II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 9 February 1981

amending Annex II to Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables

(81/36/EEC)

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], as last amended by Directive 80/428/EEC [2], and in particular Articles 4 and 8 thereof,

Having regard to the proposal from the Commission,

Whereas Article 4 of Directive 76/895/EEC provides that where a Member State considers that a maximum level fixed in Annex II might endanger the health of humans or of animals other than harmful organisms, that Member State may temporarily reduce that level in its own territory;

Whereas the Kingdom of the Netherlands has invoked the provisions of the aforesaid Article in respect of the maximum levels fixed for dimethoate, omethoate and fenchlorphos;

Whereas fenchlorphos was the subject of the amendments provided for in Directive 80/428/EEC; whereas the Commission has now completed its further studies on the other two pesticides;

Whereas, on the basis of new scientific data, the maximum level laid down for omethoate in Annex II must be amended;

Whereas it is also desirable to separate completely the maximum levels fixed for dimethoate and omethoate and to make a consequential adjustment to the maximum level laid down for dimethoate;

Whereas, in the absence of a favourable opinion of the Standing Committee on Plant Health, the Commission has not been able, in accordance with the procedure provided for in Article 8 of Directive 76/895/EEC, to adopt the measures it envisaged,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 76/895/EEC shall be amended as follows:

[1] OJ No L 340, 9. 12. 1976, p. 26.
[2] OJ No L 102, 19. 4. 1980, p. 26.