Commission Regulation (EU) 2017/671 of 7 April 2017 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for clothianidin and thiamethoxam in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2017/671

of 7 April 2017

amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for clothianidin and thiamethoxam 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 11 July 2015, the Codex Alimentarius Commission (CAC) adopted Codex maximum residue limits (CXLs) for clothianidin and thiamethoxam[(2)].

(2) Maximum residue levels (MRLs) are set for those substances in Regulation (EC) No 396/2005.

(3) In accordance with Article 5(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council[(3)], 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 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) CXLs for clothianidin and thiamethoxam should therefore be included in Regulation (EC) No 396/2005 as MRLs except where they relate to products which are not set out in Annex I to that Regulation or where they are set at a lower level than the current MRLs. Those CXLs are safe for consumers in the Union[(4)].

(5) Regulation (EC) No 396/2005 should therefore be amended accordingly.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2017/671. 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*

(6) 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*.

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

Done at Brussels, 7 April 2017.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

In Annex II to Regulation (EC) No 396/2005, the columns for clothianidin and thiamethoxam 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]	**Clothianidin**	**Thiamethoxam**
(1)	(2)	(3)	(4)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**		
0110000	**Citrus fruits**	0,06 (+)	0,15 (+)
0110010	Grapefruits		
0110020	Oranges		
0110030	Lemons		
0110040	Limes		
0110050	Mandarins		
0110990	Others		
0120000	**Tree nuts**	0,01[a]	
0120010	Almonds		0,01[a]
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		0,01[a]
0120070	Macadamias		0,01[a]
0120080	Pecans		0,02[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**	0,4	0,3
0130010	Apples		

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0130020	Pears		
0130030	Quinces		
0130040	Medlars		
0130050	Loquats/Japanese medlars		
0130990	Others		
0140000	**Stone fruits**		
0140010	Apricots	0,15	0,07 (+)
0140020	Cherries (sweet)	0,03 (+)	0,6 (+)
0140030	Peaches	0,15	0,07
0140040	Plums	0,01[a]	0,01[a]
0140990	Others	0,01[a]	0,01[a]
0150000	**Berries and small fruits**		
0151000	(a) *grapes*	0,7 (+)	0,4 (+)
0151010	Table grapes		
0151020	Wine grapes		
0152000	(b) *strawberries*	0,02[a] (+)	0,3 (+)
0153000	(c) *cane fruits*	0,01[a]	0,01[a]
0153010	Blackberries		
0153020	Dewberries		
0153030	Raspberries (red and yellow)		
0153990	Others		
0154000	(d) *other small fruits and berries*	0,01[a]	0,01[a]
0154010	Blueberries		
0154020	Cranberries		
0154030	Currants (black, red and white)		
0154040	Gooseberries (green, red and yellow)		
0154050	Rose hips		
0154060	Mulberries (black and white)		

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0154070	Azaroles/ Mediterranean medlars		
0154080	Elderberries		
0154990	Others		
0160000	**Miscellaneous fruits with**		
0161000	(a) *edible peel*		
0161010	Dates	0,01[a]	0,01[a]
0161020	Figs	0,01[a]	0,01[a]
0161030	Table olives	0,09	0,4
0161040	Kumquats	0,01[a]	0,01[a]
0161050	Carambolas	0,01[a]	0,01[a]
0161060	Kaki/Japanese persimmons	0,01[a]	0,01[a]
0161070	Jambuls/jambolans	0,01[a]	0,01[a]
0161990	Others	0,01[a]	0,01[a]
0162000	(b) *inedible peel, small*	0,01[a]	0,01[a]
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		
0163000	(c) *inedible peel, large*		
0163010	Avocados	**0,03**	**0,5**
0163020	Bananas	0,02	0,02[a]
0163030	Mangoes	**0,04**	**0,2**