Commission Regulation (EU) 2017/405 of 8 March 2017 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 sulfoxaflor in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2017/405

of 8 March 2017

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 sulfoxaflor 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 5 July 2013, 18 July 2014 and 11 July 2015, the Codex Alimentarius Commission (CAC) adopted Codex maximum residue limits (CXLs) for sulfoxaflor[(2)(3)(4)].

(2) Maximum residue levels (MRLs) are set for that substance 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[(5)], 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 Community. 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 (CCPR) on the CXLs proposed for the following pesticide/product combinations: sulfoxaflor (fruiting vegetables other than cucurbits; leafy vegetables).

(5) CXLs for sulfoxaflor, 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

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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[(6)].

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

(7) 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, 8 March 2017.

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 following column for sulfoxaflor is added:

PESTICIDE RESIDUES AND MAXIMUM RESIDUE LEVELS (MG/KG)

Code number	**Groups and examples of individual products to which the MRLs apply[b]**	**Sulfoxaflor (sum of isomers)**
(1)	(2)	(3)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**	
0110000	**Citrus fruits**	
0110010	Grapefruits	**0,15**
0110020	Oranges	**0,8**
0110030	Lemons	**0,4**
0110040	Limes	0,01[a]
0110050	Mandarins	**0,8**
0110990	Others	0,01[a]
0120000	**Tree nuts**	0,02[a]
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	
0120070	Macadamias	
0120080	Pecans	
0120090	Pine nut kernels	
0120100	Pistachios	

a Indicates lower limit of analytical determination

b For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

Sulfoxaflor (sum of isomers)
(+) The applicable maximum residue level for horseradish (Armoracia rusticana) in the spice group (code 0840040) is the one set for horseradish (Armoracia rusticana) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art, 20 (1) of Regulation (EC) No 396/2005,

0840040 Horseradish

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

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Sulfoxaflor (sum of isomers)
(+) The applicable maximum residue level for horseradish (Armoracia rusticana) in the spice group (code 0840040) is the one set for horseradish (Armoracia rusticana) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art, 20 (1) of Regulation (EC) No 396/2005,

0840040	**Horseradish**

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0154000	(d) *other small fruits and berries*	
0154010	Blueberries	0,01[a]
0154020	Cranberries	0,01[a]
0154030	Currants (black, red and white)	0,01[a]
0154040	Gooseberries (green, red and yellow)	0,01[a]
0154050	Rose hips	0,01[a]
0154060	Mulberries (black and white)	0,01[a]
0154070	Azaroles/Mediterranean medlars	**0,3**
0154080	Elderberries	0,01[a]
0154990	Others	0,01[a]
0160000	**Miscellaneous fruits with**	
0161000	(a) *edible peel*	
0161010	Dates	0,01[a]
0161020	Figs	0,01[a]
0161030	Table olives	0,01[a]
0161040	Kumquats	0,01[a]
0161050	Carambolas	0,01[a]
0161060	Kaki/Japanese persimmons	**0,3**
0161070	Jambuls/jambolans	0,01[a]
0161990	Others	0,01[a]
0162000	(b) *inedible peel, small*	0,01[a]

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Sulfoxaflor (sum of isomers)
(+) The applicable maximum residue level for horseradish (Armoracia rusticana) in the spice group (code 0840040) is the one set for horseradish (Armoracia rusticana) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art, 20 (1) of Regulation (EC) No 396/2005,

0840040	**Horseradish**