Commission Directive 2006/92/EC of 9 November 2006 amending Annexes to Council Directives 76/895/EEC, 86/362/EEC and 90/642/EEC as regards maximum residue levels for captan, dichlorvos, ethion and folpet (Text with EEA relevance)

COMMISSION DIRECTIVE 2006/92/EC

of 9 November 2006

amending Annexes to Council Directives 76/895/EEC, 86/362/EEC and 90/642/EEC as regards maximum residue levels for captan, dichlorvos, ethion and folpet

(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 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 Organisation[(5)]. On that basis, it is appropriate to fix new MRLs, which will ensure that there is no unacceptable consumer exposure.

(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 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 captan, dichlorvos, ethion, and folpet are deleted.

Article 2

Directive 86/362/EEC is amended as follows:

(a) in Part A of Annex II, the lines for captan, ethion and folpet as set out in Annex I to this Directive are added;

(b) in Part A of Annex II, the line for dichlorvos is replaced by the text in Annex II to this Directive.

Article 3

Directive 90/642/EEC is amended as follows:

(a) in Annex II, the lines for captan, and folpet as set out in Annex III to this Directive, are added;

(b) in Annex II, the lines for dichlorvos and ethion, are replaced by the text in Annex IV to this Directive.

Article 4

1 Member States shall adopt and publish, by 10 May 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 11 May 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, 9 November 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

Pesticide residues	**Maximum levels in mg/kg**
'Captan	0,02[a] Cereals
Ethion	0,01[a] Cereals
Folpet	2 Wheat, Barley 0,02[a] Other cereals

a Indicates lower limit of analytical determination.'

ANNEX II

Pesticide residues	**Maximum levels in mg/kg**
'Dichlorvos	0,01[a] Cereals

a Indicates lower limit of analytical determination.'

ANNEX III

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	**Captan**	**Folpet**
'1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		
(i) CITRUS FRUIT	0,02[b]	0,02[b]
Grapefruit		
Lemons		
Limes		
Mandarins (including clementines and other hybrids)		
Oranges		
Pomelos		

a Sum of captan and folpet.

b Indicates lower limit of analytical determination.'

Others		
(ii) TREE NUTS (shelled or unshelled)		0,02[b]
Almonds	0,3	
Brazil nuts		
Cashew nuts		
Chestnuts		
Coconuts		
Hazelnuts		
Macadamia		
Pecans		
Pine nuts		
Pistachios		
Walnuts		
Others	0,02[b]	
(iii) POME FRUIT	3[a]	3[a]
Apples		
Pears		
Quinces		
Others		
(iv) STONE FRUIT		
Apricots	3	
Cherries	5	2
Peaches (including nectarines and similar hybrids)		
Plums	1	
Others	0,02[b]	0,02[b]
(v) BERRIES AND SMALL FRUIT		
(a) Table and wine grapes	0,02[b]	

a Sum of captan and folpet.

b Indicates lower limit of analytical determination.'

Table grapes		0,02[b]
Wine grapes		5
(b) Strawberries (other than wild)	3[a]	3[a]
(c) Cane fruit (other than wild)		
Blackberries	3[a]	3[a]
Dewberries		
Loganberries		
Raspberries	3[a]	3[a]
Others	0,02[b]	0,02[b]
(d) Other small fruit and berries (other than wild)		
Bilberries		
Cranberries		
Currants (red, black and white)	3[a]	3[a]
Gooseberries	3[a]	3[a]
Others	0,02[b]	0,02[b]
(e) Wild berries and wild fruit	0,02[b]	0,02[b]
(vi) MISCELLANEOUS		0,02[b]
Avocados		
Bananas		
Dates		
Figs		
Kiwi		
Kumquats		
Litchis		
Mangoes	2	
Olives (table consumption)		

a Sum of captan and folpet.

b Indicates lower limit of analytical determination.'

Olives (oil extraction)		
Papaya		
Passion fruit		
Pineapples		
Pomegranate		
Others	0,02[b]	
2. Vegetables, fresh or uncooked, frozen or dry		
(i) ROOT AND TUBER VEGETABLES		0,02[b]
Beetroot		
Carrots	0,1	
Cassava		
Celeriac	0,1	
Horseradish		
Jerusalem artichokes		
Parsnips		
Parsley root		
Radishes		
Salsify		
Sweet potatoes		
Swedes		
Turnips		
Yam		
Others	0,02[b]	
(ii) BULB VEGETABLES	0,02[b]	
Garlic		
Onions		0,1
Shallots		
Spring onions		
Others		0,02[b]

a Sum of captan and folpet.

b Indicates lower limit of analytical determination.'

(iii) FRUITING VEGETABLES		
(a) Solanacea		0,02[b]
Tomatoes	2[a]	2[a]
Peppers	0,1	
Aubergines		
Okra		
Others	0,02[b]	
(b) Cucurbits — edible peel	0,02[b]	0,02[b]
Cucumbers		
Gherkins		
Courgettes		
Others		
(c) Cucurbits — inedible peel		1
Melons	0,1	
Squashes		
Watermelons		
Others	0,02[b]	
(d) Sweetcorn	0,02[b]	0,02[b]
(iv) BRASSICA VEGETABLES	0,02[b]	
(a) Flowering brassica		0,02[b]
Broccoli		
Cauliflower		
Others		
(b) Head brassica		0,02[b]
Brussels sprouts		
Head cabbage		

a Sum of captan and folpet.

b Indicates lower limit of analytical determination.'

Others		
(c) Leafy brassica		0,02[b]
Chinese cabbage		
Kale		
Others		
(d) Kohlrabi		0,05
(v) LEAF VEGETABLES AND FRESH HERBS		
(a) Lettuce and similar		
Cress		
Lamb's lettuce		
Lettuce		2
Scarole	2	
Ruccola		
Leaves and stems of brassica		
Others	0,02[b]	0,02[b]
(b) Spinach and similar		0,02[b]
Spinach	0,1	
Beet leaves (chard)		
Others	0,02[b]	
(c) Watercress	0,02[b]	0,02[b]
(d) Witloof	0,02[b]	0,02[b]
(e) Herbs		0,02[b]
Chervil		
Chives		
Parsley	0,1	
Celery leaves		
Others	0,02[b]	

a Sum of captan and folpet.

b Indicates lower limit of analytical determination.'

(vi) LEGUME VEGETABLES (fresh)		
Beans (with pods)	2[a]	2[a]
Beans (without pods)	2[a]	2[a]
Peas (with pods)		
Peas (without pods)		
Others	0,02[b]	0,02[b]
(vii) STEM VEGETABLES (fresh)		
Asparagus		
Cardoons		
Celery	0,1	
Fennel		
Globe artichokes		
Leek	2	
Rhubarb		
Others	0,02[b]	0,02[b]
(viii) FUNGI	0,02[b]	0,02[b]
(a) Cultivated mushrooms		
(b) Wild mushrooms		
3. **Pulses**	0,02[b]	0,02[b]
Beans		
Lentils		
Peas		
Lupines		
Others		
4. **Oil seed**	0,02[b]	0,02[b]
Linseed		

a Sum of captan and folpet.

b Indicates lower limit of analytical determination.'

Peanuts		
Poppy seeds		
Sesame seeds		
Sunflower seed		
Rapeseed		
Soya bean		
Mustard seed		
Cotton seed		
Hemp seed		
Others		
5. **Potatoes**	0,05	0,1
Early potatoes		
Ware potatoes		
6. **Tea (leaves and stems, dried, fermented or otherwise, from the leaves of *Camellia sinensis*)**	0,05[b]	0,05[b]
7. **Hops (dried), including hop pellets and unconcentrated powder**	0,05[b]	150

a Sum of captan and folpet.

b Indicates lower limit of analytical determination.'

ANNEX IV

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	**Dichlorvos**	**Ethion**
'1. **Fruit, fresh, dried or uncooked, preserved by freezing, not**	0,01[a]	0,01[a]

a Indicates lower limit of analytical determination.'

containing added sugar; nuts		
(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		

a Indicates lower limit of analytical determination.'

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		
(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		

a Indicates lower limit of analytical determination.’

Avocados		
Bananas		
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**	0,01[a]	
(i) ROOT AND TUBER VEGETABLES		0,01[a]
Beetroot		
Carrots		
Cassava		
Celeriac		
Horseradish		
Jerusalem artichokes		
Parsnips		
Parsley root		
Radishes		
Salsify		
Sweet potatoes		
Swedes		
Turnips		

a Indicates lower limit of analytical determination.'

Yam		
Others		
(ii) BULB VEGETABLES		0,01[a]
Garlic		
Onions		
Shallots		
Spring onions		
Others		
(iii) FRUITING VEGETABLES		0,01[a]
(a) Solanacea		
Tomatoes		
Peppers		
Aubergines		
Okra		
Others		
(b) Cucurbits — edible peel		
Cucumbers		
Gherkins		
Courgettes		
Others		
(c) Cucurbits — inedible peel		
Melons		
Squashes		
Watermelons		
Others		
(d) Sweetcorn		
(iv) BRASSICA VEGETABLES		0,01[a]

a Indicates lower limit of analytical determination.'

(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		0,01[a]
Cress		
Lamb's lettuce		
Lettuce		
Scarole		
Ruccola		
Leaves and stems of brassica		
Others		
(b) Spinach and similar		0,01[a]
Spinach		
Beet leaves (chard)		
Others		
(c) Watercress		0,01[a]

a Indicates lower limit of analytical determination.'

(d) Witloof		0,01[a]
(e) Herbs		
Chervil		
Chives		
Parsley		2
Celery leaves		
Others		0,01[a]
(vi) LEGUME VEGETABLES (fresh)		0,01[a]
Beans (with pods)		
Beans (without pods)		
Peas (with pods)		
Peas (without pods)		
Others		
(vii) STEM VEGETABLES (fresh)		
Asparagus		
Cardoons		
Celery		0,1
Fennel		
Globe artichokes		
Leek		
Rhubarb		
Others		0,01[a]
(viii) FUNGI		0,01[a]
(a) Cultivated mushrooms		
(b) Wild mushrooms		
3. **Pulses**	0,01[a]	0,01[a]

a Indicates lower limit of analytical determination.'

Beans		
Lentils		
Peas		
Lupines		
Others		
4. **Oil seed**	0,01[a]	0,02[a]
Linseed		
Peanuts		
Poppy seeds		
Sesame seeds		
Sunflower seed		
Rapeseed		
Soya bean		
Mustard seed		
Cotton seed		
Hemp seed		
Others		
5. **Potatoes**	0,01[a]	0,01[a]
Early potatoes		
Ware potatoes		
6. **Tea (leaves and stems, dried, fermented or otherwise, from the leaves of *Camellia sinensis*)**	0,02[a]	3
7. **Hops (dried), including hop pellets and unconcentrated powder**	0,02[a]	0,02[a]

a Indicates lower limit of analytical determination.'

(**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 2006/62/EC (OJ L 206, 27.7.2006, p. 27).

(**3**) OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2006/62/EC.

(**4**) OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2006/85/EC (OJ L 293, 24.10.2006, p. 3).

(**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 Organisation 1997 (WHO/FSF/FOS/97.7).