0110040	Limes				(+)						**0,5**
0110050	Mandarins				(+)						0,01[a]
0110990	Others										0,01[a]
0120000	**Tree nuts**		0,01[a]	0,05	0,02[a]	0,06[a]	0,01[a]	0,01[a]	0,01[a]		0,02[a]
0120010	Almonds	0,01[a]			(+)						

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0120020	Brazil nuts	0,01[a]			(+)						
0120030	Cashew nuts	0,01[a]			(+)						
0120040	Chestnuts	0,01[a]			(+)						
0120050	Coconuts	0,01[a]			(+)						
0120060	Hazelnuts/ cobnuts	0,1			(+)						
0120070	Macadamias	0,01[a]			(+)						
0120080	Pecans	0,01[a]			(+)						
0120090	Pine nut kernels	0,01[a]			(+)						
0120100	Pistachios	0,01[a]			(+)						
0120110	Walnuts	0,01[a]			(+)						
0120990	Others	0,01[a]									
0130000	**Pome fruits**		0,2	0,01[a]		0,3	0,01[a]	0,01[a]	**1**		1
0130010	Apples	**0,3**			0,2 (+)						(+)
0130020	Pears	0,2			0,1 (+)						
0130030	Quinces	0,2			0,1 (+)						
0130040	Medlars	0,2			0,1 (+)						
0130050	Loquats/ Japanese medlars	0,2			0,1 (+)						
0130990	Others	0,2			0,1						
0140000	**Stone fruits**		0,01[a]	0,01[a]			0,01[a]	0,01[a]			
0140010	Apricots	0,2			0,15 (+)	0,3			**0,7**		0,01[a]
0140020	Cherries (sweet)	0,01[a]			0,1 (+)	0,4 (+)			**2**		0,01[a]
0140030	Peaches	0,2			0,15 (+)	0,4			**0,7**		0,01[a]
0140040	Plums	0,01[a]			0,07 (+)	0,3 (+)			0,01[a]		0,1[a]