

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 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,

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ http://www.codexalimentarius.org/download/report/799/REP13_PRe.pdf
Joint FAO/WHO food standards programme Codex Alimentarius Commission. Appendices II and III. 36th Session. Rome, Italy, 1-5 July 2013.

⁽³⁾ http://www.codexalimentarius.org/download/report/917/REP14_PRe.pdf
Joint FAO/WHO food standards programme Codex Alimentarius Commission. Appendices II and III. 37th Session. Geneva, Switzerland, 14-18 July 2014.

⁽⁴⁾ ftp://ftp.fao.org/codex/reports/reports_2015/REP15_PRe.pdf
Joint FAO/WHO food standards programme Codex Alimentarius Commission. Appendices III and IV. 38th Session. Geneva, Switzerland, 6-11 July 2015.

⁽⁵⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁽⁶⁾ Scientific support for preparing an EU position for the 45th Session of the Codex Committee on Pesticide Residues (CCPR). *EFSA Journal* 2013;11(7):3312 [210 pp.].
Scientific support for preparing an EU position for the 46th Session of the Codex Committee on Pesticide Residues (CCPR). *EFSA Journal* 2014;12(7):3737 [182 pp.].
Scientific support for preparing an EU position in the 47th Session of the Codex Committee on Pesticide Residues (CCPR). *EFSA Journal* 2015;13(7):4208 [178 pp.].

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

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 ^(*)	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 (*)
0110050	Mandarins	0,8
0110990	Others	0,01 (*)
0120000	Tree nuts	0,02 (*)
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	
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

(1)	(2)	(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 (*)
0150000	Berries and small fruits	
0151000	(a) <i>grapes</i>	2
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>strawberries</i>	0,5
0153000	(c) <i>cane fruits</i>	0,01 (*)
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others	
0154000	(d) <i>other small fruits and berries</i>	
0154010	Blueberries	0,01 (*)
0154020	Cranberries	0,01 (*)
0154030	Currants (black, red and white)	0,01 (*)
0154040	Gooseberries (green, red and yellow)	0,01 (*)
0154050	Rose hips	0,01 (*)
0154060	Mulberries (black and white)	0,01 (*)
0154070	Azaroles/Mediterranean medlars	0,3
0154080	Elderberries	0,01 (*)
0154990	Others	0,01 (*)
0160000	Miscellaneous fruits with	
0161000	(a) <i>edible peel</i>	
0161010	Dates	0,01 (*)
0161020	Figs	0,01 (*)
0161030	Table olives	0,01 (*)
0161040	Kumquats	0,01 (*)
0161050	Carambolas	0,01 (*)
0161060	Kaki/Japanese persimmons	0,3
0161070	Jambuls/jambolans	0,01 (*)
0161990	Others	0,01 (*)
0162000	(b) <i>inedible peel, small</i>	0,01 (*)
0162010	Kiwi fruits (green, red, yellow)	
0162020	Litchis/lychees	
0162030	Passionfruits/maracujas	
0162040	Prickly pears/cactus fruits	

(1)	(2)	(3)
0162050	Star apples/cainitos	
0162060	American persimmons/Virginia kaki	
0162990	Others	
0163000	(c) <i>inedible peel, large</i>	0,01 (*)
0163010	Avocados	
0163020	Bananas	
0163030	Mangoes	
0163040	Papayas	
0163050	Granate apples/pomegranates	
0163060	Cherimoyas	
0163070	Guavas	
0163080	Pineapples	
0163090	Breadfruits	
0163100	Durians	
0163110	Soursops/guanabanas	
0163990	Others	
0200000	VEGETABLES, FRESH or FROZEN	
0210000	Root and tuber vegetables	
0211000	(a) <i>potatoes</i>	0,03
0212000	(b) <i>tropical root and tuber vegetables</i>	0,03
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others	
0213000	(c) <i>other root and tuber vegetables except sugar beets</i>	
0213010	Beetroots	0,03
0213020	Carrots	0,05
0213030	Celeriacs/turnip rooted celeries	0,03
0213040	Horseradishes	0,03
0213050	Jerusalem artichokes	0,03
0213060	Parsnips	0,03
0213070	Parsley roots/Hamburg roots parsley	0,03
0213080	Radishes	0,03
0213090	Salsifies	0,03
0213100	Swedes/rutabagas	0,03
0213110	Turnips	0,03
0213990	Others	0,03
0220000	Bulb vegetables	
0220010	Garlic	0,01 (*)
0220020	Onions	0,01 (*)
0220030	Shallots	0,01 (*)
0220040	Spring onions/green onions and Welsh onions	0,7
0220990	Others	0,01 (*)

(1)	(2)	(3)
0230000	Fruiting vegetables	
0231000	(a) <i>solanacea</i>	
0231010	Tomatoes	0,3
0231020	Sweet peppers/bell peppers	0,4
0231030	Aubergines/eggplants	0,3
0231040	Okra/lady's fingers	0,01 (*)
0231990	Others	0,01 (*)
0232000	(b) <i>cucurbits with edible peel</i>	0,5
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others	
0233000	(c) <i>cucurbits with inedible peel</i>	0,5
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>sweet corn</i>	0,01 (*)
0239000	(e) <i>other fruiting vegetables</i>	0,01 (*)
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)	
0241000	(a) <i>flowering brassica</i>	
0241010	Broccoli	3
0241020	Cauliflowers	0,04
0241990	Others	0,01 (*)
0242000	(b) <i>head brassica</i>	
0242010	Brussels sprouts	0,01 (*)
0242020	Head cabbages	0,4
0242990	Others	0,01 (*)
0243000	(c) <i>leafy brassica</i>	
0243010	Chinese cabbages/pe-tsai	2
0243020	Kales	0,01 (*)
0243990	Others	0,01 (*)
0244000	(d) <i>kohlrabies</i>	0,01 (*)
0250000	Leaf vegetables, herbs and edible flowers	
0251000	(a) <i>lettuces and salad plants</i>	
0251010	Lamb's lettuces/corn salads	0,01 (*)
0251020	Lettuces	4
0251030	Escaroles/broad-leaved endives	0,01 (*)
0251040	Cresses and other sprouts and shoots	0,01 (*)
0251050	Land cresses	0,01 (*)

(1)	(2)	(3)
0251060	Roman rocket/rucola	0,01 (*)
0251070	Red mustards	0,01 (*)
0251080	Baby leaf crops (including brassica species)	0,01 (*)
0251990	Others	0,01 (*)
0252000	(b) <i>spinaches and similar leaves</i>	
0252010	Spinaches	6
0252020	Purslanes	0,01 (*)
0252030	Chards/beet leaves	0,01 (*)
0252990	Others	0,01 (*)
0253000	(c) <i>grape leaves and similar species</i>	0,01 (*)
0254000	(d) <i>watercresses</i>	0,01 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	0,01 (*)
0256000	(f) <i>herbs and edible flowers</i>	
0256010	Chervil	0,02 (*)
0256020	Chives	0,02 (*)
0256030	Celery leaves	1,5
0256040	Parsley	0,02 (*)
0256050	Sage	0,02 (*)
0256060	Rosemary	0,02 (*)
0256070	Thyme	0,02 (*)
0256080	Basil and edible flowers	0,02 (*)
0256090	Laurel/bay leave	0,02 (*)
0256100	Tarragon	0,02 (*)
0256990	Others	0,02 (*)
0260000	Legume vegetables	0,01 (*)
0260010	Beans (with pods)	
0260020	Beans (without pods)	
0260030	Peas (with pods)	
0260040	Peas (without pods)	
0260050	Lentils	
0260990	Others	
0270000	Stem vegetables	
0270010	Asparagus	0,01 (*)
0270020	Cardoons	0,01 (*)
0270030	Celeries	1,5
0270040	Florence fennels	0,01 (*)
0270050	Globe artichokes	0,01 (*)
0270060	Leeks	0,01 (*)
0270070	Rhubarbs	0,01 (*)
0270080	Bamboo shoots	0,01 (*)
0270090	Palm hearts	0,01 (*)
0270990	Others	0,01 (*)

(1)	(2)	(3)
0280000	Fungi, mosses and lichens	0,01 (*)
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	Algae and prokaryotes organisms	0,01 (*)
0300000	PULSES	
0300010	Beans	0,3
0300020	Lentils	0,01 (*)
0300030	Peas	0,01 (*)
0300040	Lupins/lupini beans	0,01 (*)
0300990	Others	0,01 (*)
0400000	OILSEEDS AND OIL FRUITS	
0401000	Oilseeds	
0401010	Linseeds	0,02 (*)
0401020	Peanuts/groundnuts	0,02 (*)
0401030	Poppy seeds	0,02 (*)
0401040	Sesame seeds	0,02 (*)
0401050	Sunflower seeds	0,02 (*)
0401060	Rapeseeds/canola seeds	0,15
0401070	Soyabeans	0,3
0401080	Mustard seeds	0,02 (*)
0401090	Cotton seeds	0,4
0401100	Pumpkin seeds	0,02 (*)
0401110	Safflower seeds	0,02 (*)
0401120	Borage seeds	0,02 (*)
0401130	Gold of pleasure seeds	0,02 (*)
0401140	Hemp seeds	0,02 (*)
0401150	Castor beans	0,02 (*)
0401990	Others	0,02 (*)
0402000	Oil fruits	0,02 (*)
0402010	Olives for oil production	
0402020	Oil palms kernels	
0402030	Oil palms fruits	
0402040	Kapok	
0402990	Others	
0500000	CEREALS	
0500010	Barley	0,6
0500020	Buckwheat and other pseudo-cereals	0,01 (*)
0500030	Maize/corn	0,01 (*)
0500040	Common millet/proso millet	0,01 (*)
0500050	Oat	0,04
0500060	Rice	0,01 (*)
0500070	Rye	0,015

(1)	(2)	(3)
0500080	Sorghum	0,01 (*)
0500090	Wheat	0,2
0500990	Others	0,01 (*)
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	0,05 (*)
0610000	Teas	
0620000	Coffee beans	
0630000	Herbal infusions from	
0631000	(a) <i>flowers</i>	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others	
0632000	(b) <i>leaves and herbs</i>	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others	
0633000	(c) <i>roots</i>	
0633010	Valerian	
0633020	Ginseng	
0633990	Others	
0639000	(d) <i>any other parts of the plant</i>	
0640000	Cocoa beans	
0650000	Carobs/Saint John's breads	
0700000	HOPS	0,05 (*)
0800000	SPICES	
0810000	Seed spices	0,05 (*)
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	
0810060	Dill	
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others	

(1)	(2)	(3)
0820000	Fruit spices	0,05 (*)
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others	
0830000	Bark spices	0,05 (*)
0830010	Cinnamon	
0830990	Others	
0840000	Root and rhizome spices	
0840010	Liquorice	0,05 (*)
0840020	Ginger	0,05 (*)
0840030	Turmeric/curcuma	0,05 (*)
0840040	Horseradish	(+)
0840990	Others	0,05 (*)
0850000	Bud spices	0,05 (*)
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	Flower pistil spices	0,05 (*)
0860010	Saffron	
0860990	Others	
0870000	Aril spices	0,05 (*)
0870010	Mace	
0870990	Others	
0900000	SUGAR PLANTS	0,01 (*)
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others	
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	
1010000	Tissues from	
1011000	(a) <i>swine</i>	
1011010	Muscle	0,3
1011020	Fat tissue	0,1

(1)	(2)	(3)
1011030	Liver	0,6
1011040	Kidney	0,6
1011050	Edible offals (other than liver and kidney)	0,6
1011990	Others	0,01 (*)
1012000	(b) <i>bovine</i>	
1012010	Muscle	0,3
1012020	Fat tissue	0,1
1012030	Liver	0,6
1012040	Kidney	0,6
1012050	Edible offals (other than liver and kidney)	0,6
1012990	Others	0,01 (*)
1013000	(c) <i>sheep</i>	
1013010	Muscle	0,3
1013020	Fat tissue	0,1
1013030	Liver	0,6
1013040	Kidney	0,6
1013050	Edible offals (other than liver and kidney)	0,6
1013990	Others	0,01 (*)
1014000	d) <i>goat</i>	
1014010	Muscle	0,3
1014020	Fat tissue	0,1
1014030	Liver	0,6
1014040	Kidney	0,6
1014050	Edible offals (other than liver and kidney)	0,6
1014990	Others	0,01 (*)
1015000	(e) <i>equine</i>	
1015010	Muscle	0,3
1015020	Fat tissue	0,1
1015030	Liver	0,6
1015040	Kidney	0,6
1015050	Edible offals (other than liver and kidney)	0,6
1015990	Others	0,01 (*)
1016000	(f) <i>poultry</i>	
1016010	Muscle	0,1
1016020	Fat tissue	0,03
1016030	Liver	0,3
1016040	Kidney	0,3
1016050	Edible offals (other than liver and kidney)	0,3
1016990	Others	0,01 (*)
1017000	(g) <i>other farmed terrestrial animals</i>	
1017010	Muscle	0,3
1017020	Fat tissue	0,1

(1)	(2)	(3)
1017030	Liver	0,6
1017040	Kidney	0,6
1017050	Edible offals (other than liver and kidney)	0,6
1017990	Others	0,01 (*)
1020000	Milk	0,2
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others	
1030000	Birds eggs	0,1
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others	
1040000	Honey and other apiculture products	0,05 (*)
1050000	Amphibians and Reptiles	0,01 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)
1070000	Wild terrestrial vertebrate animals	0,01 (*)

(*) Indicates lower limit of analytical determination

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

Sulfoxafloer (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'

(2) In Part A of Annex III, the column for sulfoxafloer is deleted.