Commission Regulation (EU) 2017/627 of 3 April 2017 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for fenpyroximate, triadimenol and triadimefon in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2017/627

of 3 April 2017

amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for fenpyroximate, triadimenol and triadimefon 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), Article 17, Article 18(1)(b) and Article 49(2) thereof,

Whereas:

(1) For fenpyroximate maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005. For triadimenol and triadimefon MRLs were set in Annex II and Part B of Annex III to that Regulation.

(2) For fenpyroximate the European Food Safety Authority, hereinafter 'the Authority', submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(2)]. It proposed changing the residue definition and concluded that concerning the MRLs for citrus fruits, apples, pears, quinces, medlars, loquats, apricots, cherries, peaches, plums, table grapes, wine grapes, strawberries, blackberries, dewberries, raspberries, blueberries, cranberries, currants (red, black and white), gooseberries, rose hips, mulberries, azaroles, elderberries, tomatoes, peppers, aubergines, cucumbers, gherkins, courgettes, beans (fresh, with pods), hops, bovine liver and kidney, sheep liver and kidney and goat liver and kidney some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, the MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation. The Authority concluded that concerning the MRLs for tree nuts, kumquats, avocados, potatoes, celeriac, okra, melons, pumpkins and beans (fresh, without pods) no information was available and that further consideration by risk managers was required. The MRLs for these products should be set at the specific limit of determination. Taking

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2017/627. 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*

into account additional information on the good agricultural practices provided by the United States after publication of the reasoned opinion, the MRLs for citrus fruits, almonds, apples, pears, cherries and cranberries should be set in Annex II to Regulation (EC) No 396/2005 at the existing level. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation.

(3) For triadimenol the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[(3)]. It proposed changing the residue definition and concluded that concerning the MRLs for apples, table grapes, wine grapes, strawberries, blueberries, currants, gooseberries, swedes, turnips, tomatoes, peppers, aubergines, cucumbers, gherkins, courgettes, melons, pumpkins, watermelons, globe artichokes, rape seed, barley grain, oats grain, rye grain, wheat grain, hops, sugar beet, swine muscle, fat, liver and kidney, bovine muscle, fat, liver and kidney, sheep muscle, fat, liver and kidney, goat muscle, fat, liver and kidney, poultry muscle, fat, liver and kidney, cattle, sheep, goat and horse milk and bird's eggs some information was not available and that further consideration by risk managers was required. As there is no risk for consumers, the MRLs for those products should be set in Annex II to Regulation (EC) No 396/2005 at the existing level or the level identified by the Authority. These MRLs will be reviewed; the review will take into account the information available within two years from the publication of this Regulation. The Authority concluded that concerning the MRLs for bananas, pineapples, okra, Brussels sprouts, leek, buckwheat grain, millet grain, sorghum grain and coffee beans no information was available and that further consideration by risk managers was required. The MRLs for these products should be set at the specific limit of determination.

(4) The non-inclusion of triadimefon in Annex I to Directive 91/414/EEC is provided for by Commission Decision 2004/129/EC[(4)]. All existing authorisations for plant protection products containing the active substance triadimefon have been revoked. In accordance with Article 17 of Regulation (EC) No 396/2005 in conjunction with Article 14(1)(a) thereof, the MRLs set out for this active substance in Annex II and in Part B of Annex III to that Regulation should therefore be deleted.

(5) As regards products on which the use of the plant protection product concerned is not authorised, and for which no import tolerances or Codex maximum residue limits (CXLs) exist, MRLs should be set at the specific limit of determination or the default MRL should apply, as provided for in Article 18(1)(b) of Regulation (EC) No 396/2005.

(6) The Commission consulted the European Union reference laboratories for residues of pesticides as regards the need to adapt certain limits of determination. As regards several substances, those laboratories concluded that for certain commodities technical development requires the setting of specific limits of determination.

(7) 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.

(8) Through the World Trade Organisation, the trading partners of the Union were consulted on the new MRLs and their comments have been taken into account.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2017/627. 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*

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

(10) In order to allow for the normal marketing, processing and consumption of products, this Regulation should provide for a transitional arrangement for products which have been produced before the modification of the MRLs and for which information shows that a high level of consumer protection is maintained.

(11) A reasonable period should be allowed to elapse before the modified MRLs become applicable in order to permit Member States, third countries and food business operators to prepare themselves to meet the new requirements which will result from the modification of the MRLs.

(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, III and V to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

As regards the active substances fenpyroximate, triadimenol and triadimefon in and on all products, Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were produced before 27 October 2017.

Article 3

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 27 October 2017.

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

Done at Brussels, 3 April 2017.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2017/627. 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*

ANNEX

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

(1) Annex II is amended as follows:

(a) the following columns for fenpyroximate and triadimenol are added:

PESTICIDE RESIDUES AND
MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[b]**	**Fenpyroximate (A) (F) (R)**	**Triadimenol (any ratio of constituent isomers)**
(1)	(2)	(3)	(4)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**		
0110000	**Citrus fruits**	**0,5 (+)**	**0,01[a]**
0110010	Grapefruits		
0110020	Oranges		
0110030	Lemons		
0110040	Limes		
0110050	Mandarins		
0110990	Others		
0120000	**Tree nuts**		**0,01[a]**
0120010	Almonds	**0,05[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	**0,01[a]**	
0120090	Pine nut kernels	**0,01[a]**	
0120100	Pistachios	**0,01[a]**	

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2017/627. 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*

0120110	Walnuts	**0,01**[a]	
0120990	Others	**0,01**[a]	
0130000	**Pome fruits**		
0130010	Apples	**0,3 (+)**	**0,2 (+)**
0130020	Pears	**0,3 (+)**	**0,01**[a]
0130030	Quinces	**0,2 (+)**	**0,01**[a]
0130040	Medlars	**0,2 (+)**	**0,01**[a]
0130050	Loquats/ Japanese medlars	**0,2 (+)**	**0,01**[a]
0130990	Others	**0,01**[a]	**0,01**[a]
0140000	**Stone fruits**		**0,01**[a]
0140010	Apricots	**0,3 (+)**	
0140020	Cherries (sweet)	**2 (+)**	
0140030	Peaches	**0,3 (+)**	
0140040	Plums	**0,1 (+)**	
0140990	Others	**0,01**[a]	
0150000	**Berries and small fruits**		
0151000	(a) *grapes*	**0,3**	**0,3 (+)**
0151010	Table grapes	**(+)**	
0151020	Wine grapes	**(+)**	
0152000	(b) *strawberries*	**0,3 (+)**	**0,5 (+)**
0153000	(c) *cane fruits*		**0,01**[a]
0153010	Blackberries	**0,7 (+)**	
0153020	Dewberries	**0,5 (+)**	
0153030	Raspberries (red and yellow)	**1,5 (+)**	
0153990	Others	**0,01**[a]	
0154000	(d) *other small fruits and berries*		
0154010	Blueberries	**0,4 (+)**	**0,9 (+)**