

COMMISSION DIRECTIVE 2006/59/EC

of 28 June 2006

amending Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for carbaryl, deltamethrin, endosulfan, fenitrothion, methidathion and oxamyl

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables ⁽¹⁾, and in particular Article 5 thereof,

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 ⁽²⁾, 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 ⁽³⁾, 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 ⁽⁴⁾, 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 ⁽⁵⁾, and in particular Article 4(1)(f) thereof,

Whereas:

(1) In the case of cereals and products of plant origin including fruit and vegetables, residue levels reflect the use of minimum quantities of pesticides necessary to

achieve effective protection of plants, applied in such a manner that the amount of residue is as low as is practicable and toxicologically acceptable, having regard, in particular to the protection of the environment and the estimated dietary intake of consumers. In the case of foodstuffs of animal origin, residue levels reflect the consumption by animals of cereals and products of plant origin treated with pesticides and, where relevant, the direct consequences of the use of veterinary medicines. Community maximum residue levels (MRLs) represent the upper limit of the amount of such residues that might be expected to be found in commodities when good agricultural practices have been respected.

(2) MRLs for pesticides are kept under review and changed to take account of new information and data. 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 by the necessary data.

(3) The Commission was informed that for several pesticides current MRLs may need to be revised in the light of the availability of new information on the toxicology and consumer intake. The Commission has asked the relevant rapporteur Member States to make proposals for the review of Community MRLs. Such proposals were submitted to the Commission.

(4) The lifetime and short-term exposure of consumers to the pesticides referred to in this Directive via food products has been reassessed and evaluated in accordance with Community procedures and practices, taking account of guidelines published by the World Health Organisation ⁽⁶⁾. On that basis, it is appropriate to fix new MRLs, which will ensure that there is no unacceptable consumer exposure.

⁽¹⁾ OJ L 340, 9.12.1976, p. 26. Directive as last amended by Commission Directive 2005/70/EC (OJ L 276, 21.10.2005, p. 35).

⁽²⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2006/30/EC (OJ L 75, 14.3.2006, p. 7).

⁽³⁾ OJ L 221, 7.8.1986, p. 43. Directive as last amended by Commission Directive 2006/30/EC.

⁽⁴⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2006/53/EC (OJ L 154, 8.6.2006, p. 11).

⁽⁵⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2006/45/EC (OJ L 130, 18.5.2006, p. 27).

⁽⁶⁾ 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).

- (5) Where relevant, the acute exposure of consumers to those pesticides via each of the food products that may contain residues has been assessed and evaluated in accordance with Community procedures and practices, taking account of guidelines published by the World Health Organisation. It is concluded that the presence of pesticide residues at or below the new MRLs will not cause acute toxic effects.
- (6) Through the World Trade Organisation, the Community's trading partners have been consulted about the new MRLs and their comments on these levels have been taken into account.
- (7) The Annexes to Directives 76/895/EEC, 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 Annex II to Directive 76/895/EEC the entries relating to carbaryl, and fenithrothion are deleted.

Article 2

Directive 86/362/EEC is amended as follows:

- (a) in Part A of Annex II, the lines for oxamyl as set out in Annex I to this Directive are added;
- (b) in Part A of Annex II, the lines for deltamethrin and methidathion are replaced by the text in Annex II to this Directive.

Article 3

Directive 86/363/EEC is amended as follows:

- (a) in Part A of Annex II, the line for carbaryl in Annex III to this Directive is added;
- (b) in Part B of Annex II, the line for deltamethrin is replaced by the text in Annex IV to this Directive.

Article 4

Directive 90/642/EEC is amended as follows:

- (a) in Annex II, the lines for carbaryl and oxamyl, as set out in Annex V to this Directive, are added;
- (b) in Annex II, the lines for deltamethrin, endosulfan, fenithrothion and methidathion are replaced by the text in Annex VI to this Directive.

Article 5

1. Member States shall adopt and publish, by 29 December 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 those provisions from 30 December 2006, except the provisions for oxamyl which shall apply from 30 December 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 6

This Directive shall enter into force on the 20th 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, 28 June 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Pesticide residues	Maximum levels in mg/kg
'Oxamyl	0,01 (*) (p) CEREALS

(*) 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 19 July 2010.'

ANNEX II

Pesticide residues	Maximum levels in mg/kg
'Deltamethrin	2 CEREALS
Methidathion	0,02 (*) CEREALS

(*) Indicates lower limit of analytical determination.'

ANNEX III

Pesticide residues	Maximum levels in mg/kg		
	of fat contained in meat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 (1) (4)	for cow's milk and whole cream cow's milk listed in Annex I under headings No 0401; for other foodstuffs in heading Nos 0401, 0402, 0405 00 and 0406 in accordance with (2) (4)	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under headings Nos 0407 00 and 0408 (3) (4)
'carbaryl	0,05 (*)	0,05 (*)	0,05 (*)

(*) Indicates lower limit of analytical determination.'

ANNEX IV

Pesticide residues	Maximum levels in mg/kg		
	of fat contained in meat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 (1) (4)	for cow's milk and whole cream cow's milk listed in Annex I under headings No 0401; for other foodstuffs in heading Nos 0401, 0402, 0405 00 and 0406 in accordance with (2) (4)	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under headings Nos 0407 00 and 0408 (3) (4)
'deltamethrin (cis-deltametrin) (a)	liver and kidney 0,03 (*), poultry and poultry products 0,1, others 0,5	0,05	0,05 (*)

(*) Indicates lower limit of analytical determination.

(a) Temporary MRL valid until 1 November 2007, pending review of the Annex III dossier under 91/414/EEC and the re-registration of deltamethrin formulations at Member State level.'

ANNEX V

Groups and examples of individual products to which the MRLs apply	Carbaryl	Oxamyl ^(p)
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		
(i) CITRUS FRUIT	0,05 (*)	
Grapefruit		
Lemons		
Limes		
Mandarins (including clementines and other hybrids)		0,02 (p)
Oranges		
Pomelos		
Others		0,01 (*) (p)
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)	0,01 (*) (p)
Almonds		
Brazil nuts		
Cashew nuts		
Chestnuts		
Coconuts		
Hazelnuts		
Macadamia		
Pecans		
Pine nuts		
Pistachios		
Walnuts		
Others		
(iii) POME FRUIT	0,05 (*)	0,01 (*) (p)
Apples		
Pears		
Quinces		
Others		
(iv) STONE FRUIT	0,05 (*)	0,01 (*) (p)
Apricots		
Cherries		
Peaches (including nectarines and similar hybrids)		
Plums		
Others		

Groups and examples of individual products to which the MRLs apply	Carbaryl	Oxamyl ^(p)
(v) BERRIES AND SMALL FRUIT	0,05 (*)	0,01 (*) (p)
(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		
(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		0,01 (*) (p)
Avocados		
Bananas		
Dates		
Figs		
Kiwis		
Kumquats		
Litchis		
Mangoes		
Olives (table consumption)	5	
Olives (oil extraction)	5	
Papayas		
Passion fruit		
Pineapples		
Pomegranate		
Others	0,05 (*)	

Groups and examples of individual products to which the MRLs apply	Carbaryl	Oxamyl (p)
2. Vegetables, fresh or uncooked, frozen or dry		
(i) ROOT AND TUBER VEGETABLES	0,05 (*)	0,01 (*) (p)
Beetroot		
Carrots		
Cassava		
Celeriac		
Horseradish		
Jerusalem artichokes		
Parsnips		
Parsley root		
Radishes		
Salsify		
Sweet potatoes		
Swedes		
Turnips		
Yam		
Others		
(ii) BULB VEGETABLES	0,05 (*)	0,01 (*) (p)
Garlic		
Onions		
Shallots		
Spring onions		
Others		
(iii) FRUITING VEGETABLES		
(a) Solanacea		
Tomatoes	0,5	0,02 (p)
Peppers		0,02 (p)
Aubergines		0,02 (p)
Okra		
Others	0,05 (*)	0,01 (*) (p)
(b) Cucurbits - edible peel	0,05 (*)	
Cucumbers		0,02 (p)
Gherkins		0,02 (p)
Courgettes		0,03 (p)
Others		0,01 (*) (p)

Groups and examples of individual products to which the MRLs apply	Carbaryl	Oxamyl ^(p)
(c) Cucurbits - inedible peel	0,05 (*)	0,01 (*) (p)
Melons		
Squashes		
Watermelons		
Others		
(d) Sweet corn		0,01 (*) (p)
(iv) BRASSICA VEGETABLES	0,05 (*)	0,01 (*) (p)
(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	0,05 (*)	0,01 (*) (p)
(a) Lettuce & similar		
Cress		
Lamb's lettuce		
Lettuce		
Scarole		
Ruccola		
Leaves and stems of brassica		
Others		
(b) Spinach & similar		
Spinach		
Beet leaves (chard)		
Others		
(c) Watercress		
(d) Witloof		

Groups and examples of individual products to which the MRLs apply	Carbaryl	Oxamyl ^(p)
(e) Herbs		
Chervil		
Chives		
Parsley		
Celery leaves		
Others		
(vi) LEGUME VEGETABLES (fresh)	0,05 (*)	0,01 (*) (p)
Beans (with pods)		
Beans (without pods)		
Peas (with pods)		
Peas (without pods)		
Others		
(vii) STEM VEGETABLES (fresh)	0,05 (*)	0,01 (*) (p)
Asparagus		
Cardoons		
Celery		
Fennel		
Globe artichokes		
Leeks		
Rhubarb		
Others		
(viii) FUNGI	0,05 (*)	0,01 (*) (p)
(a) Cultivated mushrooms		
(b) Wild mushrooms		
3. Pulses	0,05 (*)	0,01 (*) (p)
Beans		
Lentils		
Peas		
Others		
4. Oil seed	0,05 (*)	0,02 (*) (p)
Linseed		
Peanuts		
Poppy seeds		
Sesame seeds		
Sunflower seeds		
Rape-seed		

Groups and examples of individual products to which the MRLs apply	Carbaryl	Oxamyl ^(b)
Soya beans		
Mustard seeds		
Cotton seed		
Hemp seed		
Others		
5. Potatoes	0,05 (*)	0,01 (*) (p)
Early potatoes		
Ware potatoes		
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (*)	0,02 (p)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*)	0,02 (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 19 July 2010.

(b) Temporary MRL valid until 1 January 2008, pending submission of trial data.'

ANNEX VI

Groups and examples of individual products to which the MRLs apply	Deltamethrin (cis-deltamethrin) (*)	Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan)	Fenitrothion	Methidathion
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts			0,01 (*)	
(i) CITRUS FRUIT	0,05 (*)	0,05 (*)		2
Grapefruit				
Lemons				
Limes				
Mandarins (including clementines and other hybrids)				
Oranges				
Pomelos				
Others				
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)	0,1 (*)		0,05 (*)
Almonds				
Brazil nuts				
Cashew nuts				
Chestnuts				
Coconuts				
Hazelnuts				
Macadamia				
Pecans				
Pine nuts				
Pistachios				
Walnuts				
Others				
(iii) POME FRUIT				0,02 (*)
Apples	0,2			
Pears		0,3		
Quinces				
Others	0,1	0,05 (*)		
(iv) STONE FRUIT		0,05 (*)		
Apricots				
Cherries	0,2			
Peaches (including nectarines and similar hybrids)				0,05
Plums				0,2
Others	0,1			0,02 (*)

Groups and examples of individual products to which the MRLs apply	Deltamethrin (cis-deltamethrin) (*)	Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan)	Fenitrothion	Methodathion
(v) BERRIES AND SMALL FRUIT				
(a) Table and wine grapes	0,2	0,5		0,02 (*)
Table grapes				
Wine grapes				
(b) Strawberries (other than wild)	0,2	0,05 (*)		0,02 (*)
(c) Cane fruit (other than wild)		0,05 (*)		0,02 (*)
Blackberries	0,5			
Dewberries				
Loganberries				
Raspberries	0,5			
Others	0,05 (*)			
(d) Other small fruit and berries (other than wild)		0,05 (*)		0,02 (*)
Bilberries				
Cranberries				
Currants (red, black and white)	0,5			
Gooseberries	0,2			
Others	0,05 (*)			
(e) Wild berries and wild fruit	0,05 (*)	0,05 (*)		0,02 (*)
(vi) MISCELLANEOUS		0,05 (*)		
Avocados				
Bananas				
Dates				
Figs				
Kiwi	0,2			
Kumquats				
Litchis				
Mangoes				
Olives (table consumption)	1			1
Olives (oil extraction)	1			1
Papaya				
Passion fruit				
Pineapples				
Pomegranate				
Others	0,05 (*)			0,02 (*)

Groups and examples of individual products to which the MRLs apply	Deltamethrin (cis-deltamethrin) (*)	Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan)	Fenitrothion	Methidathion
2. Vegetables, fresh or uncooked, frozen or dry			0,01 (*)	0,02 (*)
(i) ROOT AND TUBER VEGETABLES	0,05 (*)	0,05 (*)		
Beetroot				
Carrots				
Cassava				
Celeriac				
Horseradish				
Jerusalem artichokes				
Parsnips				
Parsley root				
Radishes				
Salsify				
Sweet potatoes				
Swedes				
Turnips				
Yam				
Others				
(ii) BULB VEGETABLES		0,05 (*)		
Garlic	0,1			
Onions	0,1			
Shallots	0,1			
Spring onions	0,1			
Others	0,05 (*)			
(iii) FRUITING VEGETABLES				
(a) Solanacea				
Tomatoes	0,3	0,5		
Peppers		1		
Aubergines	0,3			
Okra	0,3			
Others	0,2	0,05 (*)		
(b) Cucurbits — edible peel	0,2	0,05 (*)		
Cucumbers				
Gherkins				
Courgettes				
Others				

Groups and examples of individual products to which the MRLs apply	Deltamethrin (cis-deltamethrin) (*)	Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan)	Fenitrothion	Methidathion
(c) Cucurbits — inedible peel	0,2	0,05 (*)		
Melons				
Squashes				
Watermelons				
Others				
(d) Sweet corn	0,05 (*)	0,05 (*)		
(iv) BRASSICA VEGETABLES		0,05 (*)		
(a) Flowering brassica	0,1			
Broccoli				
Cauliflower				
Others				
(b) Head brassica	0,1			
Brussels sprouts				
Head cabbage				
Others				
(c) Leafy brassica	0,5			
Chinese cabbage				
Kale				
Others				
(d) Kohlrabi	0,05 (*)			
(v) LEAF VEGETABLES AND FRESH HERBS		0,05 (*)		
(a) Lettuce & similar	0,5			
Cress				
Lamb's lettuce				
Lettuce				
Scarole				
Ruccola				
Leaves and stems of brassica				
Others				
(b) Spinach & similar	0,5			
Spinach				
Beet leaves (chard)				
Others				
(c) Water cress	0,05 (*)			
(d) Witloof	0,05 (*)			

Groups and examples of individual products to which the MRLs apply	Deltamethrin (cis-deltamethrin) (*)	Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan)	Fenitrothion	Methidathion
(e) Herbs	0,5			
Chervil				
Chives				
Parsley				
Celery leaves				
Others				
(vi) LEGUME VEGETABLES (fresh)	0,2	0,05 (*)		
Beans (with pods)				
Beans (without pods)				
Peas (with pods)				
Peas (without pods)				
Others				
(vii) STEM VEGETABLES (fresh)		0,05 (*)		
Asparagus				
Cardoons				
Celery				
Fennel				
Globe artichokes	0,1			
Leek	0,2			
Rhubarb				
Others	0,05 (*)			
(viii) FUNGI	0,05 (*)	0,05 (*)		
(a) Cultivated mushrooms				
(b) Wild mushrooms				
3. Pulses	1	0,05 (*)	0,01 (*)	0,02 (*)
Beans				
Lentils				
Peas				
Others				
4. Oil seed			0,01 (*)	
Linseed				
Peanuts				
Poppy seeds				
Sesame seeds				
Sunflower seed				
Rape seed	0,1			0,05

Groups and examples of individual products to which the MRLs apply	Deltamethrin (cis-deltamethrin) ^(*)	Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan)	Fenitrothion	Methidathion
Soya bean		0,5		
Mustard seed	0,1			
Cotton seed		5		
Hemp seed				
Others	0,05 (*)	0,1 (*)		0,02 (*)
5. Potatoes	0,05 (*)	0,05 (*)	0,01 (*)	0,02 (*)
Early potatoes				
Ware potatoes				
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	5	30	0,5	0,1 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	5	0,1 (*)	0,02 (*)	0,1 (*)

^(*) Temporary MRL valid until 1 November 2007, pending review of the Annex III dossier under 91/414/EEC and the re-registration of deltamethrin formulations at Member State level.

^(*) Indicates lower limit of analytical determination.'