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COMMISSION DIRECTIVE 2004/115/EC

of 15 December 2004

amending Council Directive 90/642/EEC as regards the maximum levels for certain pesticide residues fixed therein

(Text with EEA relevance)

(OJ L 374, 22.12.2004, p. 64)

Corrected by:

►**C1** Corrigendum, OJ L 5, 7.1.2005, p. 26 (2004/115/EC)

►**C2** Corrigendum, OJ L 72, 18.3.2005, p. 50 (2004/115/EC)

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COMMISSION DIRECTIVE 2004/115/EC

of 15 December 2004

amending Council Directive 90/642/EEC as regards the maximum levels for certain pesticide residues fixed therein

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ([1]), 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 ([2]), and in particular Article 4(1)(f) thereof,

Whereas:

(1) In accordance with Directive 91/414/EEC, authorisations of plant protection products for use on specific crops are the responsibility of the Member States. Such authorisations are required to be based on the evaluation of effects on human and animal health and influence on the environment. Elements to be taken into account in such evaluations include operator and bystander exposure and impact on the terrestrial, aquatic and aerial environments, as well as impact on humans and animals through consumption of residues on treated crops.

(2) Maximum residue levels (MRLs) reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in terms of estimated dietary intake.

(3) MRLs are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue in or on the food product, or where there are no authorised uses, or where uses which have been authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported with such necessary data.

(4) MRLs for pesticides should be kept under review. They may be changed to take account of new uses, new information and data.

(5) Information on new or changed uses of certain pesticides covered by Directive 90/642/EEC have been notified to the Commission.

(6) The lifetime exposure of consumers to these pesticides via food products that may contain residues of these pesticides, has been assessed and evaluated in accordance with the procedures and practices used within the Community, taking account of guidelines published by the World Health Organisation ([3]). It has been calculated that the MRLs concerned will ensure that the acceptable daily intakes are not exceeded.

([1]) OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2004/95/EC (OJ L 301, 28.9.2004, p. 42).

([2]) OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/99/EC (OJ L 309, 6.10.2004, p. 6).

([3]) 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).

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(7) Where appropriate, the acute exposure of consumers to these pesticides via each of the food products that may contain residues of these pesticides has been assessed and evaluated in accordance with the procedures and practices currently used within the European Community, taking account of guidelines published by the World Health Organisation. The opinions of the Scientific Committee for Plants, in particular advice and recommendations concerning the protection of consumers of food products treated with pesticides, have been taken into account.

(8) Therefore it is appropriate to fix new maximum levels for residues of those pesticides.

(9) Directive 90/642/EEC should therefore be amended accordingly.

(10) The setting or modification at Community level of 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 thereto. It is considered that a period of four years is sufficient to permit further uses of the active substance concerned. The provisional MRL should then become definitive.

(11) 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

The maximum pesticide residue levels for methomyl, thiodicarb, myclobutanil, maneb group, fenpropimorph, metalaxyl, metalaxyl-m, penconazole, iprovalicarb, azoxystrobin and fenhexamid in Annex II to Directive 90/642/EEC are replaced by those in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 22 June 2005 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 these provisions from 23 June 2005.

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.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

ANNEX

Pesticide residues and maximum residue levels (mg/kg)

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
1. **Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts**									
(i) CITRUS FRUIT		3	5	0,05 (*)	0,5 (P)	0,05 (*)	0,05 (*) (P)	1	0,05 (*) (P)
Grapefruit	0,5								
Lemons	1								
Limes	1								
Mandarins (including clementines and other hybrids)	1								
Oranges	0,5								
Pomelos	0,5								
Others	0,05 (*)								
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)	0,05 (*)	0,1 (*)	0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)	0,1 (*)	0,05 (*) (P)
Almonds									
Brazil nuts									

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobu-tanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropi-morph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxy-strobin	Fenhexamid
Cashew nuts									
Chestnuts									
Coconuts									
Hazelnuts									
Macadamia									
Pecans									
Pine nuts									
Pistachios									
Walnuts									
Others									
(iii) POME FRUIT	0,2	0,5	3	0,05 (*)	1 (P)	0,2	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)
Apples									
Pears									
Quinces									
Others									

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
(iv) STONE FRUIT				0,05 (*)	0,05 (*) (P)		0,05 (*) (P)	0,05 (*)	
Apricots	0,2	0,3	2			0,1			5 (P)
Cherries	0,1	1	1						5 (P)
Peaches (including nectarines and similar hybrids)	0,2	0,5	2			0,1			5 (P)
Plums	0,5	0,5	1						1 (P)
Others	0,05 (*)	0,02 (*)	0,05 (*)			0,05 (*)			0,05 (*) (P)
(v) BERRIES AND SMALL FRUIT									
►C2 (a) Table and wine grapes ◄		1	2	0,05 (*)		0,2	2 (P)	2	5 (P)
►C2 Table grapes ◄	0,05 (*)				2 (P)				
►C2 Wine grapes ◄	1				1 (P)				
(b) Strawberries (other than wild)	0,05 (*)	1	2	1	0,5 (P)	0,05 (*)	0,05 (*) (P)	2	5 (P)
(c) Cane fruit (other than wild)	0,05 (*)		0,05 (*)	1	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)		10 (P)
Blackberries		1						3	

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
Dewberries									
Loganberries									
Raspberries		1						3	
Others		0,02 (*)						0,05 (*)	
(d) Other small fruit and berries (other than wild)	0,05 (*)			1	0,05 (*) (P)		0,05 (*) (P)	0,05 (*)	5 (P)
Bilberries									
Cranberries									
Currants (red, black and white)		1	5			0,5			
Gooseberries		1	5						
Others		0,02 (*)	0,05 (*)			0,05 (*)			
(e) Wild berries and wild fruit	0,05 (*)	0,02 (*)	0,05 (*)	0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)
(vi) MISCELLANEOUS	0,05 (*)				0,05 (*) (P)	0,05 (*)	0,05 (*) (P)		
Avocados									
Bananas		2		2				2	
Dates									

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
Figs									
Kiwi									10 (P)
Kumquats									
Litchis									
Mangoes									
Olives			5						
Passion fruit									
Pineapples									
Papaya									
Others		0,02 (*)	0,05 (*)	0,05 (*)				0,05 (*)	0,05 (*) (P)
2. **Vegetables, fresh or uncooked, frozen or dry**									
(i) ROOT AND TUBER VEGETABLES				0,05 (*)		0,05 (*)	0,05 (*) (P)		0,05 (*) (P)
Beetroot									
Carrots		0,2	0,2		0,1 (P)			0,2	
Celeriac			0,2					0,3	

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
Horseradish		0,2						0,2	
Jerusalem artichokes									
Parsnips		0,2			0,1 (P)			0,2	
Parsley root		0,2						0,2	
Radishes	0,5		2						
Salsify			0,2					0,2	
Sweet potatoes									
Swedes									
Turnips									
Yam									
Others	0,05 (*)	0,02 (*)	0,05 (*)		0,05 (*) (P)			0,05 (*)	
(ii) BULB VEGETABLES	0,05 (*)	0,02 (*)		0,05 (*)		0,05 (*)			0,05 (*) (P)
Garlic			0,5		0,5 (P)				
Onions			0,5		0,5 (P)		0,1 (P)		
Shallots			0,5		0,5 (P)				
Spring onions			1		0,2 (P)			2	

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobu-tanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropi-morph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxy-strobin	Fenhexamid
Others			0,05 (*)		0,05 (*) (P)		0,05 (*) (P)	0,05 (*)	
(iii) FRUITING VEGETABLES				0,05 (*)					
(a) Solanacea						0,05 (*)		2	
Tomatoes	0,5	0,3	3		0,2 (P)		1 (P)		1 (P)
Peppers		0,5			0,5 (P)				2 (P)
Aubergines	0,5	0,3							1 (P)
Others	0,05 (*)	0,02 (*)	2		0,05 (*) (P)		0,05 (*) (P)		0,05 (*) (P)
(b) Cucurbits - edible peel	0,05 (*)	0,1				0,05 (*)		1	1 (P)
Cucumbers			0,5		0,5 (P)		0,1 (P)		
Gherkins			2				0,1 (P)		
Courgettes			2				0,1 (P)		
Others			0,05 (*)		0,05 (*) (P)		0,05 (*) (P)		
(c) Cucurbits-inedible peel	0,05 (*)	0,2	0,5			0,1		0,5	0,05 (*) (P)
Melons					0,2 (P)		0,2 (P)		
Squashes									

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobu-tanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropi-morph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxy-strobin	Fenhexamid
Watermelons					0,2 (P)		0,2 (P)		
Others					0,05 (*) (P)		0,05 (*) (P)		
(d) Sweet corn	0,05 (*)	0,02 (*)	0,05 (*)		0,05 (*) (P)	0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)
(iv) BRASSICA VEGETABLES		0,02 (*)				0,05 (*)	0,05 (*) (P)		0,05 (*) (P)
(a) Flowering brassica			1	0,05 (*)	0,1 (P)				
Broccoli	0,2							0,5	
Cauliflower								0,5	
Others	0,05 (*)							0,05 (*)	
(b) Head brassica	0,05 (*)		1						
Brussels sprouts				0,5				0,1	
Head cabbage					1 (P)			0,3	
Others				0,05 (*)	0,05 (*) (P)			0,05 (*)	
(c) Leafy brassica	0,05 (*)			0,05 (*)				5	
Chinese cabbage									
Kale			2		0,2 (P)				
Others			0,5		0,05 (*) (P)				

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobu-tanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropi-morph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxy-strobin	Fenhexamid
(d) Kohlrabi	0,05 (*)		0,1 (*)	0,05 (*)	0,05 (*) (P)			0,2	
(v) LEAF VEGETABLES & FRESH HERBS				0,05 (*)		0,05 (*)			
(a) Lettuce and similar			5				1 (P)	3	
Cress									
Lamb's lettuce		5							
Lettuce	2				2 (P)				30 (P)
Scarole					1 (P)				
Others	0,05 (*)	0,02 (*)			0,05 (*) (P)				0,05 (*) (P)
(b) Spinach and similar	2	0,02 (*)	0,05 (*)		0,05 (*) (P)		0,05 (*) (P)	0,05 (*)	0,05 (*) (P)
Spinach									
Beet leaves (chard)									
Others									
(c) Water cress	0,05 (*)	0,02 (*)	0,3		0,05 (*) (P)		0,05 (*) (P)	0,05 (*)	0,05 (*) (P)
(d) Witloof	0,05 (*)	0,02 (*)	0,2		0,3 (P)		0,05 (*) (P)	0,2	0,05 (*) (P)
(e) Herbs	2	0,02 (*)	5		1 (P)		0,05 (*) (P)	3	0,05 (*) (P)

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
Chervil									
Chives									
Parsley									
Celery leaves									
Others									
(vi) LEGUME VEGETABLES (fresh)	0,05 (*)	0,02 (*)		0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)		0,05 (*) (P)
Beans (with pods)			1					1	
Beans (without pods)			0,1					0,2	
Peas (with pods)			1					0,5	
Peas (without pods)			0,1					0,2	
Others			0,05 (*)					0,05 (*)	
(vii) STEM VEGETABLES (fresh)	0,05 (*)						0,05 (*) (P)		0,05 (*) (P)
Asparagus									
Cardoons									
Celery			0,5					5	

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobu-tanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropi-morph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxy-strobin	Fenhexamid
Fennel									
Globe artichokes		0,5				0,2		1	
Leek			3	0,5	0,2 (P)			0,1	
Rhubarb									
Others		0,02 (*)	0,05 (*)	0,05 (*)	0,05 (*) (P)	0,05 (*)		0,05 (*)	
(viii) FUNGI	0,05 (*)	0,02 (*)	0,05 (*)	0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)
(a) Cultivated mushrooms									
(b) Wild mushrooms									
3. **Pulses**	0,05 (*)	0,02 (*)	0,05 (*)	0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)	0,1	0,05 (*) (P)
Beans									
Lentils									
Peas									
Others									
4. **OIL SEED**		0,05 (*)		0,05 (*)	0,1 (*) (P)	0,05 (*)	0,1 (*) (P)		0,1 (*) (P)
Linseed									
Peanuts	0,1								

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
Poppy seeds									
Sesame seed									
Sunflower seed									
Rape seed			0,5					0,5	
Soya bean	0,1							0,5	
Mustard seed									
Cotton seed	0,1								
Others	0,05 (*)		0,1 (*)					0,05 (*)	
5. **Potatoes**	0,05 (*)	0,02 (*)	0,1	0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)	0,05 (*)	0,05 (*) (P)
Early potatoes									
Ware potatoes									
6. TEA (leaves and stems, dried, fermented or otherwise, from the leaves of *Camellia sinensis*)	0,1 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,1 (*) (P)	0,1 (*)	0,1 (*) (P)	0,1 (*)	0,1 (*) (P)

Groups and examples of individual products to which the MRLs apply	Methomyl/ Thiodicarb (sum expressed as methomyl)	Myclobutanil	Maneb, mancozeb, metiram, propineb, zineb (sum expressed as CS2)	Fenpropimorph	Metalaxyl including other mixtures of constituent isomers including metalaxyl-m (sum of isomers)	Penconazole	Iprovalicarb	Azoxystrobin	Fenhexamid
7. HOPS (dried), including hop pellets and unconcentrated powder	10	2	25	10	10 (P)	0,5	0,1 (*) (P)	20	0,1 (*) (P)

(*) indicates lower limit of analytical determination.

(P) 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 [4 years from date of coming into force of the Directive introducing this amendment].