

**EUROPEAN COMMUNITIES (PESTICIDE RESIDUES) (FRUIT AND VEGETABLES)  
REGULATIONS 1979**

I, JAMES GIBBONS, Minister for Agriculture, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to\* Council Directive No. 76/895/EEC, hereby make the following Regulations:

REG 1

Short Title and commencement

1. These Regulations may be cited as the European Communities (Pesticide Residues) (Fruit and Vegetables) Regulations, 1979, and shall come into effect on the 11th day of June, 1979.

REG 2

Interpretation.

2. In these Regulations—

"authorised officer" means an officer of the Minister authorised in writing by the Minister for the purposes of these regulations;

"the Minister" means the Minister for Agriculture.

REG 3

Application

3. These Regulations shall apply to any product which is a product listed in Part I of the Schedule to these Regulations.

REG 4

Maximum Residues

4. (1) A person shall not put into circulation any controlled product if—

( a ) the product contains within it or on it a residue of a pesticide mentioned in the first column of Part II of the Schedule to these Regulations, or of a toxic metabolite or breakdown product of such pesticide, and

( b ) the level of such pesticide, toxic metabolite or breakdown product exceeds the maximum specified in relation to the controlled product in the second column of the said Part II opposite such mention.

(2) A person who contravenes the provisions of paragraph (1) of this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400 and, in the case of a continuing offence, to a further fine (not exceeding £600 in all) not exceeding £40 for each day on which the offence is continued, or, in either case, at the discretion of the court, to imprisonment for a term not exceeding six months

\* O.J. L340 of 9 December, 1976.

(3) In this Regulation "controlled product" means any product to which these Regulations apply.

## REG 5

### Inspection of Documents, etc.

5. (1) An authorised officer may—

( a ) at all reasonable times enter any premises in which he has reasonable grounds for believing that there are any books, documents or records relating to any business whose activities consist of or include the putting into circulation of any product to which these Regulations apply,

( b ) require the owner, or the person who appears to the officer to be in charge or control of any such premises to produce to him any books, documents or records which are in the person's control, possession or procurement and which the officer has reasonable grounds for believing to be records, books or documents relating to a product to which these Regulations apply, and to give him such information as he may reasonably require in regard to any entries in any such records, books or documents, and

( c ) inspect and copy or take extracts from any such records, books or documents.

(2) A person who fails to comply with a requirement under paragraph (1) (b) of this Regulation or who obstructs or interferes with an authorised officer when he is exercising a power conferred on him by this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

## REG 6

### Inspection and Sampling of Products.

6. (1) An authorised officer may at all reasonable times enter, inspect and search any premises, railway wagon, vehicle, ship, vessel or aircraft, or other thing (e.g. a container) used to store or transport any thing and in which he has reasonable grounds for believing there is any product to which these Regulations apply, and may examine and take (with or without payment) samples of any such product which he finds in the course of his inspection.

(2) An authorised officer may in the course of exercising a power conferred on him by paragraph (1) of this Regulation require the owner, or the person who appears to the officer to be in apparent charge or control, of the relevant premises, railway wagon, vehicle, ship, vessel, aircraft or other thing to—

( a ) enable the officer to use any thing which is then under the person's control and is required by the officer for the purpose of making an examination, inspection or search or taking a sample under these Regulations,

( b ) render, or cause to be rendered for or in connection with such purposes, such personal assistance as the officer shall specify.

(3) Any person who—

( a ) fails to comply with a requirement made under paragraph (2) of this Regulation in relation to any thing which is then under the person's control,

or

( b ) obstructs or interferes with an authorised officer in the course of exercising a power conferred on him under this Regulation, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 and in the case of a continuing offence to a further fine (not exceeding £600 in all) not exceeding £20 for each day on which the offence is continued.

(4) The Minister shall furnish an authorised officer with a certificate of his appointment and, when exercising any powers conferred by these Regulations, the officer shall, if requested by a person affected, produce the certificate to that person.

## REG 7

### Disposal of Seized Products.

7. (1) An authorised officer may seize and retain or seize, remove and retain any product to which these Regulations apply and in relation to which the officer has reasonable grounds for suspecting that there is or has been a failure to comply with any provision of these Regulations.

(2) An authorised officer who has seized any product pursuant to this Regulation may:

( a ) by a notice in writing given to the owner, or the person in apparent charge or control of the product require specified things to be done in relation to the product before it is released by the officer,

( b ) dispose of it in a manner that will prevent its being used for human or animal consumption—

(i) if the consent in writing of the owner, or the person in apparent charge or control, of the product to such disposal is given, or

(ii) if an order is made by the District Court for such disposal, and

in case a notice is given under this paragraph the authorised officer shall not be required to release the product to which the notice relates until the requirements of the notice have been complied with.

(3) An authorised officer who in pursuance of this Regulation has seized any product may, on giving notice in writing to the owner, or the person in apparent charge or control, of such product of his intention to do so, apply to the District Court for an order directing that the product be disposed of (by destruction or otherwise) in a manner specified in the order that will prevent its being used for human or animal consumption.

(4) Where an application is made to the District Court for an order directing the disposal of a product to which these regulations apply that Court shall, if it is satisfied that such product, if consumed, would constitute a danger to human or animal health, order that it be disposed of (by destruction or otherwise) in a manner specified in the order that will prevent its being used for human or animal consumption.

(5) Any person who obstructs or interferes with an authorised officer in the course of exercising a power conferred on him under this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

## REG 8

### Tampering with Samples.

8. If any person fraudulently—

( a ) tampers with anything so as to procure that any sample taken pursuant to these Regulations does not correctly represent the substance sampled, or

( b ) tampers or interferes with any sample taken under these Regulations,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

## REG 9

### Prosecution of Offences.

9. An offence under these Regulations may be prosecuted by the Minister.

## SCHEDULE

### PART I

List of products referred to in Regulation 3

CCT Heading No. Description  
07.01 BCabbages, cauliflowers and Brussels sprouts, fresh or chilled  
07.01 CSpinach, fresh or chilled  
07.01 DSalad vegetables, including endive and chicory, fresh or chilled  
07.01 EChard (or white beet) and cardoons, fresh or chilled  
07.01 FLeguminous vegetables, shelled or unshelled, fresh or chilled  
07.01 GCarrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled  
07.01 HOnions, shallots and garlic, fresh or chilled  
07.01 IJLeeks and other alliaceous plants, fresh or chilled  
07.01 KAsparagus, fresh or chilled  
07.01 LArtichokes, fresh or chilled  
07.01 MTomatoes, fresh or chilled  
07.01 NOlives, fresh or chilled  
07.01 OCapers, fresh or chilled  
07.01 PCucumbers and gherkins, fresh or chilled  
07.01 QMushrooms and truffels, fresh or chilled  
07.01 RFennel, fresh or chilled  
07.01 SSweet peppers, fresh or chilled  
07.01 TOther, fresh or chilled  
ex 07.02Vegetables, uncooked, frozen  
ex 08.01Dates, bananas, coconuts, Brazil nuts, cashew nuts<sup>1</sup>, avocados, mangoes, guavas and mangosteens, fresh, shelled or peeled  
ex 08.02Citrus fruit, fresh<sup>1</sup>  
ex 08.03Figs, fresh<sup>1</sup>  
ex 08.04Grapes, fresh<sup>1</sup>  
ex 08.05Nuts, other than those falling within heading No. 08.01, fresh<sup>1</sup>, shelled or peeled  
08.06Apples, pears and quinces, fresh<sup>1</sup>  
08.07Stone fruit, fresh<sup>1</sup>  
08.08Berries, fresh<sup>1</sup>  
08.09Other fruit, fresh<sup>1</sup>  
ex 08.10Fruit, uncooked, preserved by freezing, not containing added sugar<sup>1</sup>  
<sup>1</sup>Chilled fruit is treated in the same way as fresh fruit

### PART II

List of pesticides and maximum residue levels

Pesticides Maximum Levels Stated in mg/kg in relation to products mentioned in Part I  
Common Name Chemical Name  
(1)(2) Amitrole 3-amino-1 H-1, 2,4-triazole  
0.02: all products  
Aramite 0-[2-(4-tert-butylphenoxy)-1-methylethyl]-0-(2-chlorethyl)-sulfite  
0.02: all products  
Atrazine 2-ethylamino-3-chloro-o-isopropylamino-1, 3, 5-triazine  
1: all products  
Azinphosethyl 0-diethyl-S-[(4-oxo-3H-1, 2,

3-benzo-triazine-3-yl]-methyl]-dithiophosphate0.02: all products  
Azinphosmethyl0,0-dimethyl-S-[4-oxo-3H-1, 2,  
3-benzo-triazine-3-yl)-methyl]-dithiophosphate2: citrus fruit, peaches,  
melons and celery  
1: other fruit  
0.5: other  
productsBarban(4-chloro-but-2-in-yl)-N-(3-chlorophenyl)-carbamate0.1: all  
productsBinapacryl[6-(1-methyl-propyl)-2,4-dinitrophenyl]-  
3,3-dimethylacrylate1: peaches  
0.5: apples, cherries, grapes and pears  
0.3: other productsCaptanN-(trichlor-methylthio)-cyclohex-4-ene 1,  
2-dicarboxymide20: strawberries and apricots  
15: other productsCarbarylN-methyl-1-naphthyl-carbamate5: fruit and  
vegetables except root vegetables and cucurbits  
3: root vegetables and cucurbits  
1: nuts (shelled) and other  
productsChlorbenzide(4-chloro-benzyl)-(4-chloro-phenyl)-sulphide2: all  
productsChlorfenson(4-chloro-phenyl)-4-chloro-benzene-sulphonate2: all  
productsChlorbenzilateethyl-2-hydroxy-2,2-bis (4-chloro-phenyl)-acetate5:  
apples  
2: other  
productsChloroxuron1-[4-(chlorophenoxy-phenyl)]-3,3-dimethylurea0.2: all  
productsDemeton-S-Methyl 0,0-dimethyl-S-(2-ethylthioethyl)-monothiophosphate  
singly or combined  
2: currants and grapesOxydemeton-  
Methyl0,0-dimethyl-S-(2-ethylsophinyl-ethyl)-  
monothiophosphate1: apples, peaches and plumsDemeton-S-  
Methylsulfone0,0-dimethyl and S-ethyl-sulphonyl thiophosphate0.05: carrots  
0.5: other productsDiallateS-(2,3-dichloro-allyl)-N,N  
diisopropyl-monothio-carbamate0.1: all  
productsDichlorprop2-(2,4-dichlorophenoxy)propionic acid0.1: all  
productsDimethoate0,0-dimethyl-S-(N-methyl-carbamoyl)-methyl-dithiophosphate2:  
all productsOmethoatedimethyl-S-(N-methyl carbamoyl methyl)  
phosphoro-thioate2: fruit  
0.5: other productsDinoseb2,4 dinitro-6-(1-methylpropyl) phenol0.05: all  
productsDodineN-dodecylguanidine acetate5: grapes, peaches and  
strawberries  
2: other fruit  
0.2: other productsEndosulphan6,7,8,9,10,10-hexachloro-1,5,5a,6,9,  
9a-hexahydro-6,9-methano-2,3,4-benzo (e)-dioxathiepin-3-oxide1: fruit and  
vegetables (except bulb and root vegetables)  
0.2: carrots  
0.5: other productsEndrin1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,  
8a-octahydro-1,4-endo-5, 8-endo-dimethano-naphthalene0.02: all  
productsFenchlorphosdimethyl-2,4,5-trichlorophenyl phosphorothionate0.5: all  
productsFenitrothiondimethyl-3-methyl-4-nitrophenyl phosphorothionate2:  
peaches  
0.5: other productsFormothionS-(N-formyl-N-methylcarbamoylmethyl)  
-0,0-dimethyl phosphorothiolothionate0.2: citrus fruits  
0.1: other productsKelthane'1,1-dichloro-2,2-bis(4-ethyl-phenyl) ethane10:  
all productsLindanegamma-1, 2, 3, 4, 5, 6-hexachlorocyclohexane2: leaf  
vegetables  
1: fruit and other vegetables (except carrots)  
0.1: other productsMalathionS/1,2-bis(ethoxy-carbonyl)-ethyl/-0,0-  
dimethyl-dithiophosphate8: grapes, nuts, berry fruit (except

strawberries), leaf vegetables, cabbage including  
 Malaaxon S-(1,2-bis(ethoxy-carbonyl)-ethyl)-0,0-  
 dimethyl-thiophosphate 6: peaches, plums and cherries  
 5: broccoli  
 4: citrus fruit  
 3: tomatoes, kale, turnips  
 2: other products Methoxychlor 1,1,1-trichloro-2,2-bis (4-methoxy-Phenyl)  
 ethane 10: all products Parathion including  
 Paraaxon 0,0-diethyl-0-(4-nitro-phenyl)-monothiophosphate  
 0,0-diethyl-0-(4-nitro-phenyl)-phosphate 1: citrus and stone fruit  
 0.5: other products Methyl Parathion including Methyl  
 Paraaxon 0,0-dimethyl-0-(4-nitro-phenyl)-monothiophosphate  
  
 0,0-dimethyl-0-(4-nitro-phenyl)-phosphate 0.2: all  
 products Phosphamidon 2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl  
 phosphate 0.5: pome and citrus fruit  
 0.2: other products Folpet N-(trichloromethylthio) Phthalimide 30: currants  
 25: grapes and blueberries  
 20: strawberries  
 15: other products Propoxur 2-iso propoxy phenyl methylcarbamate 3: all  
 products TEPP 0,0,0,0-tetraethyl-pyrophosphate 0.05: all products Thiram bis  
 (dimethyl-thio-carbamoyl)-disulphide 4: strawberries, grapes  
 3: other products Toxaphene chlorinated camphenes (67 to 69%  
 chlorine) 0.5: all  
 products Trichlorfon 0,0-dimethyl-(2,2,2-trichloro-1-hydroxy-  
 ethyl)-phosphonate 0.5: all products

GIVEN under my Official Seal, this 18th day of May, 1979.  
 JAMES GIBBONS,  
 Minister for Agriculture.

#### EXPLANATORY NOTE.

The Regulations provide that a person shall not put into circulation any fruit or vegetables to which these Regulations apply if it contains the residue of a pesticide specified in the Regulations in a quantity greater than the maximum laid down for that pesticide.