

COMMISSION DIRECTIVE 2007/39/EC

of 26 June 2007

amending Annex II to Council Directive 90/642/EEC as regards maximum residue levels for diazinon

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

of pesticide residues at or below the new MRLs will not cause acute toxic effects.

Having regard to the Treaty establishing the European Community,

(5) It is therefore necessary to modify the MRLs set out in Annex II to Directive 90/642/EEC, to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer.

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 ⁽¹⁾, and in particular Article 7 thereof,

(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.

Whereas:

(1) The rapporteur Member State informed the Commission that it might be necessary to revise the MRLs for diazinon in Directive 90/642/EEC in the light of concerns about consumer intake. Proposals for the review of Community MRLs were submitted to the Commission.

(7) Annex II to Directive 90/642/EEC should therefore be amended accordingly.

(2) Community MRLs and the levels recommended by the Codex Alimentarius are fixed and evaluated following similar procedures. There are a number Codex MRLs for diazinon. The Community MRLs based on Codex MRLs have also been evaluated by the rapporteur Member State in the light of the new information on the risk for the consumers.

(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

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

Article 2

Member States shall adopt and publish, by 27 December 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 28 December 2007.

(3) The lifetime and short-term exposure of consumers to diazinon 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 ⁽²⁾. On that basis, it is appropriate to fix new MRLs, which will ensure that there is no unacceptable consumer exposure.

(4) Where relevant, the acute exposure of consumers to diazinon 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

⁽¹⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2007/28/EC (OJ L 135, 26.5.2007, p. 6).

⁽²⁾ 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).

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.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 26 June 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

In Part A of Annex II to Directive 90/642/EEC, the lines for diazinon are replaced by the following:

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

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Diazinon
(v) BERRIES AND SMALL FRUIT	
(a) Table and wine grapes	0,01 (*)
Table grapes	
Wine grapes	
(b) Strawberries (other than wild)	0,01 (*)
(c) Cane fruit (other than wild)	0,01 (*)
Blackberries	
Dewberries	
Loganberries	
Raspberries	
Others	
(d) Other small fruit and berries (other than wild)	
Bilberries	
Cranberries	0,2
Currants (red, black and white)	
Gooseberries	
Others	0,01 (*)
(e) Wild berries and wild fruit	0,01 (*)
(vi) MISCELLANEOUS	
Avocados	
Bananas	
Dates	
Figs	
Kiwi	
Kumquats	
Litchis	
Mangoes	
Olives (table consumption)	
Olives (oil extraction)	
Papaya	
Passion fruit	
Pineapples	0,3
Pomegranate	
Others	0,01 (*)

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Diazinon
2. Vegetables, fresh or uncooked, frozen or dry	
(i) ROOT AND TUBER VEGETABLES	
Beetroot	
Carrots	
Cassava	
Celeriac	
Horseradish	
Jerusalem artichokes	
Parsnips	
Parsley root	
Radishes	0,1
Salsify	
Sweet potatoes	
Swedes	
Turnips	
Yam	
Others	0,01 (*)
(ii) BULB VEGETABLES	
Garlic	
Onions	0,05
Shallots	
Spring onions	
Others	0,01 (*)
(iii) FRUITING VEGETABLES	
(a) Solanacea	
Tomatoes	
Peppers	0,05
Aubergines	
Okra	
Others	0,01 (*)
(b) Cucurbits — edible peel	0,01 (*)
Cucumbers	
Gherkins	
Courgettes	
Others	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Diazinon
(c) Cucurbits — inedible peel	0,01 (*)
Melons	
Squashes	
Watermelons	
Others	
(d) Sweet corn	0,02
(iv) BRASSICA VEGETABLES	
(a) Flowering brassica	0,01 (*)
Broccoli	
Cauliflower	
Others	
(b) Head brassica	
Brussels sprouts	
Head cabbage	0,5
Others	0,01 (*)
(c) Leafy brassica	
Chinese cabbage	0,05
Kale	
Others	0,01 (*)
(d) Kohlrabi	0,2
(v) LEAF VEGETABLES AND FRESH HERBS	0,01 (*)
(a) Lettuce and similar	
Cress	
Lamb's lettuce	
Lettuce	
Scarole (broad-leaf endive)	
Ruccola	
Leaves and stems of brassica	
Others	
(b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
(c) Water cress	
(d) Witloof	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Diazinon
(e) Herbs	
Chervil	
Chives	
Parsley	
Celery leaves	
Others	
(vi) LEGUME VEGETABLES (fresh)	0,01 (*)
Beans (with pods)	
Beans (without pods)	
Peas (with pods)	
Peas (without pods)	
Others	
(vii) STEM VEGETABLES (fresh)	0,01 (*)
Asparagus	
Cardoons	
Celery	
Fennel	
Globe artichokes	
Leek	
Rhubarb	
Others	
(viii) FUNGI	0,01 (*)
(a) Cultivated mushrooms	
(b) Wild mushrooms	
3. Pulses	0,01 (*)
Beans	
Lentils	
Peas	
Lupines	
Others	
4. Oil seed	0,02 (*)
Linseed	
Peanuts	
Poppy seeds	
Sesame seeds	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Diazinon
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>)	0,02 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,5

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