

Commission Directive 2006/62/EC of 12 July 2006 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for desmedipham, phenmedipham and chlorfenvinphos (Text with EEA relevance)

COMMISSION DIRECTIVE 2006/62/EC

of 12 July 2006

amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for desmedipham, phenmedipham and chlorfenvinphos

(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) The existing active substances desmedipham and phenmedipham have been included in Annex I to Directive 91/414/EEC by Commission Directive 2004/58/EC⁽⁶⁾.
- (2) The inclusion in Annex I to Directive 91/414/EEC of the active substances concerned was based on the assessment of the information submitted concerning their proposed use. Information relating to that use has been submitted by certain Member States in accordance with Article 4(1)(f) of Directive 91/414/EEC. The information available has been reviewed and is sufficient to allow certain maximum residue levels (MRLs) to be fixed.
- (3) For chlorfenvinphos it has been decided by Commission Regulation (EC) No 2076/2002⁽⁷⁾ not to include that substance in Annex I to Directive 91/414/EEC.

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Certain Member States are allowed to maintain certain authorisations for the use of products containing chlorfenvinphos in force until 30 June 2007.

- (4) There are already Community MRLs for chlorfenvinphos in Directive 76/895/EEC. They should be taken into consideration when setting the MRLs for chlorfenvinphos in Directive 90/642/EEC.
- (5) The Commission review reports which were prepared for the inclusion in Annex I to Directive 91/414/EEC of the active substances concerned, fixed the Acceptable Daily Intake (ADI) and if necessary, the Acute Reference Dose (ARfD) for those substances. The exposure of consumers of food products treated with the active substances concerned has been assessed in accordance with Community procedures. Account has also been taken of guidelines published by the World Health Organization⁽⁸⁾ and the opinion of the Scientific Committee for Plants⁽⁹⁾ on the methodology employed. It is concluded that MRLs proposed will not lead to those ADIs or ARfD being exceeded.
- (6) In order to ensure that the consumer is adequately protected from exposure to residues resulting from unauthorised uses of plant protection products, provisional MRLs should be set for the relevant product/pesticide combinations at the lower limit of analytical determination.
- (7) The setting at Community level of such 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.
- (8) It is therefore necessary to add all of the MRLs arising from the use of these plant protection products to 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. Where MRLs have not been defined until now, it is appropriate to set them for the first time.
- (9) Provisions of Directive 76/895/EEC which set MRLs for chlorfenvinphos should consequently be deleted.
- (10) Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.
- (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

In Annex II to Directive 76/895/EEC, the line for chlorfenvinphos is deleted.

Article 2

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

Article 3

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

Article 4

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

Article 5

1 Member States shall adopt and publish, by 20 January 2008 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 2008.

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 its publication in the *Official Journal of the European Union*.

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 12 July 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

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ANNEX I

In Part A of Annex II to Directive 86/362/EEC, the following lines for desmedipham, phenmedipham and chlorfenvinphos are added:

Pesticide residue	Maximum level in mg/kg
'Desmedipham	0,05 ^{ab} cereals
Phenmedipham	0,05 ^{ab} cereals
Chlorfenvinphos (sum of E- and Z-isomers)	0,02 ^a cereals
a	Indicates lower limit of analytical determination
b	Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC.'

ANNEX II

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

(1) In Part A, the following line for chlorfenvinphos is added:

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)
'Chlorfenvinphos (sum of E- and Z-isomers)	0,01 ^a	0,01 ^a	0,01 ^a

a Indicates lower limit of analytical determination.'

(2) In Part B, the following line for phenmedipham is added:

Pesticide residues	Maximum level in mg/kg
a	Indicates lower limit of analytical determination
b	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 9 August 2010.'

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	of meat, including fat, 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	for milk and milk products listed in Annex I under headings Nos 0401, 0402, 0405 00 and 0406	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under headings Nos 0407 00 and 0408
'Phenmedipham (Methyl-N-(3-hydroxyphenyl) carbamate (MHPC) expressed as phenmediphan)	0,05 ^{ab}	0,05 ^{ab}	0,05 ^{ab}

a Indicates lower limit of analytical determination

b 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 9 August 2010.'

ANNEX III

In Part A of Annex II to Directive 90/642/EEC, the following columns for desmedipham, phenmedipham and chlorfenvinphos are added:

Pesticide residues and maximum residue levels (mg/kg)				
Groups and examples of individual products to which the MRLs would apply		Desmedipham	Phenmedipham	Chlorfenvinphos (sum of E- and Z-isomers)
'1.	Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,05 ^{ab}		0,02 ^a
	(i) CITRUS FRUIT		0,05 ^{ab}	
	Grapefruit			
	Lemons			
	Limes			

a Indicates lower limit of analytical determination.

b Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC.'

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		Mandarins (including clementines and other hybrids)			
		Oranges			
		Pomelos			
		Others			
	(ii)	TREE NUTS (shelled or unshelled)		0,05 ^{ab}	
		Almonds			
		Brazil nuts			
		Cashew nuts			
		Chestnuts			
		Coconuts			
		Hazelnuts			
		Macadamia			
		Pecans			
		Pine nuts			
		Pistachios			
		Walnuts			
		Others			
	(iii)	POME FRUIT		0,05 ^{ab}	
		Apples			
		Pears			
		Quinces			
		Others			
	(iv)	STONE FRUIT		0,05 ^{ab}	
		Apricots			
		Cherries			
		Peaches (including nectarines and similar hybrids)			
		Plums			
		Others			

a Indicates lower limit of analytical determination.

b Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC.⁷

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	(v)	BERRIES & SMALL FRUIT				
		(a)	Table and wine grapes		0,05 ^{ab}	
			Table grapes			
			Wine grapes			
		(b)	Strawberries (other than wild)		0,1 ^{ab}	
		(c)	Cane fruit (other than wild)		0,05 ^{ab}	
			Blackberries			
			Dewberries			
			Loganberries			
			Raspberries			
			Others			
		(d)	Other small fruit & berries (other than wild)		0,05 ^{ab}	
			Bilberries			
			Cranberries			
			Currants (red, black and white)			
			Gooseberries			
			Others			
		(e)	Wild berries and wild fruit		0,05 ^{ab}	
	(vi)	MISCELLANEOUS			0,05 ^{ab}	
			Avocados			
			Bananas			

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		Dates			
		Figs			
		Kiwi			
		Kumquats			
		Litchis			
		Mangoes			
		Olives (table consumption)			
		Olives (oil extraction)			
		Papaya			
		Passion fruit			
		Pineapples			
		Pomegranate			
		Others			
2.		Vegetables, fresh or uncooked, frozen or dry	0,05 ^{ab}		
	(i)	ROOT AND TUBER VEGETABLES			
		Beetroot		0,1 ^{ab}	
		Carrots			0,5
		Cassava			
		Celeriac			
		Horseradish			
		Jerusalem artichokes			
		Parsnips			0,5
		Parsley root			
		Radishes			0,5
		Salsify			
		Sweet potatoes			
		Swedes			0,5
		Turnips			0,5
		Yam			
		Others		0,05 ^{ab}	0,02 ^a

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	(ii)	BULB VEGETABLES		0,05 ^{ab}	
		Garlic			0,5
		Onions			
		Shallots			0,5
		Spring onions			
		Others			0,02 ^a
	(iii)	FRUITING VEGETABLES		0,05 ^{ab}	
		(a)	Solanacea		0,02 ^a
			Tomatoes		
			Peppers		
			Aubergines		
			Okra		
			Others		
		(b)	Cucurbits - edible peel		
			Cucumbers		
			Gherkins		
			Courgettes		0,1
			Others		0,02 ^a
		(c)	Cucurbits-inedible peel		0,02 ^a
			Melons		
			Squashes		
			Watermelons		
			Others		
		(d)	Sweet corn		0,02 ^a
	(iv)	BRASSICA VEGETABLES		0,05 ^{ab}	
		(a)	Flowering brassica		0,02 ^a

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			Broccoli (including Calabrese)			
			Cauliflower			
			Others			
		(b)	Head brassica			
			Brussels sprouts			0,1
			Head cabbage			0,5
			Others			0,02 ^a
		(c)	Leafy brassica			0,02 ^a
			Chinese cabbage			
			Kale			
			Others			
		(d)	Kohlrabi			0,3
	(v)	LEAF VEGETABLES & FRESH HERBS				
		(a)	Lettuce & similar		0,05 ^{ab}	
			Cress			0,1
			Lamb's lettuce			0,1
			Lettuce			
			Scarole (broad-leaf endive)			
			Ruccola			
			Leaves and stems of brassica			
			Others			0,02 ^a
		(b)	Spinach & similar		0,5 ^b	

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			Spinach			0,1
			Beet leaves (chard)			
			Others			0,02 ^a
		(c)	Water cress		0,05 ^{ab}	0,02 ^a
		(d)	Witloof		0,05 ^{ab}	0,02 ^a
		(e)	Herbs		0,05 ^{ab}	
			Chervil			
			Chives			
			Parsley			0,5
			Celery leaves			
			Others			0,02 ^a
	(vi)	LEGUME VEGETABLES (fresh)			0,05 ^{ab}	0,02 ^a
			Beans (with pods)			
			Beans (without pods)			
			Peas (with pods)			
			Peas (without pods)			
			Others			
	(vii)	STEM VEGETABLES (fresh)				
			Asparagus			0,1
			Cardoons			
			Celery			0,5
			Fennel			
			Globe artichokes		0,2 ^b	
			Leek			0,1
			Rhubarb			
			Others		0,05 ^{ab}	0,02 ^a
	(viii)	FUNGI			0,05 ^{ab}	
		(a)	Cultivated mushrooms			0,05

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		(b)	Wild mushrooms			0,02 ^a
3.	Pulses			0,05 ^{ab}	0,05 ^{ab}	0,02 ^a
	Beans					
	Lentils					
	Peas					
	Others					
4.	Oilseeds			0,1 ^{ab}	0,1 ^{ab}	0,02 ^a
	Linseed					
	Peanuts					
	Poppy seed					
	Sesame seed					
	Sunflower seed					
	Rape seed					
	Soya bean					
	Mustard seed					
	Cotton seed					
	Hemp seed					
	Others					
5.	Potatoes			0,05 ^{ab}	0,05 ^{ab}	0,02 ^a
	Early potatoes					
	Ware potatoes					
6.	Tea (dried leaves and stalks, fermented or other-wise, <i>Camellia sinensis</i>)			0,1 ^{ab}	0,1 ^{ab}	0,05 ^a
7.	Hops (dried), including hop pellets and unconcentrated powder			0,1 ^{ab}	0,1 ^{ab}	0,05 ^a

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- (1) OJ L 340, 9.12.1976, p. 26. 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. 37. Directive as last amended by Commission Directive 2006/59/EC.
- (3) OJ L 221, 7.8.1986, p. 43. Directive as last amended by Commission Directive 2006/59/EC.
- (4) OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2006/59/EC.
- (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) OJ L 120, 24.4.2004, p. 26.
- (7) OJ L 319, 23.11.2002, p. 3. Regulation as last amended by Regulation (EC) No 1335/2005 (OJ L 211, 13.8.2005, p. 6).
- (8) 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).
- (9) Opinion of the Scientific Committee on Plants regarding questions relating to amending the annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the Scientific Committee on Plants, 14 July 1998) (http://europa.eu.int/comm/food/fs/sc/index_en.html).