

COMMISSION DIRECTIVE 2005/46/EC**of 8 July 2005****amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for amitraz****(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 fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ⁽³⁾ and in particular Article 7 thereof,

Whereas:

- (1) For the existing active substance amitraz a decision was taken not to include it in Annex I to Council Directive 91/414/EEC ⁽⁴⁾ by Commission Decision 2004/141/EC ⁽⁵⁾. This Decision provides that plant protection products containing this active substance shall no longer be authorised for use in the Community except for a limited number of uses, where at the moment no alternatives are available (essential uses).
- (2) Decision 2004/141/EC allowed a phasing out period, and it is appropriate that maximum residue levels (MRLs) premised on the notion that use of the substance concerned is not authorised in the Community, should not apply until the end of the phasing out period applying to that substance.
- (3) For amitraz MRLs for residues resulting from veterinary medicinal uses have been set on animal products in the framework of Council Regulation (EC) No 2377/90 ⁽⁶⁾. It is appropriate to take these into account in this Directive.
- (4) Community MRLs and the levels recommended by the Codex Alimentarius ⁽⁷⁾ are fixed and evaluated following similar procedures. There are a limited number of Codex MRLs for amitraz. These have been considered in the setting of the MRLs fixed in this Directive. Codex MRLs that will be recommended for withdrawal in the near future were not taken into account. The MRLs based on Codex MRLs having been evaluated in the light of the risks for the consumers, no risk was established.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2005/37/EC (OJ L 141, 4.6.2005, p. 10).

⁽²⁾ OJ L 221, 7.8.1986, p. 43. Directive as last amended by Commission Directive 2004/61/EC (OJ L 127, 29.4.2004, p. 81).

⁽³⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2005/37/EC.

⁽⁴⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Regulation (EC) No 396/2005 of the European Parliament and of the Council (OJ L 70, 16.3.2005, p. 1).

⁽⁵⁾ OJ L 46, 17.2.2004, p. 35.

⁽⁶⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 869/2005 (OJ L 145, 9.6.2005, p. 19).

⁽⁷⁾ http://apps.fao.org/CodexSystem/pestdes/pest_q-e.htm

- (5) In order to ensure that the consumer is adequately protected from exposure to residues resulting from unauthorised uses of plant protection products, MRLs should be set for the relevant product/pesticide combinations at the lower limit of analytical determination.
- (6) It is therefore necessary to amend several of the pesticide residues arising from use of amitraz in the Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer.
- (7) The relevant annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.
- (8) 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

In part A of Annex II to Directive 86/362/EEC the following row is replaced:

Pesticide residue	Maximum level in mg/kg
'Amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz	0,05 (*) cereals

(*) Indicates lower limit of analytical determination.'

Article 2

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

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 CN code Nos 0407 00 and 0408
'Amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz	0,05 (*), Poultry		0,01 (*)

(*) Indicates lower limit of analytical determination.'

Article 3

The maximum pesticide residue levels for amitraz in Annex II to Directive 90/642/EEC are replaced by those in the Annex to this Directive.

Article 4

1. Member States shall adopt and publish, by 9 January 2006 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 10 January 2007.

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 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 8 July 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

Groups and examples of individual products to which the MRLs apply	Amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,05 (*)
(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	
(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	

Groups and examples of individual products to which the MRLs apply	Amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz
(d) Other small fruit and 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	
2. Vegetables, fresh or uncooked, frozen or dry	0,05 (*)
(i) ROOT AND TUBER VEGETABLES	
Beetroot	
Carrots	
Celeriac	
Horseradish	
Jerusalem artichokes	
Parsnips	
Parsley root	
Radishes	
Salsify	
Sweet potatoes	
Swedes	
Turnips	
Yam	
Others	
(ii) BULB VEGETABLES	
Garlic	
Onions	
Shallots	
Spring onions	
Others	
(iii) FRUITING VEGETABLES	
(a) Solanacea	
Tomatoes	
Peppers	
Aubergines	
Others	

Groups and examples of individual products to which the MRLs apply	Amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz
(b) Cucurbits — edible peel	
Cucumbers	
Gherkins	
Courgettes	
Others	
(c) Cucurbits — inedible peel	
Melons	
Squashes	
Watermelons	
Others	
(d) Sweet corn	
(iv) BRASSICA VEGETABLES	
(a) Flowering brassica	
Broccoli	
Cauliflower	
Others	
(b) Head brassica	
Brussels sprouts	
Head cabbage	
Others	
(c) Leafy brassica	
Chinese cabbage	
Kale	
Others	
(d) Kohlrabi	
(v) LEAF VEGETABLES AND FRESH HERBS	
(a) Lettuce and similar	
Cress	
Lamb's lettuce	
Lettuce	
Scarole	
Others	
(b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
(c) Water cress	
(d) Witloof	
(e) Herbs	
Chervil	
Chives	
Parsley	
Celery leaves	
Others	
(vi) LEGUME VEGETABLES (fresh)	
Beans (with pods)	
Beans (without pods)	
Peas (with pods)	
Peas (without pods)	
Others	

Groups and examples of individual products to which the MRLs apply	Amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz
(vii) STEM VEGETABLES (fresh)	
Asparagus	
Cardoons	
Celery	
Fennel	
Globe artichokes	
Leek	
Rhubarb	
Others	
(viii) FUNGI	
(a) Cultivated mushrooms	
(b) Wild mushrooms	
3. Pulses	0,05 (*)
Beans	
Lentils	
Peas	
Others	
4. Oil seeds	
Linseed	
Peanuts	
Poppy seeds	
Sesame seeds	
Sunflower seed	
Rape seed	
Soya bean	
Mustard seed	
Cotton seed	1 (*)
Others	0,05 (*)
5. Potatoes	0,05 (*)
Early potatoes	
Ware potatoes	
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*)

(*) Indicates lower limit of analytical determination.

(*) Should this level not be confirmed or amended by a directive, with effect from 1 July 2007, the appropriate lower limit of analytical determination shall apply.'