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Type: Directive

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Title: Commission Directive 2007/56/EC of 17 September 2007 amending certain Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for azoxystrobin, chlorothalonil, deltamethrin, hexachlorobenzene, ioxynil, oxamyl and quinoxifen (Text with EEA relevance)

Recitals:

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Having regard to the Treaty establishing the European Community,

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 (1), and in particular Article 10 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin (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 accordance with Directive 91/414/EEC, authorisations of plant protection products for use on specific crops are the responsibility of the Member States. Such authorisations have to be based on the evaluation of effects on human and animal health and influence on the environment. Elements to be taken into account in such evaluations include operator and bystander exposure and impact on the terrestrial, aquatic and aerial environments, as well as impact on humans and animals through consumption of residues on treated crops.

(2) Maximum residue levels (MRLs) reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in terms of estimated dietary intake.

(3) MRLs for pesticides covered by Directive 90/642/EEC are to be kept under review and may be modified to take account of new or changed uses. Information about new or changed uses has been communicated to the Commission which should lead to changes in the residue levels of azoxystrobin, chlorothalonil, ioxynil and quinoxifen.

(4) For hexachlorobenzene information has been communicated to the Commission that this pesticide, due to environmental contamination, can occur in pumpkin seed, a commodity that is consumed as a food in several Member States, at levels higher than the limit of analytical determination. The insertion of 'pumpkin seed' in Annex I to Directive 90/642/EEC and setting of MRLs for pumpkin seed are therefore necessary to protect consumers from excess hexachlorobenzene residues.

(5) For oxamyl temporary MRLs have been set in Directive 90/642/EEC by Commission Directive 2006/59/EC (5), pending submission of trial data. Trial data for oxamyl have been consequently submitted and evaluated. As a result, the temporary MRLs for oxamyl can be confirmed.

(6) For deltamethrin also temporary MRLs have been set in Directives 86/362/EEC, 86/363/EEC and 90/642/EEC by Directive 2006/59/EC, pending review of the Annex III dossier under Directive 91/414/EEC and re-registration of deltamethrin formulations at Member State level. Upon further examination, it appeared that more time should be allowed to ensure proper consideration of the uses of deltamethrin authorised at Member State level. It is therefore appropriate to prolong the validity of the temporary MRLs for deltamethrin.

(7) The lifetime exposure of consumers to those pesticides via food products that may contain residues of those pesticides has been assessed and evaluated in accordance with the procedures and practices used within the Community, taking account of guidelines published by the World Health Organisation (6). Based on those assessments and evaluations, the MRLs for those pesticides should be set so as to ensure that the acceptable daily intake is not exceeded.

(8) In the case of chlorothalonil and ioxynil, for which an acute reference dose (ARfD) exists, the acute exposure of consumers via each of the food products that may contain residues of these pesticides has been assessed and evaluated in accordance with the procedures and practices currently used within the Community, taking account of guidelines published by the World Health Organisation. The opinions of the Scientific Committee on Plants (SCP), in particular advice and recommendations concerning the protection of consumers of food products treated with pesticides (7), have been taken into account. Based on the dietary intake assessment, the MRLs for those pesticides should be fixed so as to ensure that the ARfD will not be exceeded. In the case of the other substances, an assessment of the available information has shown that no ARfD is required and that therefore a short-term assessment is not needed.

(9) Where authorised uses of plant protection products do not result in detectable levels of pesticide residues 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 with such necessary data, MRLs should be fixed at the lower limit of analytical determination.

(10) The setting or modification at Community level of provisional MRLs does not prevent the Member States from establishing provisional MRLs for ioxynil and quinoxifen in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI to that Directive. It is considered that a period of four years is sufficient to permit further uses of these substances. The provisional Community MRLs should then become definitive.

(11) It is therefore necessary to modify the MRLs set out in Directives 86/362/EEC, 86/363/EEC and 90/642/EEC, to allow proper surveillance and control of the uses of the plant protection products concerned and to protect the consumer. Where MRLs have already been defined in the Annexes to those Directives, it is appropriate to amend them. Where MRLs have not yet been defined, it is appropriate to set them for the first time.

(12) Directives 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.

(13) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

Main Body:

Directive 86/362/EEC is amended in accordance with Annex I to this Directive.

Directive 86/363/EEC is amended in accordance with Annex II to this Directive.

Directive 90/642/EEC is amended as follows:

1. in Annex I, in group '4 Oilseeds', the entry 'Pumpkin seed' is added.
2. Annex II is amended in accordance with Annex III to this Directive.

Member States shall adopt and publish, by 18 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 19 December 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.

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

This Directive is addressed to the Member States.

Attachments:

Done at Brussels, 17 September 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

(1) OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2007/27/EC (OJ L 128, 16.5.2007, p. 31).

(2) OJ L 221, 7.8.1986, p. 43. Directive as last amended by Commission Directive 2007/28/EC (OJ L 135, 26.5.2007, p. 6).

(3) OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2007/39/EC (OJ L 165, 27.6.2007, p. 25).

(4) OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/52/EC (OJ L 214, 17.8.2007, p. 3).

(5) OJ L 175, 29.6.2006, p. 61.

(6) 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).

(7) Opinion regarding questions relating to amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the SCP on 14 July 1998); Opinion regarding variable pesticide residues in fruit and vegetables (Opinion expressed by the SCP on 14 July 1998) http://europa.eu.int/comm/food/fs/sc/scp/outcome_ppp_en.html

ANNEX I

In Part A of Annex II to Directive 86/362/EEC, the line for 'Deltamethrin' is replaced by the following:
Pesticide residues Maximum levels in mg/kg

'Deltamethrin (cis-deltamethrin) (1) 2

(1) Temporary MRLs valid until 1 November 2008, pending review of the Annex III dossier under Directive 91/414/EEC and re-registration of deltamethrin formulations at Member State level.'

ANNEX II

In Part A of Annex II to Directive 86/363/EEC, the line for 'Deltamethrin (cis-deltamethrin)' is

replaced by the following:

Maximum levels in mg/kg

Pesticide residues of fat contained in meat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205, 0206, 0207, ex 0208, 0209, 0210, 1601 and 1602 for cow's milk and whole cream cow's milk listed in Annex I under heading No 0401; for other foodstuffs in headings Nos 0401, 0402, 0405 00 and 0406 in accordance with of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under headings Nos 0407 and 0408 'Deltamethrin (cis-deltametrin) (2) liver and kidney 0,03 (1), poultry and poultry products 0,1, others 0,5 0,05 0,05 (1)

(1) indicates lower limit of analytical determination.

(2) Temporary MRL valid until 1 November 2008, pending review of the Annex III dossier under 91/414/EEC and the re-registration of deltamethrin formulations at member state level.'

ANNEX III

In part A of Annex II to Directive 90/642/EEC, the columns for azoxystrobin, 'chlorothalonil, deltamethrin, hexachlorobenzene, ioxynil, oxamyl and quinoxifen' are replaced by the following: 'Pesticide residue and maximum residue level (mg/kg)

Groups and examples of individual products to which the MRLs apply Azoxystrobin Chlorothalonil Deltamethrin (cis-deltamethrin) (2) Hexachlorobenzene Ioxynil including its esters expressed as Ioxynil Oxamyl Quinoxifen

1.

(i)

Grapefruit

Lemons

Limes

Mandarins (including clementines and other hybrids) 0,02 (1)

(3)

Oranges

Pomelos

Others 0,01 (1)

(3)

(ii)

Almonds

Brazil nuts

Cashew nuts

Chestnuts

Coconuts

Hazelnuts

Macadamia

Pecans

Pine nuts

Pistachios

Walnuts

Others

(iii)

Apples 0,2 0,05 (3)

Pears

Quinces

Others 0,1 0,02 (1)

(3)
 (iv)
 Apricots 1 0,05 (3)
 Cherries 0,2 0,3 (3)
 Peaches (including nectarines and similar hybrids) 1 0,05 (3)
 Plums
 Others 0,01 (1) 0,1 0,02 (1)
 (3)
 (v)
 (a) Table and wine grapes
 Table grapes 1
 Wine grapes 3
 (b) Strawberries (other than wild)
 (c) Cane fruit (other than wild)
 Blackberries 3 0,5
 Dewberries
 Loganberries
 Raspberries 3
 Others 0,05 (1) 0,05 (1)
 (d) Other small fruit and berries (other than wild)
 Bilberries
 Cranberries 2
 Currants (red, black and white) 10 0,5
 Gooseberries 10 0,2
 Others 0,01 (1) 0,05 (1)
 (e) Wild berries and wild fruit
 (vi)
 Avocados
 Bananas 2 0,2
 Dates
 Figs
 Kiwi 0,2
 Kumquats
 Litchis
 Mangoes 0,2
 Olives (table consumption) 1
 Olives (oil extraction) 1
 Papaya 0,2 20
 Passion fruit
 Pineapples
 Pomegranate
 Others 0,05 (1) 0,01 (1) 0,05 (1)
 2.
 (i)
 Beetroot
 Carrots 0,2 1 0,2 (3)
 Cassava

Celeriac 0,3 1
 Horseradish 0,2
 Jerusalem artichokes
 Parsnips 0,2 0,2 (3)
 Parsley root 0,2
 Radishes 0,2
 Salsify 0,2
 Sweet potatoes
 Swedes
 Turnips
 Yam
 Others 0,05 (1) 0,01 (1) 0,05 (1)
 (3)
 (ii)
 Garlic 0,5 0,1 0,2 (3)
 Onions 0,5 0,1 0,2 (3)
 Shallots 0,5 0,1 0,2 (3)
 Spring onions 2 5 0,1 3 (3)
 Others 0,05 (1) 0,01 (1) 0,05 (1) 0,05 (1)
 (3)
 (iii)
 (a) Solanacea
 Tomatoes 0,3 0,02 (3)
 Peppers 0,02 (3)
 Aubergines 0,3 0,02 (3)
 Okra 0,3
 Others 0,2 0,01 (1)
 (3)
 (b) Cucurbits — edible peel
 Cucumbers 1 0,02 (3)
 Gherkins 5 0,02 (3)
 Courgettes 0,03 (3)
 Others 0,01 (1) 0,01 (1)
 (3)
 (c) Cucurbits — inedible peel
 Melons
 Squashes
 Watermelons
 Others
 (d) Sweet corn
 (iv)
 (a) Flowering brassica
 Broccoli (including Calabrese)
 Cauliflower
 Others
 (b) Head brassica
 Brussels sprouts 3

Head cabbage 3
 Others 0,01 (1)
 (c) Leafy brassica
 Chinese cabbage
 Kale
 Others
 (d) Kohlrabi
 (v)
 (a) Lettuce and similar
 Cress
 Lamb's lettuce
 Lettuce
 Scarole (broad-leaf endive)
 Ruccola
 Leaves and stems of brassica, including turnip greens
 Others
 (b) Spinach and similar
 Spinach
 Beet leaves (chard)
 Others
 (c) Water cress
 (d) Witloof
 (e) Herbs
 Chervil
 Chives
 Parsley
 Celery leaves
 Others
 (vi)
 Beans (with pods) 1 5
 Beans (without pods) 0,2 2
 Peas (with pods) 0,5 2
 Peas (without pods) 0,2 0,3
 Others 0,05 (1) 0,01 (1)
 (vii)
 Asparagus
 Cardoons
 Celery 5 10
 Fennel 5
 Globe artichokes 1 0,1 0,3 (3)
 Leeks 2 10 0,2 3 (3)
 Rhubarb
 Others 0,05 (1) 0,01 (1) 0,05 (1) 0,05 (1)
 (3) 0,02 (1)
 (3)
 (viii)
 (a) Cultivated mushrooms

(b) Wild mushrooms

3.

Beans

Lentils

Peas

Lupines

Others

4.

Linseed

Peanuts 0,05

Poppy seed

Sesame seed

Sunflower seed

Rapeseed 0,5 0,1

Soya bean 0,5

Mustard seed 0,1

Cotton seed

Hemp seed

Pumpkin seed 0,05

Others 0,05 (1) 0,01 (1) 0,05 (1) 0,02 (1)

5.

Early potatoes

Ware potatoes

6.

7.

(1) Indicates lower limit of analytical determination.

(2) Temporary MRLs valid until 1 November 2008, pending review of the Annex III dossier under Directive 91/414/EEC and re-registration of deltamethrin formulations at Member State level.

(3) Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC.'