Commission Regulation (EU) 2017/170 of 30 January 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 bifenthrin, carbetamide, cinidon-ethyl, fenpropimorph and triflusulfuron in or on certain products (Text with EEA relevance)

COMMISSION REGULATION (EU) 2017/170

of 30 January 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 bifenthrin, carbetamide, cinidon-ethyl, fenpropimorph and triflusulfuron 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 Articles 14(1)(a) and 18(1)(b) and Article 49(2) thereof,

Whereas:

(1) For carbetamide and triflusulfuron maximum residue levels (MRLs) were set in Part A of Annex III to Regulation (EC) No 396/2005. For bifenthrin, cinidon-ethyl and fenpropimorph MRLs were set in Annex II and Part B of Annex III to that Regulation.

(2) For bifenthrin 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 identified concerning the MRL for Chinese cabbage a risk for consumers. It is therefore appropriate to lower this MRL. The Authority proposed to change the residue definition and recommended lowering the MRLs for papaya, Brussels sprouts, head cabbage, rape seed, barley grain, maize grain, fruit spices, root and rhizome spices, muscle from swine, bovine, sheep and goat and poultry liver. For other products it recommended raising or keeping the existing MRLs. It concluded that concerning the MRLs for citrus fruit, cherries, peaches, plums, strawberries, blackberries, dewberries, raspberries and birds' 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 apples, pears, currants, garlic, cucumbers, courgettes, melons, watermelons, beans with pods, beans without pods, peas with pods and peas without pods no information was available and that further

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2017/170. 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*

consideration by risk managers was required. The MRLs for these products should be set at the specific limit of determination. Taking into account comments by European stakeholder associations and trading partners, as there is no risk for consumers MRLs for herbal infusions should be set in Annex II to Regulation (EC) No 396/2005 at the existing level.

(3) For carbetamide 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 to change the residue definition and recommended lowering the MRLs for sunflower seed and rape seed. It concluded that concerning the MRLs for apples, pears, quinces, stone fruit, table and wine grapes, lettuce, scarole, witloof, lentils (dry), peas (dry), chicory roots and milk from cattle, sheep and goat 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 salsify, kale, chive, celery leaves, parsley, tarragon, beans (dry), safflower, herbal infusions (dried flowers), herbal infusions (dried roots), spices (fruits and berries), sugar beet (root), muscle, fat, liver and kidney from swine, bovine, sheep and goat 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) For cinidon-ethyl the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[4]. The approval of cinidon-ethyl has not been renewed in accordance with Commission Implementing Regulation (EU) No 1134/2011[5]. Considering that the use of cinidon-ethyl is no longer authorised within the Union and no authorised uses in third countries have been notified, residues of cinidon-ethyl are not expected to occur in any plant or animal commodity. Nevertheless the Authority considers appropriate establishing the MRLs of cinidon-ethyl at the specific limit of determination or at the default MRL as set out in Article 18(1)(b) of Regulation (EC) No 396/2005.

(5) For fenpropimorph the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[6]. It identified concerning the MRLs for strawberries, blackberries and leek a risk for consumers. It is therefore appropriate to lower these MRLs. The Authority proposed to change the residue definition and recommended lowering the MRLs for banana, carrots, horseradish, parsnips, parsley root, salsifies, barley, oats, rye and wheat. For other products it recommended raising or keeping the existing MRLs. It concluded that concerning the MRLs for dewberries, raspberries, blueberries, cranberries, currants, gooseberries and hops 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

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2017/170. 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*

sugar beet (root) some information was not available and that further consideration by risk managers was required. The MRLs for this product should be set at the specific limit of determination.

(6) For triflusulfuron the Authority submitted a reasoned opinion on the existing MRLs in accordance with Article 12(1) of Regulation (EC) No 396/2005[7]. It proposed to change the residue definition and recommended lowering the MRLs for beetroot, witloof, sugar beet (root) and chicory roots.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

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

(12) 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. Because a risk to consumers cannot be excluded at the current MRLs, the value for bifenthrin of 0,01 mg/kg for Chinese cabbage and the value for fenpropimorph of 0,01 mg/kg for strawberries, blackberries and leeks should apply to all products from the date of application of this Regulation.

(13) 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.

(14) 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.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2017/170. 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*

Article 2

As regards the active substances carbetamide, cinidon-ethyl and triflusulfuron 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 23 August 2017.

As regards the active substances bifenthrin in and on all products except Chinese cabbage and fenpropimorph in and on all products except strawberries, blackberries and leek, Regulation (EC) No 396/2005 as it stood before being amended by this Regulation shall continue to apply to products which were produced before 23 August 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 23 August 2017.

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

Done at Brussels, 30 January 2017.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) 2017/170. 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 columns for bifenthrin and fenpropimorph 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 (a)**	**Bifenthrin (sum of isomers) (F)**	**Fenpropimorph (sum of isomers) (F)**
(1)	(2)	(3)	(4)
0100000	**FRUITS, FRESH or FROZEN; TREE NUTS**		
0110000	**Citrus fruits**	**0,05 (+)**	**0,01[a]**
0110010	Grapefruits		
0110020	Oranges		
0110030	Lemons		
0110040	Limes		
0110050	Mandarins		
0110990	Others		
0120000	**Tree nuts**	**0,05**	**0,01[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		