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Subject:	COMMISSION REGULATION (EU) .../... of XXX 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
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Delegations will find attached document D48557/02.

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Encl.: D48557/02



Brussels, **XXX**  
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[...](2017) **XXX** draft

**COMMISSION REGULATION (EU) .../...**

**of **XXX****

**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) .../...

of **XXX**

**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<sup>1</sup>, 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<sup>2</sup>.
- (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<sup>3</sup>, 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.

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<sup>1</sup> OJ L 70, 16.3.2005, p. 1.

<sup>2</sup> [ftp://ftp.fao.org/codex/reports/reports\\_2015/REP15\\_PRe.pdf](ftp://ftp.fao.org/codex/reports/reports_2015/REP15_PRe.pdf).

Joint FAO/WHO food standards programme Codex Alimentarius Commission. Appendices III and IV. Thirty-Eight Session. Geneva, Switzerland, 6-11 July 2015.

<sup>3</sup> 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).

- (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<sup>4</sup>.
- (5) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (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,

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*

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<sup>4</sup> 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.].