

COMMISSION DIRECTIVE 2006/4/EC**of 26 January 2006****amending the Annexes to Council Directives 86/362/EEC and 90/642/EEC as regards maximum residue levels for carbofuran****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 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 7 thereof,

Whereas:

(1) In the case of cereals and products of plant origin including fruit and vegetables, residue levels reflect the use of minimum quantities of pesticides necessary to achieve effective protection of plants, applied in such a manner that the amount of residue is as low as is practicable and toxicologically acceptable, having regard, in particular to the protection of the environment and the estimated dietary intake of consumers. Community maximum residue levels (MRLs) represent the upper limit of the amount of such residues that might be expected to be found in commodities when good agricultural practices have been respected.

(2) MRLs for pesticides are kept under review and changed to take account of new information and data. MRLs are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue 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 by the necessary data.

(3) Several Member States informed the Commission of their desire to revise national MRLs in accordance with Article 8 of Directive 90/642/EEC in the light of concerns about consumer intake. Proposals for the review of Community MRLs were submitted to the Commission.

(4) The lifetime and short-term exposure of consumers to the pesticides referred to in this Directive 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 ⁽³⁾. On that basis, it is appropriate to fix new MRLs, which will ensure that there is no unacceptable consumer exposure.

(5) Where relevant, the acute exposure of consumers to those pesticides 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 of pesticide residues at or below the new MRLs will not cause acute toxic effects.

(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.

(7) The Annexes to Directives 86/362/EEC and 90/642/EEC should therefore be amended accordingly.

(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

Part A of Annex II to Directive 86/362/EEC is amended in accordance with Annex I to this Directive.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2005/76/EC (OJ L 293, 9.11.2005, p. 14).

⁽²⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Directive 2005/76/EC.

⁽³⁾ 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)

Article 2

Part A of Annex II to Directive 90/642/EEC is amended in accordance with Annex II to this Directive.

Article 3

Member States shall adopt and publish, by 27 July 2006 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 27 July 2006 at the latest.

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.

Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 26 January 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

In part A of Annex II to Directive 86/362/EEC the line for carbofuran is replaced by the following:

'Pesticide residue	Maximum level in mg/kg
Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)	0,02 (*) cereals

(*) Indicates lower limit of analytical determination.'

ANNEX II

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

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	
(i) CITRUS FRUIT	0,3
Grapefruit	
Lemons	
Limes	
Mandarins (including clementines and other hybrids)	
Oranges	
Pomelos	
Others	
(ii) TREE NUTS (shelled or unshelled)	0,02 (*)
Almonds	
Brazil nuts	
Cashew nuts	
Chestnuts	
Coconuts	
Hazelnuts	
Macadamia	
Pecans	
Pine nuts	
Pistachios	
Walnuts	
Others	
(iii) POME FRUIT	0,02 (*)
Apples	
Pears	
Quinces	
Others	
(iv) STONE FRUIT	0,02 (*)
Apricots	
Cherries	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
Peaches (including nectarines and similar hybrids)	
Plums	
Others	
(v) BERRIES AND SMALL FRUIT	0,02 (*)
(a) Table and wine grapes	
Table grapes	
Wine grapes	
(b) Strawberries (other than wild)	
(c) Cane fruit (other than wild)	
Blackberries	
Dewberries	
Loganberries	
Raspberries	
Others	
(d) Other small fruit and berries (other than wild)	
Bilberries	
Cranberries	
Currants (red, black and white)	
Gooseberries	
Others	
(e) Wild berries and wild fruit	
(vi) MISCELLANEOUS	0,02 (*)
Avocados	
Bananas	
Dates	
Figs	
Kiwi	
Kumquats	
Litchis	
Mangoes	
(a) Olives	
Olives (table consumption)	
Olives (oil extraction)	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
Passion fruit	
Pineapples	
Papaya	
Others	
2. Vegetables, fresh or uncooked, frozen or dry	0,02 (*)
(i) ROOT AND TUBER VEGETABLES	
Beetroot	
Carrots	
Celeriac	
Horseradish	
Jerusalem artichokes	
Parsnips	
Parsley root	
Radishes	
Salsify	
Sweet potatoes	
Swedes	
Turnips	
Yam	
Others	
(ii) BULB VEGETABLES	
Garlic	
Onions	
Shallots	
Spring onions	
Others	
(iii) FRUITING VEGETABLES	
(a) Solanacea	
Tomatoes	
Peppers	
Aubergines	
Others	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
(b) Cucurbits — edible peel	
Cucumbers	
Gherkins	
Courgettes	
Others	
(c) Cucurbits — inedible peel	
Melons	
Squashes	
Watermelons	
Others	
(d) Sweet corn	
(iv) BRASSICA VEGETABLES	
(a) Flowering brassica	
Broccoli	
Cauliflower	
Others	
(b) Head brassica	
Brussels sprouts	
Head cabbage	
Others	
(c) Leafy brassica	
Chinese cabbage	
Kale	
Others	
(d) Kohlrabi	
(v) LEAF VEGETABLES AND FRESH HERBS	
(a) Lettuce and similar	
Cress	
Lamb's lettuce	
Lettuce	
Scarole	
Others	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
(b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
(c) Water cress	
(d) Witloof	
(e) Herbs	
Chervil	
Chives	
Parsley	
Celery leaves	
Others	
(vi) LEGUME VEGETABLES (fresh)	
Beans (with pods)	
Beans (without pods)	
Peas (with pods)	
Peas (without pods)	
Others	
(vii) STEM VEGETABLES (fresh)	
Asparagus	
Cardoons	
Celery	
Fennel	
Globe artichokes	
Leek	
Rhubarb	
Others	
(viii) FUNGI	
(a) Cultivated mushrooms	
(b) Wild mushrooms	
3. Pulses	0,02 (*)
Beans	
Lentils	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
Peas	
Others	
4. Oil seed	0,1
Linseed	
Peanuts	
Poppy seeds	
Sesame seeds	
Sunflower seed	
Rape seed	
Soya bean	
Mustard seed	
Cotton seed	
Others	
5. Potatoes	0,02 (*)
Early potatoes	
Ware potatoes	
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,05 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,05 (*)

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