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COUNCIL DIRECTIVE 93/58/EEC

of 29 June 1993

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 the Annex 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 first list of maximum levels

(OJ L 211, 23.8.1993, p. 6)

Corrected by:

►**C1** Corrigendum, OJ L 219, 24.8.1994, p. 26 (93/58)

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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 the Annex 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 first list of maximum levels

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 on 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 the pesticides chlorbenzide and 1,1-dichloro-2,2-bis (4-ethylphenyl) ethane are no longer of economic importance; whereas their residues are unlikely to occur in foodstuffs; whereas it is therefore appropriate to delete them from Annex II to Directive 76/895/EEC;

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 amitrolee, atrazine, binapacryl, bromophos-ethyl, captafol, DDT, dichlorprop, dinoseb, dioxathion, endrin, ethylene dibromide, fenchlorphos, heptachlor, maleic hydrazide, methyl bromide (except for certain products), paraquat, TEPP, 2,4,5-T and toxaphene; whereas certain of those provisions should be amended in the light of technical and scientific progress;

Whereas it is necessary to amend the Annex to Directive 90/642/EEC, in order that sunflower seed and olives may be more appropriately described considering current trade practices, thereby facilitating control of pesticide residues therein;

Whereas pesticide residues may arise in products of plant origin, including fruit and vegetables, as a result of current or previous agricultural practices; whereas, to establish maximum levels for present practices, it is necessary to take into account relevant data for both authorized pesticide uses and supervised trials; whereas, however, available data are frequently insufficient in terms of current standards to establish maximum levels, whereas in the case of previous agricultural practices, appropriate monitoring data must be evaluated;

Whereas satisfactory monitoring data exist in order to establish maximum pesticide residue levels in tea for aldrin, dieldrin, chlordane, DDT, endrin, heptachlor, HCH and HCB;

Whereas, in the case of certain pesticides used in the production of tea, insufficient data exist under current standards to establish maximum residue levels; whereas Member States may therefore fix, whilst respecting Community law, maximum levels in order to allow sufficient time for the generation of the necessary data for a Community decision to be taken; whereas, in the case of the pesticides ethion, omethoate and

([1]) OJ No L 340, 9. 12. 1976, p. 26. Directive as last amended by Directive 89/186/EEC (OJ No L 66, 10. 3. 1989, p. 36).
([2]) OJ No L 350, 14. 12. 1990, p. 71.

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dimethoate used in the production of tea, sufficient data only exist to establish on a temporary basis maximum residue levels;

Whereas, in order better to estimate dietary intake of pesticide residues, it is prudent to establish simultaneously, where possible, 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 pesticides in products of plant origin, namely acephate, benomyl, carbendazim, thiophanate-methyl, maneb, mancozeb, metiram, propineb, zineb, methamidophos, procymidone, chlorothalonil, chlorpyrifos, chlorpyrifos-methyl, cypermethrin, deltamethrin, fenvalerate, glyphosate, imazalil, iprodione, permethrin and vinclozolin;

Whereas, however, available data are insufficient for certain pesticide-crop combinations; whereas a period of time, not exceeding four years, will be necessary to generate such data; whereas, therefore, maximum levels should be established on the basis of such data by 1 January 1998 at the latest; whereas failure to provide satisfactory data would normally result in the establishment of levels at the appropriate limit of determination;

Whereas the maximum residue levels established in this Directive will have to be reviewed in the framework of the re-evaluation 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:

   amitrole

   atrazine

   binapacryl

   bromophos-ethyl

   captafol

   chlorbenside

   DDT (sum of DDT-, TDE- and DDE-isomers, expressed as DDT)

   dichlorprop

   1,1-dichloro-2,2-bis (4-ethyl-phenyl-) ethane

   dinoseb

   dioxathion

   endrin

   ethylene dibromide

   fenchlorphos

   heptachlor

   maleic hydrazide

   paraquat

   TEPP

[1] OJ No L 230, 19. 8. 1991, p. 1.

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toxaphene

2,4,5-T

2. for methyl bromide the entry in the third column entitled ‘Maximum levels’ shall read as follows: ‘0,1: Nuts, apricots, peaches, plums, figs and grapes’.

Article 2

Directive 90/642/EEC is hereby amended as follows:

1. the former Annex becomes Annex I;
2. that part of the Annex relating to miscellaneous fruit and oil seeds shall be amended as follows:

‘Groups of products	Products included in the groups	Part of product to which maximum residue levels apply
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		
(vi)	Olives	Whole fruit after removal of stems (if any) after removal of soil (if any) by rinsing in running water
4. Oil seeds		
	Sunflower seed	Whole seed including shell, when present, and whole seed without shell, when shell is absent’’

3. the following shall be added to the ‘Note’ in Annex I: ‘… and in the case of dried fruit and vegetables, attention is drawn to Article 3 (1) of the Directive’;
4. the following Annex shall be added:

‘*ANNEX II*

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)										
	Acephate	Chlorothalonil	Chlorpyrifos	Chlorpyrifosme-thyl	Cypermethrin, including other mixtures of constituent isomers (sum of isomers)	Deltamethrin	Fenvalerate, including other mixtures of constituent isomers (sum of isomers)	Glyphosate	Imazalil	Iprodione	Permethrin (sum of isomers)
1. **Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts**											
I) CITRUS FRUIT	1	0,01 (*)	0,3		2	0,05 (*)	(c)	0,1 (*)	5		0,5
Grapefruit										►C1 ◄	
Lemons				(c)						(a)	
Limes											
Mandarines (including clementines and similar hybrids)				(c)							
Oranges				(c)							
Pomelos											
Others				0,05 (*)						0,02 (*)	
II) TREE NUTS (shelled or unshelled)	0,02 (*)	0,01 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,1 (*)	0,02 (*)		►C1 ◄
Almonds											0,1
Brazil nuts											
Cashew nuts											
Chestnuts											
Coconuts											
Hazelnuts										(a)	
Macadamia											