Commission Regulation (EU) 2018/70 of 16 January 2018 amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for ametoctradin, chlorpyrifos-methyl, cyproconazole, difenoconazole, fluazinam, flutriafol, prohexadione and sodium chloride in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2018/70

of 16 January 2018

amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for ametoctradin, chlorpyrifos-methyl, cyproconazole, difenoconazole, fluazinam, flutriafol, prohexadione and sodium chloride 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 5(1) and Article 14(1)(a) thereof,

Whereas:

(1) For fluazinam, flutriafol and prohexadione, maximum residue levels (MRLs) were set in Annex II to Regulation (EC) No 396/2005. For chlorpyrifos-methyl, MRLs were set in Annex II and Part B of Annex III to that Regulation. For ametoctradin, cyproconazole and difenoconazole, MRLs were set in Part A of Annex III to that Regulation. For sodium chloride, 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.

(2) In the context of a procedure for the authorisation of the use of a plant protection product containing the active substance ametoctradin on 'herbs and edible flowers', an application was submitted in accordance with Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRLs.

(3) As regards chlorpyrifos-methyl, such an application was submitted for Japanese persimmons and pomegranates. As regards cyproconazole, such an application was submitted for borage seeds. As regards difenoconazole, such an application was submitted for apricots, strawberries, head brassica, 'lettuces and salad plants', chards, 'herbs and edible flowers', cardoons, celeries, leeks, rhubarbs, pulses, barley and 'root and rhizome spices'. As regards fluazinam, such an application was submitted for onions, shallots and garlic. As regards prohexadione, such an application was submitted for plums.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2018/70. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) In accordance with Article 6(2) and (4) of Regulation (EC) No 396/2005 an application was submitted for flutriafol used on hops. The applicant claims that the authorised uses of that substance on such crop in the United States led to residues exceeding the MRL contained in Regulation (EC) No 396/2005 and that a higher MRL is necessary to avoid trade barriers for the importation of that crop.

(5) In accordance with Article 8 of Regulation (EC) No 396/2005, those applications were evaluated by the Member States concerned and the evaluation reports were forwarded to the Commission.

(6) The European Food Safety Authority, hereinafter 'the Authority', assessed the applications and the evaluation reports, examining in particular the risks to the consumer and, where relevant, to animals and gave reasoned opinions on the proposed MRLs[(2)]. It forwarded those opinions to the applicants, the Commission and the Member States and made them available to the public.

(7) As regards cyproconazole, the Authority assessed an application with a view of setting an MRL for rapeseed and gave a reasoned opinion on the proposed MRL[(3)]. In accordance with the existing Union guidelines on extrapolation of MRLs, it is appropriate to set the MRL for rapeseed also for borage seeds.

(8) As regards all other applications, the Authority concluded that all requirements with respect to data were met and that the modifications to the MRLs requested by the applicants were 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 substances. Neither the lifetime exposure to these substances via consumption of all food products that may contain them, 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.

(9) Sodium chloride is approved as basic substance by Commission Implementing Regulation (EU) 2017/1529[(4)]. The conditions of use of that substance are not expected to lead to the presence of residues in food or feed commodities that may pose a risk to the consumer. It is therefore appropriate to include that substance in Annex IV to Regulation (EC) No 396/2005.

(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:

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Article 1

Annexes II, III and IV 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, 16 January 2018.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

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

(1) In Annex II, the columns for chlorpyrifos-methyl, fluazinam, flutriafol and prohexadione 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[c]**	**Chlorpyrifos-methyl (F)**	**Fluazinam (F)**	**Flutriafol**	**Prohexadione (prohexadione (acid) and its salts expressed as prohexadione-calcium)**
(1)	(2)	(3)	(4)	(5)	(6)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**				
0110000	**Citrus fruits**		0,01[a]	0,01[a]	0,01[a]
0110010	Grapefruits	0,05[a]			
0110020	Oranges	0,5			
0110030	Lemons	0,3			
0110040	Limes	0,05[a]			
0110050	Mandarins	1			
0110990	Others	0,05[a]			
0120000	**Tree nuts**	0,05[a]	0,01[a]	0,02[a]	0,01[a]
0120010	Almonds				
0120020	Brazil nuts				
0120030	Cashew nuts				
0120040	Chestnuts				
0120050	Coconuts				
0120060	Hazelnuts/ cobnuts				
0120070	Macadamias				
0120080	Pecans				

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0120090	Pine nut kernels				
0120100	Pistachios				
0120110	Walnuts				
0120990	Others				
0130000	**Pome fruits**	0,5		0,4 (+)	0,1
0130010	Apples		0,3 (+)		
0130020	Pears		0,3 (+)		
0130030	Quinces		0,01[a]		
0130040	Medlars	[b]	0,01[a]		
0130050	Loquats/ Japanese medlars	[b]	0,01[a]		
0130990	Others		0,01[a]		
0140000	**Stone fruits**		0,01[a]		
0140010	Apricots	0,05[a]		0,01[a]	0,01[a]
0140020	Cherries (sweet)	0,05[a]		1	0,4
0140030	Peaches	0,5		0,6	0,01[a]
0140040	Plums	0,05[a]		0,4	**0,05**
0140990	Others	0,05[a]		0,01[a]	0,01[a]
0150000	**Berries and small fruits**				
0151000	(a) *grapes*	0,2			0,01[a]
0151010	Table grapes		0,01[a] (+)	0,8	
0151020	Wine grapes		3 (+)	1,5 (+)	
0152000	(b) *strawberries*	0,5	0,01[a]	1,5	0,15
0153000	(c) *cane fruits*	0,05[a]	0,01[a] (+)	0,01[a]	0,01[a]
0153010	Blackberries				
0153020	Dewberries				
0153030	Raspberries (red and yellow)				
0153990	Others				