COMMISSION DIRECTIVE 2004/61/EC

of 26 April 2004

amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for certain pesticides prohibited for use in the European Community

(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 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin (2), 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 products of plant origin, including fruit and vegetables (3), and in particular Article 7 thereof,

Whereas:

- Under Council Directive 79/117/EEC (4), as last amended by Council Regulation (EC) No 2003/ (1)807 (5), mercuric oxide, mercurous chloride (calomel), other inorganic mercury compounds, alkyl mercury compounds, alcoxyalkyl and aryl mercury compounds, aldrin, chlordane, dieldrin, HCH, hexachlorobenzene, camphechlor (toxaphene), ethylene oxide, nitrofen, 1,2-dibromoethane, 1,2dichloroethane, dinoseb and binapacryl are pesticides, prohibited for use and placing on the market in the EC. In view of the availability of some of these pesticides on the world market it is prudent to set Maximum Residue Levels for all products at the Lower Limit of Analytical Determination. Some mercuric compounds cannot be distinguished from mercuric compounds originating from environmental contamination.
- (2)Where no legal use of a pesticide is allowed and where no residues can be tolerated it is appropriate that the MRL established at the appropriate lower limit of analytical determination on fresh produce, apply also on the composite and processed products.
- The opinions of the Scientific Committee for Plants have been taken into account, in particular its (3) advice and recommendations concerning the methodology to be followed for the protection of consumers of agricultural products treated with pesticides.
- Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended. (4)
- The measures provided for in this Directive are in accordance with the opinion of the Standing (5) Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2004/2/EC (OJ L 14, 21.1.2004, p. (²) OJ L 221, 7.8.1986, p. 43. Directive as last amended by Directive 2004/2/EC.
(³) OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2004/2/EC.
(⁴) OJ L 33, 82.1979, p. 36.
(⁵) OL L32, 162, 262. 10).

⁽⁵⁾ OJ L 122, 16.5.2003, p. 36.

HAS ADOPTED THIS DIRECTIVE:

Article 1

In part A of Annex II to Directive 86/362/EEC the following rows are added:

Pesticide residue	Maximum level in
- Mercury compounds	0,01 (*) Cereals
 Camphechlor (chlorinated camphen with 67-69 % chlorine) 	0,1 (*) Cereals
— 1,2-Dibromoethane	0,01 (*) Cereals
— 1,2-Dichloroethane	0,01 (*) Cereals
— Dinoseb	0,01 (*) Cereals
— Binapacryl	0,01 (*) Cereals
— Nitrofen	0,01 (*) Cereals
 Ethylene oxyde (sum of ethylene oxyde and 2- chloro-ethanol expressed as ethylene oxyde) 	0,02 (*) Cereals

Article 2

In part A of Annex II to Directive 86/363/EEC the following rows are added:

		Maximum level (mg/kg)		
Pesticide residue	Of fat contained in meat, preparations of meat, offals and animal fats listed in Annex I within CN code Nos 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 (i) (iv)	For cow's milk and whole cream cow's milk listed in Annex 1 within CN code No 0401; for the other foodstuffs within CN code Nos. 0401, 0402, 0405 00, 0406 in accordance with (ii) (iv)	Of shelled fresh eggs, in birds' eggs and egg yolks listed in Annex 1 within CN code Nos 0407 00 and 0408 (iii) (iv)	
'— Nitrofen	0,01 (*)	0,01 (*)	0,01 (*)	
— Sum of mercury compounds	0,01 (*)	0,01 (*)	0,01 (*)	
 Camphechlor (sum of the three indi- cator compounds ParlarNo. 26, 50 and 62 (**)) 	0,05 (**) except poultry	0,01 (*)		
— 1,2-dichloroethane	0,1 (*)	0,1 (*)	0,1 (*)	
— Binapacryl	0,01 (*)	0,01 (*)	0,01 (*)	
 Ethylene oxyde (sum of ethylene oxyde and 2-chloro-ethanol expressed as ethylene oxyde) 	0,02 (*)	0,02 (*)	0,02 (*)	
— Captafol	0,01 (*)	0,01 (*)	0,01 (*)	

(*) Indicates lower limit of analytical determination.
 (**) Parlar No 26 2-endo, 3-exo, 5-endo, 6-exo, 8, 8, 10, 10-octachlorobornane

Parlar No 50 2-endo,3-exo,5-endo,6-exo,8,8,9,10,10-nonachlorobornane Parlar No 62 2,2,5,5,8,9,9,10,10,-nonachlorobornane.'

Article 3

Pesticide residue		Maximum level (mg/kg)	
	Of meat, including fat, preparations of meat, offals and animal fats as listed in Annex I within CN code Nos 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	For milk and milk products listed in Annex 1 within CN code Nos 0401, 0402, 0405 00 and 0406	Of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex 1 within C code Nos. 0407 00 and 044
'Dinoseb	0,01 (*)	0,01 (*)	0,01 (*)

(*) Indicates lower limit of analytical determination.

Article 4

The maximum residue levels listed in the Annex to this Directive are added to those listed in Annex II to Directive 90/642/EEC for the pesticides in question.

Article 5

1. Member States shall adopt and publish, eight months after the adoption of this Directive 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 nine months after the adoption of this Directive.

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 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 26 April 2004.

For the Commission David BYRNE Member of the Commission

ANNEX

			Pesticide residu	e and maximum	n residue level (n	ng/kg)			
	Groups and examples of individual products to which the MRLs would apply	Sum of mercury compounds expressed as mercury	Aldrin and dieldrin combined expressed as dieldrin	Chlordane (sum of cis- and trans- chlordane)	HCH, Sum of isomers except the gamma isomer	Hexa-chloro- benzene	Ethylene oxyde (sum of ethylene oxyde and 2- chloro- ethanol expressed as ethylene oxyde)	Nitrofen	1,2-dichloro- ethane
'1.	Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)	0,01 (*)
	i) CITRUS FRUIT								
	Grapefruit								
	Lemons								
	Limes								
	Mandarins (including clementines and other hybrids)								
	Oranges								
	Pomelos								
	Others								
	ii) TREE NUTS (shelled or unshelled)								
	Almonds								
	Brazil nuts								
	Cashew nuts								
	Chestnuts								
	Coconuts								
	Hazelnuts								
	Macadamia								
_	Pecans								
	Pine nuts								
	Pistachios								
	Walnuts								
	Others								

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iii) POME FRUIT								
Apples								
Pears								
Quinces								
Others								
iv) STONE FRUIT								
Apricots								
Cherries								
Peaches (including nectarines and similar hybrids)								
Plums								
Others								
v) BERRIES AND SMALL FRUIT								
a) Table and wine grapes								
Table grapes								
Wine grapes								
b) Strawberries (other than wild)								
c) Cane fruit (other than wild)								
Blackberries								
Dewberries								
Loganberries								
Raspberries								
Others								

Pesticide residue and maximum residue level (mg/kg)										
Groups and examples of individual products to which the MRLs would apply	Sum of mercury compounds expressed as mercury	Aldrin and dieldrin combined expressed as dieldrin	Chlordane (sum of cis- and trans- chlordane)	HCH, Sum of isomers except the gamma isomer	Hexa-chloro- benzene	Ethylene oxyde (sum of ethylene oxyde and 2- chloro- ethanol expressed as ethylene oxyde)	Nitrofen	1,2-dichloro- ethane		
d) Other small fruit & berries (other than wild)										
Bilberries										
Cranberries										
Currants (red, black and white)										
Gooseberries										
Others										
e) Wild berries and wild fruit										
vi) MISCELLANEOUS										
Avocados										
Bananas										
Dates										
Figs										
Kiwi										
Kumquats										
Litchis										
Mangoes										
Olives										
Passion fruit										
Pineapples										
Pomegranate										
Others										

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2. Vegetables, fresh or uncooked, frozen or dry	0,01 (*)		0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)	0,01 (*)
i) ROOT AND TUBER VEGETABLES								
Beetroot								
Carrots								
Celeriac								
Horseradish								
Jerusalem artichokes								
Parsnips		0,02 (1)						
Parsley root								
Radishes								
Salsify								
Sweet potatoes								
Swedes								
Turnips								
Yam								
Others		0,01 (*)						
ii) BULB VEGETABLES		0,01 (*)						
Garlic								
Onions								
Shallots								
Spring onions								
Others								

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iii) FRUITING VEGETABLES								
a) Solanacea		0,01 (*)						
Tomatoes								
Peppers								
Aubergines								
Others								
b) Cucurbits — edible peel		0,02 (²)						
Cucumbers								
Gherkins								
Courgettes								
Others								
c) Cucurbits-inedible peel		0,03 (3)						
Melons								
Squashes								
Watermelons								
Others								
d) Sweet corn		0,01 (*)						
iv) BRASSICA VEGETABLES		0,01 (*)						
a) Flowering brassica								
Broccoli (including Calabrese)								
Cauliflower								
Others								
b) Head brassica								
Brussels sprouts								
Head cabbage								
Others								

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Groups and examples of individual products to which the MRLs would apply	Sum of mercury compounds expressed as mercury	Aldrin and dieldrin combined expressed as dieldrin	Chlordane (sum of cis- and trans- chlordane)	HCH, Sum of isomers except the gamma isomer	Hexa-chloro- benzene	Ethylene oxyde (sum of ethylene oxyde and 2- chloro- ethanol expressed as ethylene oxyde)	Nitrofen	1,2-dichloro- ethane
c) Leafy brassica								
Chinese cabbage								
Kale								
Others								
d) Kohlrabi								
v) LEAF VEGETABLES AND FRESH HERBS		0,01 (*)						
a) Lettuce & similar								
Cress								
Lamb's lettuce								
Lettuce								
Scarole (broad-leaf endive)								
Others								
b) Spinach & similar								
Spinach								
Beet leaves (chard)								
Others								
c) Water cress								
d) Witloof								
e) Herbs								
Chervil								
Chives								
Parsley								
Celery leaves								
Others								

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Groups and examples of individual products to which the MRLs would apply	Sum of mercury compounds expressed as mercury	Aldrin and dieldrin combined expressed as dieldrin	Chlordane (sum of cis- and trans- chlordane)	HCH, Sum of isomers except the gamma isomer	Hexa-chloro- benzene	Ethylene oxyde (sum of ethylene oxyde and 2- chloro- ethanol expressed as ethylene oxyde)	Nitrofen	1,2-dichloro- ethane
vi) LEGUME VEGETABLES (fresh)		0,01 (*)						
Beans (with pods)								
Beans (without pods)								
Peas (with pods)								
Peas (without pods)								
Others								
vii) STEM VEGETABLES (fresh)		0,01 (*)						
Asparagus								
Cardoons								
Celery								
Fennel								
Globe artichokes								
Leek								
Rhubarb								
Others								
viii) FUNGI		0,01 (*)						
a) Cultivated mush- rooms								
b) Wild mushrooms								
. PULSES	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)	0,01 (*)
Beans								
Lentils								
Peas								
Others								

	Pesticide residue and maximum residue level (mg/kg)										
	Groups and examples of individual products to which the MRLs would apply	Sum of mercury compounds expressed as mercury	Aldrin and dieldrin combined expressed as dieldrin	Chlordane (sum of cis- and trans- chlordane)	HCH, Sum of isomers except the gamma isomer	Hexa-chloro- benzene	Ethylene oxyde (sum of ethylene oxyde and 2- chloro- ethanol expressed as ethylene oxyde)	Nitrofen	1,2-dichloro- ethane		
4.	OILSEEDS	0,02 (*)	0,02 (4)	0,02 (*)	0,02 (*)	0,02 (*)	0,2 (*)	0,02 (*)	0,02 (*)		
	Linseed										
	Peanuts										
	Poppy seed										
	Sesame seed										
	Sunflower seed										
	Rape seed										
	Soya bean										
	Mustard seed										
	Cotton seed										
	Others										
5.	POTATOES	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)	0,01 (*)		
	Early potatoes										
_	Ware potatoes										
6.	TEA (dried leaves and stalks, fermented or otherwise, <i>Camellia sinensis</i>)	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,2 (*)	0,02 (*)	0,02 (*)		
7.	HOPS (dried), including hop pellets and unconcentrated powder	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,2 (*)	0,02 (*)	0,02 (*)		

(*) Indicates lower limit of analytical determination.
(1) Based on background levels due to use of dieldrin and aldrin in the past.
(2) Based on background levels due to use of dieldrin and aldrin in the past.
(3) Based on background levels due to use of dieldrin and aldrin in the past.
(4) Monitoring data show that levels of up to 0,02 mg/kg of dieldrin can be found of pumpkin seeds used for oil extraction.'