COUNCIL DIRECTIVE 96/32/EC

of 21 May 1996

amending Annex II to Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables and Annex II to Directive 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables, and providing for the establishment of a list of maximum levels

THE COUNCIL OF THE EUROPEAN UNION,

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 90/642/EEC of 27 November 1990 relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables (2), and in particular Article 1 thereof,

Having regard to the proposal from the Commission,

Whereas, in order to establish mandatory maximum levels of pesticide residues at Community level, it is necessary to transfer provisions from Directive 76/895/EEC to Directive 90/642/EEC relating to the pesticides chlormequat, diazinon, dicofol, endosulfan, fentin and propoxur; whereas certain of those provisions should be amended in the light of technical and scientific progress;

Whereas the Commission has received a mandate in the framework of Directive 90/642/EEC to prepare the list of pesticide residues and their maximum levels for approval by the Council;

Whereas Directive 90/642/EEC provided for the establishment of a list of maximum levels for certain pesticide residues, including a maximum pesticide residue level for the herbicide glyphosate in and on soya bean (3), and for the fungicide fenarimol in and on bananas (4); whereas it is appropriate to amend to maximum pesticide residue levels for soya bean and bananas in order to reflect the authorized uses in certain third countries; whereas the new levels provided for are acceptable from a dietary intake point of view; whereas these levels should facilitate international trade;

Whereas Directive 90/642/EEC provided for the establishment of maximum pesticide residue levels for iprodione in and on rhubarb, and for benomyl in and on rhubarb and courgettes; whereas new data are available on these pesticide residue/product combinations; whereas on consideration of these data it is now appropriate to amend the maximum pesticide residue levels for rhubarb and courgettes; whereas the new levels provided for are acceptable from a dietary intake point of view;

Whereas pesticide residues may arise in products of plant origin including fruit and vegetables as a result of agricultural practices; whereas it is necessary to take into account relevant data for both authorized pesticide uses and supervised trials;

Whereas, in order better to estimate dietary intake of pesticide residues, it is prudent to establish simultaneously, where appropriate, maximum residue levels for individual pesticides in all major components of the diet; whereas these levels represent the use of minimum quantities of pesticide to achieve adequate control, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable;

Whereas it is now appropriate that maximum levels be fixed for certain pesticide residues in products of plant origin, namely disulfoton, fenbutatin oxide, mecarbam, phorate, propyzamide, triazophos and triforine; whereas, however, it is not possible to establish maximum pesticide residue levels for all pesticide residue product combinations due to insufficient data;

Whereas, however, data are insufficient by current standards to establish maximum pesticide residue levels for certain pesticide residue/product combinations; whereas,

(1) OJ No L 340, 9. 12. 1976, p. 26. Directive as last amended by the 1994 Act of Accession.
(2) OJ No L 350, 14. 12. 1990, p. 71. Directive as last amended by Directive 95/61/EC (OJ No L 292, 7. 12. 1995, p. 27).
(3) OJ No L 211, 23. 8. 1993, p. 6.
(4) OJ No L 189, 23. 7. 1994, p. 70.

in such cases, a period of time not exceeding four years would seem reasonable for the generation of the necessary data; whereas, therefore, maximum levels should be established on the basis of such data by 30 April 2000 at the latest; whereas failure to provide satisfactory data should normally result in the establishment of levels at the appropriate limit of determination; whereas satisfactory undertakings to generate the necessary data must be given within one year of the adoption of this Directive;

Whereas the maximum residue levels established in this Directive will have to be reviewed in the framework of the re-evalutation of active substances provided for in the work programme established in Article 8 (2) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (1),

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 76/895/EEC is hereby amended as follows:

1. The entries relating to the following pesticide residues shall be deleted:

chlormequat

diazinon

dicofol

endosulfan

fentin

propoxur.

2. The following entries shall be inserted:

Pesticide	Product	Maximum pesticide residue content
Chlormequat	Beans (fresh)	0,05
	Peas (fresh)	0,05
Endosulfan	Currants (red, black and white)	1
	Gooseberries	1
	Blackberries	1
	Strawberries	1
Propoxur	Tomatoes	3
	Cucumbers	3

3. The entries provided for in point 2 shall be deleted no later than 30 April 2000.

Article 2

1. Annex II to Directive 90/642/EEC is hereby amended as follows:

GLYPHOSATE

In the column under the heading 'Glyphosate', the figure '20,0' shall be added opposite the following product entry:

— in group '4. **Oil seeds**', 'Soya bean'.

FENARIMOL

In the column under the heading 'Fenarimol', the figure '0,3' shall be added opposite the following product entry:

— in group '1. (vi) **Miscellaneous**', 'Bananas'.

IPRODIONE

In the column under the heading 'Iprodione', the figure '0,2' shall be added opposite the following product entry:

— in group '2. (vii) **Stem vegetables**', 'Rhubarb'.

(1) OJ No L 230, 19. 8. 1991, p. 1.

BENOMYL

In the column under the heading 'Benomyl', the figure '2,0' shall be added opposite the following product entry:

— in group '2. (vii) **Stem vegetables**', 'Rhubarb'.

In the column under the heading 'Benomyl', the figure '0,3' shall be added opposite the following product entry:

— in group '2. (iii) **Fruiting vegetables**', 'Courgettes'.

2. If maximum residue levels are not adopted for the pesticide/product combinations listed in point 2 of Article 1 by 30 April 2000, a maximum level of 0,05 (*) shall be introduced for each of those pesticide/product combinations.

Article 3

The following pesticide residues shall be added to Annex II to Directive 90/642/EEC:

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Triforine	Endosulfan (Sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin, expressed as triphenyltin cation)
1. **Fruit, fresh, dried or uncooked preserved by freezing, not containing added sugar; nuts**			
(i) CITRUS FRUIT	0,05 (*)	1 (a)	0,05 (*)
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pomelos			
Others			
(ii) TREE NUTS (shelled or unshelled)		0,1 (*)	0,05 (*)
Almonds	(a)		
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts			
Macadamia			
Pecans			
Pine nuts			
Pistachios			
Walnuts			
Others	0,05 (*)		
(iii) POME FRUIT	2	1 (a)	0,05 (*)
Apples			
Pears			
Quinces			
Other			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Triforine	Endosulfan (Sum of alpha- and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin, expressed as triphenyltin cation)
(iv) STONE FRUIT		1 (a)	0,05 (*)
Apricots	(a)		
Cherries	2		
Peaches (including nectarines and similar hybrids)	(a)		
Plums	1		
Others	0,05 (*)		
(v) BERRIES AND SMALL FRUIT			0,05 (*)
(a) *Table and wine grapes*	(a)	1 (a)	
(b) *Strawberries* (other than wild)	(a)	(x)	
(c) *Cane fruit* (other than wild)	0,05 (*)		
Blackberries		(x)	
Dewberries			
Loganberries			
Raspberries		1 (a)	
Others		0,05 (*)	
(d) *Other small fruit and berries* (other than wild)			
Bilberries (fruit of species *Vaccinium myrtyllus)*			
Cranberries			
Currants (red, black and white)	2	(x)	
Gooseberries	2	(x)	
Others	0,05 (*)	0,05 (*)	
(e) *Wild berries and wild fruit*	0,05 (*)	0,05 (*)	
(vi) MISCELLANEOUS	0,05 (*)		0,05 (*)
Avocados			
Bananas			
Dates			
Figs			
Kiwis		1 (a)	
Kumquats			
Litchis			
Mangoes			
Olives		1 (a)	
Passion fruit			
Pineapples			
Pomegranates			
Others		0,05 (*)	
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER VEGETABLES			0,05 (*)
Beetroot		0,2 (a)	
Carrots		0,2 (a)	
Celeriac		0,2 (a)	
Horseradish			
Jerusalem artichokes			
Parsnips			
Parsley root			
Radishes		0,2 (a)	
Salsify			
Sweet potatoes			
Swedes	(a)	0,2 (a)	
Turnips		0,2 (a)	
Yams			
Others	0,05 (*)	0,05 (*)	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Triforine	Endosulfan (Sum of alpha- and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin, expressed as triphenyltin cation)
(ii) BULB VEGETABLES	(a)		0,05 (*)
Garlic			
Onions		1 (a)	
Shallots			
Spring onions			
Others		0,05 (*)	
(iii) FRUITING VEGETABLES			0,05 (*)
(a) *Solanacea*	(a)	1 (a)	
Tomatoes			
Peppers			
Aubergines			
Others			
(b) *Cucurbits — edible peel*	0,5	1 (a)	
Cucumbers			
Gherkins			
Courgettes			
Others			
(c) *Cucurbits — inedible peel*	(a)	1 (a)	
Melons			
Squashes			
Watermelons			
Others			
(d) *Sweetcorn*	0,05 (*)	0,05 (*)	
(iv) BRASSICA VEGETABLES	(a)		0,05 (*)
(a) *Flowering brassica*		1 (a)	
Broccoli			
Cauliflower			
Others			
(b) *Head brassica*		1 (a)	
Brussels sprouts			
Head cabbage			
Others			
(c) *Leafy brassica*		1 (a)	
Chinese cabbage			
Kale			
Others			
(d) *Kohlrabi*		0,05 (*)	
(v) LEAF VEGETABLES AND FRESH HERBS			0,05 (*)
(a) *Lettuce and similar*		1 (a)	
Cress	(a)		
Lamb's lettuce			
Lettuce			
Scarole			
Others	0,05 (*)		
(b) *Spinach and similar*		1 (a)	
Spinach	(a)		
Beet leaves (chard)			
Others	0,05 (*)		
(c) *Watercress*	0,05 (*)	0,05 (*)	