

COMMISSION DIRECTIVE 2006/61/EC**of 7 July 2006****amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for atrazine, azinphos-ethyl, cyfluthrin, ethephon, fenthion, methamidophos, methomyl, paraquat and triazophos****(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 certain products of plant origin, including fruit and vegetables ⁽³⁾, 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 ⁽⁴⁾, 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 Organization ⁽⁵⁾. On that basis, it is appropriate to fix new MRLs, which will ensure that there is no unacceptable consumer exposure.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2006/59/EC (OJ L 175, 29.6.2006, p. 61).

⁽²⁾ OJ L 221, 7.8.1986, p. 43. Directive as last amended by Commission Directive 2006/59/EC.

⁽³⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2006/59/EC.

⁽⁴⁾ 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).

⁽⁵⁾ 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 Organization 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 Organization. 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 Organization, 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 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

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

Article 2

Annex II to Directive 86/363/EEC is amended in accordance with Annex II to this Directive.

Article 3

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

Article 4

1. Member States shall adopt and publish, by 20 January 2007 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 21 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, 7 July 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Part A of Annex II to Directive 86/362/EEC is amended as follows:

1. The following line for atrazine is added:

Pesticide residues	Maximum level in mg/kg
'Atrazine	0,05 (*) CEREALS

(*) Indicates lower limit of analytical determination.'

2. The lines for azinphos-ethyl, ethephon and triazophos are replaced by the following:

Pesticide residues	Maximum level in mg/kg
'Azinphos-ethyl	0,05 (*) CEREALS
Ethephon	0,5 barley, rye 0,2 triticale, wheat 0,05 (*) cereals others
Triazophos	0,02 (*) CEREALS

(*) Indicates lower limit of analytical determination.'

ANNEX II

Part A of Annex II to Directive 86/363/EEC is amended as follows:

1. In Part A of Annex II to Directive 86/363/EEC, the lines for azinphos-ethyl and triazophos are replaced by the following:

Pesticide residues	Maximum level 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)
'Azinphos-ethyl	0,01 (*)	0,01 (*)	0,01 (*)
Triazophos	0,01 (*)	0,01 (*)	0,01 (*)

(*) Indicates lower limit of analytical determination.'

2. In Part A of Annex II to Directive 86/363/EEC, the line for fenthion is added by the following:

Pesticide residues	Maximum level 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)
'Fenthion and its oxygen analogue, their sulfoxides and sulfones expressed as parent	0,05 (*)	0,01 (*)	—

(*) Indicates lower limit of analytical determination.'

ANNEX III

Part A of Annex II to Directive 90/642/EEC is amended as follows:

1. The following column for fenthion is added:

Groups and examples of individual products to which the MRLs apply	Fenthion and its oxygen analogue, their sulfoxides and sulfones expressed as parent
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	
(i) CITRUS FRUIT	3
Grapefruit	
Lemons	
Limes	
Mandarins (including clementines and other hybrids)	
Oranges	
Pomelos	
Others	
(ii) TREE NUTS (shelled or unshelled)	0,01 (*)
Almonds	
Brazil nuts	
Cashew nuts	
Chestnuts	
Coconuts	
Hazelnuts	
Macadamia	
Pecans	
Pine nuts	
Pistachios	
Walnuts	
Others	
(iii) POME FRUIT	0,01 (*)
Apples	
Pears	
Quinces	
Others	
(iv) STONE FRUIT	
Apricots	
Cherries	2
Peaches (including nectarines and similar hybrids)	
Plums	
Others	0,01 (*)
(v) BERRIES AND SMALL FRUIT	0,01 (*)
(a) Table and wine grapes	
Table grapes	
Wine grapes	
(b) Strawberries (other than wild)	

Groups and examples of individual products to which the MRLs apply	Fenthion and its oxygen analogue, their sulfoxides and sulfones expressed as parent
(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	
Avocados	
Bananas	
Dates	
Figs	
Kiwi	
Kumquats	
Litchis	
Mangoes	
olives (table consumption)	1
olives (oil extraction)	1
Papaya	
Passion fruit	
Pineapples	
Others	0,01 (*)
2. Vegetables, fresh or uncooked, frozen or dry	0,01 (*)
(i) ROOT AND TUBER VEGETABLES	
Beetroot	
Carrots	
Cassava	
Celeriac	
Horseradish	
Jerusalem artichokes	
Parsnips	
Parsley root	
Radishes	
Salsify	
Sweet potatoes	
Swedes	
Turnips	

Groups and examples of individual products to which the MRLs apply	Fenthion and its oxygen analogue, their sulfoxides and sulfones expressed as parent
Yam	
Others	
(ii) BULB VEGETABLES	
Garlic	
Onions	
Shallots	
Spring onions	
Others	
(iii) FRUITING VEGETABLES	
(a) Solanacea	
Tomatoes	
Peppers	
Aubergines	
Okra	
Others	
(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 & similar	
Cress	

Groups and examples of individual products to which the MRLs apply	Fenthion and its oxygen analogue, their sulfoxides and sulfones expressed as parent
Lamb's lettuce	
Lettuce	
Scarole	
Ruccola	
Leaves and stems of brassica	
Others	
(b) Spinach & 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	
(vii) STEM VEGETABLES (fresh)	
Asparagus	
Cardoons	
Celery	
Fennel	
Globe artichokes	
Leek	
Rhubarb	
Others	
(viii) FUNGI	
(a) Cultivated mushrooms	
(b) Wild mushrooms	
3. Pulses	0,01 (*)
Beans	
Lentils	
Peas	

Groups and examples of individual products to which the MRLs apply	Fenthion and its oxygen analogue, their sulfoxides and sulfones expressed as parent
Others	
4. Oil seed	0,02 (*)
Linseed	
Peanuts	
Poppy seeds	
Sesame seeds	
Sunflower seed	
Rape seed	
Soya bean	
Mustard seed	
Cotton seed	
Hemp seed	
Others	
5. Potatoes	0,01 (*)
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.

2. The columns for atrazine, azinphos-ethyl, cyfluthrin, ethephon, methamidophos, methomyl, paraquat and triazophos are replaced by the following:

Groups and examples of individual products to which the MRLs apply	Atrazine	Azinphos-ethyl	Cyfluthrin including other mixtures of constituent isomers (sum of isomers)	Ethephon	Methamidophos	Methomyl/Thiodicarb (sum expressed as methomyl)	Paraquat	Triazophos
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,05 (*)	0,02 (*)					0,02 (*)	0,01 (*)
(i) CITRUS FRUIT			0,02 (*)	0,05 (*)	0,01 (*)			
Grapefruit						0,5		
Lemons						1		
Limes						1		
Mandarins (including clementines and other hybrids)						1		
Oranges						0,5		
Pomelos						0,5		
Others						0,05 (*)		

Groups and examples of individual products to which the MRLs apply	Atrazine	Azinphos-ethyl	Cyfluthrin including other mixtures of constituent isomers (sum of isomers)	Ethephon	Methamidophos	Methomyl/Thiodicarb (sum expressed as methomyl)	Paraquat	Triazophos
Celery leaves								
Others								
(vi) LEGUME VEGETABLES (fresh)	0,05 (*)		0,05	0,05 (*)		0,05 (*)		
Beans (with pods)					0,5			
Beans (without pods)								
Peas (with pods)					0,5			
Peas (without pods)								
Others					0,01 (*)			
(vii) STEM VEGETABLES (fresh)	0,05 (*)		0,02 (*)	0,05 (*)		0,05 (*)		
Asparagus								
Cardoons								
Celery								
Fennel								
Globe artichokes					0,1			
Leek								
Rhubarb								
Others					0,01 (*)			
(viii) FUNGI	0,05 (*)		0,02 (*)	0,05 (*)	0,01 (*)	0,05 (*)		
(a) Cultivated mushrooms								
(b) Wild mushrooms								
3. Pulses	0,05 (*)	0,02 (*)	0,02 (*)	0,05 (*)	0,01 (*)	0,05 (*)	0,02 (*)	0,01 (*)
Beans								
Lentils								
Peas								
Others								
4. Oil seed	0,05 (*)	0,02 (*)					0,02 (*)	0,01 (*)
Linseed								
Peanuts						0,1		
Poppy seeds								
Sesame seeds								
Sunflower seed								
Rape seed			0,05					
Soya bean					0,2	0,1		
Mustard seed								
Cotton seed				2	0,2	0,1		
Hemp seed								
Others			0,02 (*)	0,1 (*)	0,01 (*)	0,05 (*)		

Groups and examples of individual products to which the MRLs apply	Atrazine	Azinphos-ethyl	Cyfluthrin including other mixtures of constituent isomers (sum of isomers)	Ethephon	Methamidophos	Methomyl/Thiodicarb (sum expressed as methomyl)	Paraquat	Triazophos
5. Potatoes	0,05 (*)	0,02 (*)	0,02 (*)	0,05 (*)	0,01 (*)	0,05 (*)	0,02 (*)	0,01 (*)
Early potatoes								
Ware potatoes								
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (*)	0,05 (*)	0,1 (*)	0,1 (*)	0,02 (*)	0,1 (*)	0,05 (*)	0,02 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*)	0,05 (*)	20	0,1 (*)	0,02 (*)	10	0,05 (*)	0,02 (*)

(*) Indicates lower limit of analytical determination.'