

Commission Directive 2007/62/EC of 4 October 2007 amending certain Annexes to Council Directives 86/362/EEC and 90/642/EEC as regards maximum residue levels for bifenazate, pethoxamid, pyrimethanil and rimsulfuron (Text with EEA relevance)

COMMISSION DIRECTIVE 2007/62/EC

of 4 October 2007

amending certain Annexes to Council Directives 86/362/EEC and 90/642/EEC as regards maximum residue levels for bifenazate, pethoxamid, pyrimethanil and rimsulfuron

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals⁽¹⁾, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables⁽²⁾, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽³⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) The following active substances have been included in Annex I to Directive 91/414/EEC: pyrimethanil, pethoxamid, bifenazate and rimsulfuron by Commission Directives 2006/74/EC⁽⁴⁾, 2006/41/EC⁽⁵⁾, 2005/58/EC⁽⁶⁾, and 2006/39/EC⁽⁷⁾ respectively.
- (2) The inclusion in Annex I to Directive 91/414/EEC of the active substances concerned was based on the assessment of the information submitted concerning the proposed use. Information relating to that use has been submitted by certain Member States in accordance with Article 4(1)(f) of that Directive. The information available has been reviewed and is sufficient to allow certain maximum residue levels (MRLs) to be fixed.
- (3) Where no Community MRL or provisional MRL exists, Member States are to establish a national provisional MRL in accordance with Article 4(1)(f) of Directive 91/414/EEC before plant protection products containing these active substances may be authorised.
- (4) Community MRLs and the levels recommended by the Codex Alimentarius are fixed and evaluated following similar procedures. There are a number of Codex MRLs for bifenazate. The MRLs based on Codex MRLs have been evaluated in the light of the risks for the consumers. No risk was established when using the toxicological end points based on the studies available to the Commission.

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- (5) The Commission review reports which were prepared for the inclusion in Annex I to Directive 91/414/EEC of the active substances concerned, fixed the Acceptable Daily Intake (ADI) and, if necessary, the Acute Reference Dose (ARfD) for those substances. The exposure of consumers of food products treated with the active substance concerned has been assessed in accordance with Community procedures. Account has also been taken of guidelines published by the World Health Organisation⁽⁸⁾ and the opinion of the Scientific Committee for Plants⁽⁹⁾ on the methodology employed. It is concluded that MRLs proposed will not lead to those ADIs or ARfD being exceeded.
- (6) In order to ensure that the consumer is adequately protected from exposure to residues resulting from unauthorised uses of plant protection products, provisional MRLs should be set for the relevant product/pesticide combinations at the lower limit of analytical determination.
- (7) The setting at Community level of such provisional MRLs does not prevent the Member States from establishing provisional MRLs for the substances concerned in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI to that Directive. It is considered that a period of four years is sufficient to permit further uses of the active substance concerned. The provisional MRLs should then become definitive.
- (8) It is therefore necessary to modify the MRLs set out in the Annexes to Directives 86/362/EEC and 90/642/EEC, to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer.
- (9) Directives 86/362/EEC and 90/642/EEC should therefore be amended accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 86/362/EEC is amended in accordance with Annex I to this Directive.

Article 2

Annex II to Directive 90/642/EEC is amended in accordance with Annex II to this Directive.

Article 3

Member States shall adopt and publish, by 5 April 2008 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 6 April 2008.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 4 October 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

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ANNEX I

In Part A of Annex II to Directive 86/362/EEC, the following lines for bifenazate, pethoxamid, pyrimethanil and rimsulfuron are added:

'Pesticide residues	Maximum levels in mg/kg
Bifenazate	0,01 ^{ab} CEREALS
Pethoxamid	0,01 ^{ab} CEREALS
Pyrimethanil	0,05 ^{ab} CEREALS
Rimsulfuron	0,05 ^{ab} CEREALS

a Indicates lower limit of analytical determination.

b Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 25 October 2011.'

ANNEX II

In Part A of Annex II to Directive 90/642/EEC, the following columns for bifenazate, pethoxamid, pyrimethanil and rimsulfuron are added:

Groups and examples of individual products to which the MRLs apply	'Pesticide residues and maximum residue levels (mg/kg)			
	Bifenazate	Pethoxamid	Pyrimethanil	Rimsulfuron
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		0,01 ^{ab}		0,05 ^{ab}

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(i)	CITRUS FRUIT	0,01 ^{ab}		10 ^b	
	Grapefruit				
	Lemons				
	Limes				
	Mandarins (including clementines and other hybrids)				
	Oranges				
	Pomelos				
	Others				
(ii)	TREE NUTS (shelled or unshelled)	0,01 ^{ab}			
	Almonds			0,2 ^b	
	Brazil nuts				
	Cashew nuts				
	Chestnuts				
	Coconuts				
	Hazelnuts				
	Macadamia				
	Pecans				
	Pine nuts				
	Pistachios			0,2 ^b	
	Walnuts				
	Others			0,05 ^{ab}	
(iii)	POME FRUIT	0,01 ^{ab}		5 ^b	
	Apples				
	Pears				
	Quinces				

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Others				
(iv) STONE FRUIT	0,01 ^{ab}			
Apricots			3 ^b	
Cherries				
Peaches (including nectarines and similar hybrids)			10 ^b	
Plums			3 ^b	
Others			0,05 ^{ab}	
(v) BERRIES AND SMALL FRUIT				
(a) Table and wine grapes	0,01 ^{ab}		5 ^b	
Table grapes				
Wine grapes				
(b) Strawberries (other than wild)	2 ^b		5 ^b	
(c) Cane fruit (other than wild)	0,01 ^{ab}			
Blackberries			10 ^b	
Dewberries				
Loganberries				
Raspberries			10 ^b	
Others			0,05 ^{ab}	

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(d)	Other small fruit & berries (other than wild)	0,01 ^{ab}		5 ^b	
	Bilberries				
	Cranberries				
	Currants (red, black and white)				
	Gooseberries				
	Others				
(e)	Wild berries and wild fruit	0,01 ^{ab}		0,05 ^{ab}	
(vi)	MISCELLANEOUS	0,01 ^{ab}			
	Avocados				
	Bananas			0,1 ^b	
	Dates				
	Figs				
	Kiwi				
	Kumquats				
	Litchis				
	Mangoes				
	Olives (table consumption)				
	Olives (oil extraction)				
	Papaya				
	Passion fruit				
	Pineapples				
	Pomegranate				

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Others			0,05 ^{ab}	
2.	Vegetables, fresh or uncooked, frozen or dry		0,01 ^{ab}	0,05 ^{ab}
(i)	ROOT AND TUBER VEGETABLES	0,01 ^{ab}		
Beetroot				
Carrots			1 ^b	
Cassava				
Celeriac				
Horseradish				
Jerusalem artichokes				
Parsnips				
Parsley root				
Radishes				
Salsify				
Sweet potatoes				
Swedes				
Turnips				
Yam				
Others			0,05 ^{ab}	
(ii)	BULB VEGETABLES	0,01 ^{ab}		
Garlic				
Onions			0,1 ^b	
Shallots				
Spring onions				
Others			0,05 ^{ab}	

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(iii)	FRUITING VEGETABLES			
(a)	Solanacea			
	Tomatoes	0,5 ^b		1 ^b
	Peppers	2 ^b		2 ^b
	Aubergines	0,5 ^b		1 ^b
	Okra			
	Others	0,01 ^{ab}		0,05 ^{ab}
(b)	Cucurbits edible peel	0,3 ^b		1 ^b
	Cucumbers			
	Gherkins			
	Courgettes			
	Others			
(c)	Cucurbits inedible peel	0,01 ^{ab}		0,05 ^{ab}
	Melons			
	Squashes			
	Watermelons			
	Others			
(d)	Sweetcorn	0,01 ^{ab}		0,05 ^{ab}
(iv)	BRASSICA VEGETABLES	0,01 ^{ab}		0,05 ^{ab}
(a)	Flowering brassica			
	Broccoli (including Calabrese)			
	Cauliflower			
	Others			

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(b)	Head brassica			
	Brussels sprouts			
	Head cabbage			
	Others			
(c)	Leafy brassica			
	Chinese cabbage			
	Kale			
	Others			
(d)	Kohlrabi			
(v)	LEAF VEGETABLES AND FRESH HERBS	0,01 ^{ab}		
(a)	Lettuce and similar			
	Cress			
	Lamb's lettuce			
	Lettuce		10 ^b	
	Scarole (broad- leaf endive)			
	Rocket			
	Leaves and stems of brassica, including turnip greens			
	Others		0,05 ^{ab}	
(b)	Spinach and similar		0,05 ^{ab}	

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Spinach				
Beet leaves (chard)				
Others				
(c) Watercress			0,05 ^{ab}	
(d) Witloof			0,05 ^{ab}	
(e) Herbs			3 ^b	
Chervil				
Chives				
Parsley				
Celery leaves				
Others				
(vi) LEGUME VEGETABLES (fresh)	0,01 ^{ab}			
Beans (with pods)			2 ^b	
Beans (without pods)				
Peas (with pods)				
Peas (without pods)			0,2 ^b	
Others			0,05 ^{ab}	
(vii) STEM VEGETABLES (fresh)	0,01 ^{ab}			
Asparagus				
Cardoons				
Celery				
Fennel				
Globe artichokes				
Leeks			1 ^b	

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Rhubarb				
Others			0,05 ^{ab}	
(viii) FUNGI	0,01 ^{ab}		0,05 ^{ab}	
(a) Cultivated mushrooms				
(b) Wild mushrooms				
3. Pulses	0,01 ^{ab}	0,01 ^{ab}	0,5 ^b	0,05 ^{ab}
Beans				
Lentils				
Peas				
Lupines				
Others				
4. Oilseeds	0,02 ^{ab}	0,01 ^{ab}	0,1 ^{ab}	0,05 ^{ab}
Linseed				
Peanuts				
Poppy seed				
Sesame seed				
Sunflower seed				
Rape seed				
Soya bean				
Mustard seed				
Cotton seed				
Hemp seed				
Pumpkin seed				
Others				
5. Potatoes	0,01 ^{ab}	0,01 ^{ab}	0,05 ^{ab}	0,05 ^{ab}
Early potatoes				
Ware potatoes				

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6.	Tea (dried leaves and stalks, fermented or otherwise, <i>Camellia sinensis</i>)	0,02 ^{ab}	0,02 ^{ab}	0,1 ^{ab}	0,1 ^b
7.	Hops (dried), including hop pellets and unconcentrated powder	0,02 ^{ab}	0,02 ^{ab}	0,1 ^{ab}	0,1 ^{ab}

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- (1) OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2007/57/EC (OJ L 243, 18.9.2007, p. 61).
- (2) OJ L 350, 14.12.1990, p. 71. Directive as last amended by Directive 2007/57/EC.
- (3) OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/52/EC (OJ L 214, 17.8.2007, p. 3).
- (4) OJ L 235, 30.8.2006, p. 17.
- (5) OJ L 187, 8.7.2006, p. 24.
- (6) OJ L 246, 22.9.2005, p. 17.
- (7) OJ L 104, 13.4.2006, p. 30.
- (8) Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).
- (9) Opinion of the Scientific Committee on Plants regarding questions relating to amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the Scientific Committee on Plants, 14 July 1998) (http://europa.eu.int/comm/food/fs/sc/index_en.html).