

COMMISSION DIRECTIVE 2003/62/EC

of 20 June 2003

amending Council Directives 86/362/EEC and 90/642/EEC in respect of maximum residue levels for hexaconazole, clofentezine, myclobutanil and prochloraz

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on products of plant origin, including fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 806/2003 ⁽²⁾, and in particular Article 7 thereof,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 ⁽³⁾, as last amended by Regulation (EC) No 807/2003 ⁽⁴⁾, and in particular Article 10 thereof,

Whereas:

- (1) Commission Directive 2002/79/EC ⁽⁵⁾ fixed maximum residue levels (MRLs) in relation to certain pesticide/food combinations.
- (2) Following publication of Directive 2002/79/EC, the Commission received requests, supported by further data, to review the levels at which MRLs for certain pesticide/food combinations had been fixed by virtue of Directive 2002/79/EC. The applications and data were reviewed, and for some combinations, the data was sufficient to justify the fixing of an MRL above the lower limit of analytical determination.
- (3) The acute and lifetime exposure of consumers to these pesticides via food products that may contain residues of these pesticides arising from their uses in plant protection and, where applicable, in veterinary medicine has been assessed and evaluated in accordance with the procedures and practices used within the European Community, taking account of guidelines published by the World Health Organisation ⁽⁶⁾ and it has been calculated that the maximum residue levels fixed in this Directive do not give rise to a violation of the acceptable daily intakes or the acute reference doses.

(4) The Community's trading partners will be consulted about the levels set out in this Directive through the World Trade Organisation and their comments on these levels will be considered.

(5) The opinions of the Scientific Committee for Plants, in particular advice and recommendations concerning the protection of consumers of food products treated with pesticides and on the application of the methodology, referred to above, by the Rapporteur Member States have been taken into account ⁽⁷⁾.

(6) 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

The maximum levels for residues listed in the Annex to this Directive shall replace those listed in Annex II to Directive 90/642/EEC for the pesticides in question.

Article 2

In part A of Annex II to Directive 86/362/EEC the following rows are replaced:

Pesticide residue	Maximum level in mg/kg
Hexaconazole	0,1 Barley and wheat 0,02 (*) Other cereals
Prochloraz (sum of prochloraz and its metabolites containing 2,4,6- trichlorophenol moiety expressed as prochloraz)	1 Rice, oats, barley 0,5 Triticale, wheat, rye 0,05 (*) Other cereals

(*) indicates lower limit of analytical determination.'

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 July 2003 at the latest. They shall forthwith inform the Commission thereof.

They shall apply these measures as of 1 August 2003.

(7) SCP/RESI/021; SCP/RESI/024.

⁽¹⁾ OJ L 350, 14.12.1990, p. 71.

⁽²⁾ OJ L 122, 16.5.2003, p. 1.

⁽³⁾ OJ L 221, 7.8.1986, p. 37.

⁽⁴⁾ OJ L 122, 16.5.2003, p. 36.

⁽⁵⁾ OJ L 291, 28.10.2002, p. 1.

⁽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 in 1997 (WHO/FSF/FOS/97.7).

Article 4

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.

Article 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 20 June 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Hexaconazole	Myclobutanil	Clofentezine
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts			
(i) CITRUS FRUIT	0,02 (*)	3	0,5
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pomelos			
Others			
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)	0,05 (*)	0,05 (*)
Almonds			
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts			
Macadamia			
Pecans			
Pine nuts			
Pistachios			
Walnuts			
Others			
(iii) POME FRUIT		0,5	0,5
Apples	0,1		
Pears	0,1		
Quinces			
Others	0,02 (*)		
(iv) STONE FRUIT	0,02 (*)		
Apricots		0,3	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Hexaconazole	Myclobutanil	Clofentezine
Cherries		1	
Peaches (including nectarines and similar hybrids)		0,5	
Plums		0,5	0,2
Others		0,02 (*)	0,02 (*)
(v) BERRIES AND SMALL FRUIT			
(a) Table and wine grapes	0,1	1	
Table grapes			0,02 (*)
Wine grapes			1
(b) Strawberries (other than wild)	0,2	1	2
(c) Cane fruit (other than wild)	0,02 (*)	0,02 (*)	
Blackberries			3
Dewberries			
Loganberries			
Raspberries			3
Others			0,3
(d) Other small fruit and berries (other than wild)	0,02 (*)		
Bilberries			
Cranberries			
Currants (red, black and white)		1	0,5
Gooseberries		1	
Others		0,02 (*)	0,02 (*)
(e) Wild berries and wild fruit	0,02 (*)	0,02 (*)	0,02 (*)
(vi) MISCELLANEOUS			0,02 (*)
Avocados			
Bananas	0,1	2	
Dates			
Figs			
Kiwi			
Kumquats			
Litchis			
Mangoes			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Hexaconazole	Myclobutanil	Clofentezine
Olives			
Passion fruit			
Pineapples			
Pomegranate			
Others	0,02 (*)	0,02 (*)	
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER VEGETABLES	0,02 (*)		0,02 (*)
Beetroot			
Carrots		0,2	
Celeriac			
Horseradish			
Jerusalem artichokes			
Parsnips			
Parsley root			
Radishes			
Salsify			
Sweet potatoes			
Swedes			
Turnips			
Yam			
Others		0,02 (*)	
(ii) BULB VEGETABLES	0,02 (*)	0,02 (*)	0,02 (*)
Garlic			
Onions			
Shallots			
Spring onions			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Hexaconazole	Myclobutanil	Clofentezine
(iii) FRUITING VEGETABLES			
(a) Solanacea			
Tomatoes	0,1	0,3	0,3
Peppers		0,5	
Aubergines		0,3	
Others	0,02 (*)	0,02 (*)	0,02 (*)
(b) Cucurbits — edible peel	0,02 (*)	0,1	0,02 (*)
Cucumbers			
Gherkins			
Courgettes			
Others			
(c) Cucurbits — inedible peel	0,02 (*)	0,2	
Melons			0,1
Squashes			
Watermelons			
Others			0,02 (*)
(d) Sweetcorn	0,02 (*)	0,02 (*)	0,02 (*)
(iv) BRASSICA VEGETABLES	0,02 (*)	0,02 (*)	0,02 (*)
(a) Flowering brassica			
Broccoli			
Cauliflower			
Others			
(b) Head brassica			
Brussels sprouts			
Head cabbage			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Hexaconazole	Myclobutanil	Clofentezine
(c) Leafy brassica			
Chinese cabbage			
Kale			
Others			
(d) Kohlrabi			
(v) LEAF VEGETABLES AND FRESH HERBS	0,02 (*)	0,02 (*)	0,02 (*)
(a) Lettuce and similar			
Cress			
Lamb's lettuce			
Lettuce			
Scarole			
Others			
(b) Spinach and similar			
Spinach			
Beet leaves (chard)			
Others			
(c) Water cress			
(d) Witloof			
(e) Herbs			
Chervil			
Chives			
Parsley			
Celery leaves			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Hexaconazole	Myclobutanil	Clofentezine
(vi) LEGUME VEGETABLES (fresh)	0,02 (*)	0,02 (*)	0,02 (*)
Beans (with pods)			
Beans (without pods)			
Peas (with pods)			
Peas (without pods)			
Others			
(vii) STEM VEGETABLES (fresh)	0,02 (*)		0,02 (*)
Asparagus			
Cardoons			
Celery			
Fennel			
Globe artichokes		0,5	
Leek			
Rhubarb			
Others		0,02 (*)	
(viii) FUNGI	0,02 (*)	0,02 (*)	0,02 (*)
(a) Cultivated mushrooms			
(b) Wild mushrooms			
3. Pulses	0,02 (*)	0,02 (*)	0,02 (*)
Beans			
Lentils			
Peas			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Hexaconazole	Myclobutanil	Clofentezine
4. Oil seeds	0,05 (*)	0,05 (*)	0,05 (*)
Linseed			
Peanuts			
Poppy seeds			
Sesame seeds			
Sunflower seed			
Rape seed			
Soya bean			
Mustard seed			
Cotton seed			
Others			
5. Potatoes	0,02 (*)	0,02 (*)	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 (*)	0,05 (*)	0,05 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,05 (*)	2	0,05 (*)

(*) Indicates lower limit of analytical determination.