

COMMISSION DIRECTIVE 2004/61/EC
of 26 April 2004

amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for certain pesticides prohibited for use in the European Community

(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 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 products of plant origin, including fruit and vegetables ⁽³⁾, and in particular Article 7 thereof,

Whereas:

- (1) Under Council Directive 79/117/EEC ⁽⁴⁾, as last amended by Council Regulation (EC) No 2003/807 ⁽⁵⁾, mercuric oxide, mercurous chloride (calomel), other inorganic mercury compounds, alkyl mercury compounds, alkoxyalkyl and aryl mercury compounds, aldrin, chlordane, dieldrin, HCH, hexachlorobenzene, camphechlor (toxaphene), ethylene oxide, nitrofen, 1,2-dibromoethane, 1,2-dichloroethane, dinoseb and binapacryl are pesticides, prohibited for use and placing on the market in the EC. In view of the availability of some of these pesticides on the world market it is prudent to set Maximum Residue Levels for all products at the Lower Limit of Analytical Determination. Some mercuric compounds cannot be distinguished from mercuric compounds originating from environmental contamination.
- (2) Where no legal use of a pesticide is allowed and where no residues can be tolerated it is appropriate that the MRL established at the appropriate lower limit of analytical determination on fresh produce, apply also on the composite and processed products.
- (3) The opinions of the Scientific Committee for Plants have been taken into account, in particular its advice and recommendations concerning the methodology to be followed for the protection of consumers of agricultural products treated with pesticides.
- (4) Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2004/2/EC (OJ L 14, 21.1.2004, p. 10).

⁽²⁾ OJ L 221, 7.8.1986, p. 43. Directive as last amended by Directive 2004/2/EC.

⁽³⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2004/2/EC.

⁽⁴⁾ OJ L 33, 8.2.1979, p. 36.

⁽⁵⁾ OJ L 122, 16.5.2003, p. 36.

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Pesticide residue	Maximum level in
— Mercury compounds	0,01 (*) Cereals
— Camphechlor (chlorinated camphen with 67-69 % chlorine)	0,1 (*) Cereals
— 1,2-Dibromoethane	0,01 (*) Cereals
— 1,2-Dichloroethane	0,01 (*) Cereals
— Dinoseb	0,01 (*) Cereals
— Binapacryl	0,01 (*) Cereals
— Nitrofen	0,01 (*) Cereals
— Ethylene oxyde (sum of ethylene oxyde and 2-chloro-ethanol expressed as ethylene oxyde)	0,02 (*) Cereals

(*) Indicates lower limit of analytical determination.'

Article 2

In part A of Annex II to Directive 86/363/EEC the following rows are added:

Pesticide residue	Maximum level (mg/kg)		
	Of fat contained in meat, preparations of meat, offals and animal fats listed in Annex I within CN code Nos 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 (i) (iv)	For cow's milk and whole cream cow's milk listed in Annex 1 within CN code No 0401; for the other foodstuffs within CN code Nos. 0401, 0402, 0405 00, 0406 in accordance with (ii) (iv)	Of shelled fresh eggs, in birds' eggs and egg yolks listed in Annex 1 within CN code Nos 0407 00 and 0408 (iii) (iv)
— Nitrofen	0,01 (*)	0,01 (*)	0,01 (*)
— Sum of mercury compounds	0,01 (*)	0,01 (*)	0,01 (*)
— Camphechlor (sum of the three indicator compounds ParlarNo. 26, 50 and 62 (**))	0,05 (**) except poultry	0,01 (*)	
— 1,2-dichloroethane	0,1 (*)	0,1 (*)	0,1 (*)
— Binapacryl	0,01 (*)	0,01 (*)	0,01 (*)
— Ethylene oxyde (sum of ethylene oxyde and 2-chloro-ethanol expressed as ethylene oxyde)	0,02 (*)	0,02 (*)	0,02 (*)
— Captafol	0,01 (*)	0,01 (*)	0,01 (*)

(*) Indicates lower limit of analytical determination.

(**) Parlar No 26 2-endo,3-exo,5-endo,6-exo,8,8,10,10-octachlorobornane
Parlar No 50 2-endo,3-exo,5-endo,6-exo,8,8,9,10,10-nonachlorobornane
Parlar No 62 2,2,5,5,8,9,9,10,10-nonachlorobornane.'

Article 3

In part B of Annex II to Directive 86/363/EEC the following rows are added:

Pesticide residue	Maximum level (mg/kg)		
	Of meat, including fat, preparations of meat, offals and animal fats as listed in Annex I within CN code Nos 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	For milk and milk products listed in Annex 1 within CN code Nos 0401, 0402, 0405 00 and 0406	Of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex 1 within CN code Nos. 0407 00 and 0408
Dinoseb	0,01 (*)	0,01 (*)	0,01 (*)

(*) Indicates lower limit of analytical determination.'

Article 4

The maximum residue levels listed in the Annex to this Directive are added to those listed in Annex II to Directive 90/642/EEC for the pesticides in question.

Article 5

1. Member States shall adopt and publish, eight months after the adoption of this Directive 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 nine months after the adoption of this Directive.

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.

2. 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 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 26 April 2004.

For the Commission
David BYRNE
Member of the Commission

Pesticide residue and maximum residue level (mg/kg)

Groups and examples of individual products to which the MRLs would apply	Sum of mercury compounds expressed as mercury	Aldrin and dieldrin combined expressed as dieldrin	Chlordane (sum of cis- and trans-chlordane)	HCH, Sum of isomers except the gamma isomer	Hexa-chloro-benzene	Ethylene oxyde (sum of ethylene oxyde and 2-chloro-ethanol expressed as ethylene oxyde)	Nitrofen	1,2-dichloro-ethane
4. OILSEEDS	0,02 (*)	0,02 (†)	0,02 (*)	0,02 (*)	0,02 (*)	0,2 (*)	0,02 (*)	0,02 (*)
Linseed								
Peanuts								
Poppy seed								
Sesame seed								
Sunflower seed								
Rape seed								
Soya bean								
Mustard seed								
Cotton seed								
Others								
5. POTATOES	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,01 (*)	0,1 (*)	0,01 (*)	0,01 (*)
Early potatoes								
Ware potatoes								
6. TEA (dried leaves and stalks, fermented or otherwise, <i>Camellia sinensis</i>)	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,2 (*)	0,02 (*)	0,02 (*)
7. HOPS (dried), including hop pellets and unconcentrated powder	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,02 (*)	0,2 (*)	0,02 (*)	0,02 (*)

(*) Indicates lower limit of analytical determination.

(†) Based on background levels due to use of dieldrin and aldrin in the past.

(‡) Based on background levels due to use of dieldrin and aldrin in the past.

(§) Based on background levels due to use of dieldrin and aldrin in the past.

(¶) Monitoring data show that levels of up to 0,02 mg/kg of dieldrin can be found of pumpkin seeds used for oil extraction.