

**EUROPEAN COMMUNITIES (PESTICIDE RESIDUES) (FRUIT AND VEGETABLES)  
REGULATIONS 1985**

I, AUSTIN DEASY, Minister for Agriculture, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), for the purpose of giving effect to Council Directive No. 82/528/EEC of 19 July, 1982, hereby make the following regulations:

REG 1

1. (2) These Regulations may be cited as the European Communities (Pesticide Residues) (Fruit and Vegetables) Regulations, 1985 and shall come into operation on the 1st day of April 1985.

(2) The European Communities (Pesticide Residues) (Fruit and Vegetables) Regulations, 1979 and 1981, and these Regulations may be cited together as the European Communities (Pesticide Residues) (Fruit and Vegetables) Regulations, 1979 to 1985.

REG 2

2. In these Regulations—

"aircraft" includes hovercraft;

"authorised officer" has the meaning assigned to it by Regulations 2 of the Principal Regulations;

"the Minister" means the Minister for Agriculture;

"the Principal Regulations" means the European Communities (Pesticide Residues) (Fruit and Vegetables) Regulations, 1979 (S.I. No. 183 of 1979).

3. (i) Subject to paragraph (3) of this Regulation, an authorised officer may at any reasonable time enter—

( a ) any place or premises in which he has reasonable grounds for believing that a product to which the Principal Regulations apply is being produced, placed on the market, stored or used,  
(1)O.J. No. L234/1 9 August, 1982.

( b ) any railway wagon, vehicle, ship, vessel, aircraft, container or other thing in which he has reasonable grounds for believing that such a product is being transported, stored or used, and there or at any other place—

(i) make such examinations, tests and inspections, and

(ii) take samples of any product which he finds in the course of his inspection and which he believes is or may be a product to which the Principal Regulations apply,

as he may consider appropriate and provided the quantity which a sample taken pursuant to this Regulation comprises is reasonable.

(2) A person who has in any place or on any premises or in any railway wagon, vehicle, ship, vessel, aircraft, container or other thing a product to which the Principal Regulations apply shall at all reasonable times—

( a ) afford to an authorised officer such facilities and assistance as are reasonably necessary for an inspection and taking of samples pursuant to this Regulation,

( b ) give an authorised officer any information which he may reasonably require regarding the purchase, importation, sale or use

of any such product and which is within the person's knowledge or procurement,

( c ) produce to an authorised officer any document relating to any such product which the authorised officer may reasonably require and when produced permit the officer to inspect and take extracts from the document.

(3) Where a sample is taken pursuant to this Regulation, the authorised officer concerned shall divide the sample into not more than three parts each of which he shall seal and mark, and subject to the foregoing the sampling shall be carried out in accordance with the methods described in the Annex to Commission Directive No. 79/700/EEC of 24 July, 1979.

(4) In proceedings for an offence under the Principal Regulations, evidence of the result of any test, examination or analysis of, or any report on, a sample taken pursuant to this Regulation shall not be adduced unless it is proved that before the proceedings were instituted one of the parts into which the sample was divided (pursuant to the requirements of paragraph (3) of this Regulation) was left with, or sent by registered post to, the defendant or his agent.

(5) Any person who—

( a ) fails to comply with a requirement of 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 by this Regulation, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

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

#### REG 4

4. (1) Where a product is seized pursuant to Regulation 7(1) of the Principal Regulations, a person shall not tamper with, or without the permission of an authorised officer, move, dispose of or otherwise interfere in any way with the product.

(2) A person who contravenes paragraph (1) of this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

#### REG 5

5. Where an order is made by the District Court under Regulation 7 (4) of the Principal Regulations, the order may provide that the product to which it relates shall be disposed of either—

( a ) by the Minister, or

( b ) by the person to whom the relevant notice was given under Regulation 7(3), of the Principal Regulations, and at the expense of the relevant owner,

and in case such an order provides for disposal by the Minister, the cost of disposing of the relevant product pursuant to and in

accordance with the order shall be recoverable by the Minister as a simple contract debt in any court of competent jurisdiction from the person who was the owner of the product at the time it was seized.

#### REG 6

6. The Principal Regulations are hereby amended by—

( a ) the substitution of the following for paragraph (2) of Regulation 4:

"(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 £1,000, or, at the discretion of the court, to imprisonment for a term not exceeding six months.";

( b ) the substitution of "£1,000" for "£200" in paragraph (5) of Regulation 7;

( c ) the substitution of "£1,000" for "£200" in Regulation 8; and

( d ) the substitution of the entry in the Schedule to these Regulations for the entry in Part II of the Schedule; and the said paragraph (5) and the said Regulation 8, as so amended, are set out in paragraphs 1 and 2, respectively, of the Table to this Regulation.

#### TABLE

1. "(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 £1,000."

2. "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 £1,000."

7. Regulations 5 and 6 of the Principal Regulations are hereby revoked.

## SCHEDULE

### PART 11

List of pesticides and maximum residue levels.

Common Name Pesticides Chemical Name

(1) Maximum Levels Stated in mg/kg in relation to products mentioned in Part 1.

(2) Amitrole 1,2,4-triazol-3-ylamine 0.05 all products. Atrazine 2-chloro-4-ethylamino-6-isopropylamino-1,3,5-triazine 0.1 all

products. Azinphos-ethyls-(3,4-dihydro-4-oxobenzo(d)-1,2,3-triazin-3-ylmethyl) 0,0-diethyl phosphorodithioate 0.05 all

products. Azinphos-methyl S-(3,4-dihydro-4-oxobenzo(d)-(1,2,3)-triazin-3-ylmethyl) o,0-dimethylphosphorodithioate 2 Citrus fruit, stone fruit, melons and celery.

1 other fruit

0.5 other products. Barban

Chlorpropham

Chlorbufam 4-chlorobut-2-ynyl-3-chlorocarbanilate) isopropyl 3-chlorophenylcarbamate )

1-methylprop-2-ynyl 3-chlorophenylcarbamate ) Sum expressed as 3-chloroaniline:

0.1 celery, carrots, chervil, parsnip and

parsley Binapacryl 2-sec-butyl-4,6-dinitrophenyl-3-methylcrotonate 0.5 bulb, tuber and root vegetables

0.3 other products. Bromophos-ethyl 0-4-bromo-2,5-dichlorophenyl)

0,0-diethyl phosphorothioate 2 pome fruit, plums carrots and spinach

1 brussels spouts and red currants

0.5 other products. Bromopropylate isopropyl 4,4'-dibromobenzilate 5 pome fruit, stone fruit, bananas, strawberries, grapes and citrus fruit

1 vegetables

0.05 other products. Captan N-(trichloromethylthio)-cyclohex-4-ene-1,2-dicarboximide 20 strawberries, apricots and cherries

15 other products. Captafol 1,2,3,6-tetrahydro-N-(1,1,2,2-tetrachloroethylthio) phthalimide 8 leaf vegetables

2 root vegetables

5 other products. Carbaryl 1-naphthyl methylcarbamate 5 fruit and vegetables except root vegetables, cucurbits, sweetcorn and cow peas

3 cucurbits

2 root vegetables

1 sweetcorn, cow peas and other products. Chinomethionat 6-methyl-1,3-dithiolo (4,5-b) quinoxalin-2-one 0.5 citrus fruit

0.3 Other products. Chlorbenzide 4-chlorobenzyl 4-chlorophenyl sulphide 2 all products. Chlorfenvinphos (sum of E & Z - isomers)

2-chloro-1-(2,4-dichlorophenyl) vinyl diethylphosphate 0.5 bulb, tuber & root vegetables, celery and parley

0.1 other vegetables

0.05 other products. Chlorobenzilate ethyl 4,4'-dichlorobenzilate 5 apples

0.2 nuts

2 other products. Chloroxuron 3-(4-(4-chlorophenoxy)phenyl)-1,

1-dimethylurea 0.2 all products. DDT (Sum of p,p' DDT; o,p' DDT; p,p'

DDE & p,p' TDE) 1,1,1-trichloro-2,2-bis (4-chlorophenyl) ethane 0.1 all products  
Demeton-S-Methyl  
Oxydemeton-Methyl

Demeton-S-Methylsulfone S-2-ethylthioethyl 0,0-dimethyl phosphorothioate  
S-2-ethylsulphinyethyl 0,0-dimethyl phosphorothioate  
S-2-ethylsulphonyethyl 0,0-dimethyl phosphorothioates singly or combined

0.05 carrots  
0.5 other products Diallate

Triallate S-2,3-dichloroallyl diisopropylthiocarbamate  
S-2,3,3-trichloroallyl diisopropylthiocarbamate sum

0.1 all products Diazinon 0,0-diethyl 0-2-isopropyl-6-methyl-pyrimidin-4-yl phosphorothioate  
0.1 nuts

0.5 other products Dichlofluanid N-dichlorofluoromethylthio-N', -N'-dimethyl-N-phenylsulphamide  
15 currants, grapes & raspberries  
10 lettuce, other berries

5 other products Perthane'1, 1-dichloro-2, 2-bis(4-ethyl-phenyl) ethane  
10 all products. Dichloroprop 2-(2, 4-dichlorophenoxy) propionic acid  
0.05 all products Dichlorvos 2, 2-dichlorovinyl dimethyl phosphate  
1 lettuce

0.5 other vegetables and mushrooms

0.1 other products Dicofol 2, 2, 2-trichloro-1, 1-bis (4-chlorophenyl) ethanol  
2 Cucumbers and Gherkins.

1 Strawberries, Tomatoes.

5 other fruit and vegetables.

0.5 other products Dimethoate 0, 0-dimethyl S-methylcarbamoyl-methyl phosphorodithioate  
1 all products Omethoate 0, 0-dimethyl

S-methylcarbamoyl-methyl phosphorothioate  
0.5 all

products Dinoseb 2-sec-butyl-4, 6-dinitrophenol  
0.05 all products Dioxathion S, S'-(1, 4-dioxane-2, 3-diyl) 0, 0, 0', '-tetraethyl

di(phosphorodithioate) 5 pome fruit

3 citrus fruit

2 grapes

0.2 other products Diquat, expressed as Diquate cation 1, 1'-ethylene-2, 2'-bipyridyl diylium ion  
0.1 vegetables

0.05 other products Dodine 1-dodecylguanidium acetate  
5 grapes, peaches strawberries & pome fruit

2 cherries

1 other fruit

0.2 other products Endosulphan (sum of a & b endosulphan and endosulphan sulphate) 1, 4, 5, 6, 7, 7-hexachloro-8, 9, 10-trinorborn-5-en-2, 3-

ylenedimethyl sulphite  
0.2 root vegetables

1 other products Endrin (IR, 4S, 5R, 8S)-1, 2, 3, 4, 10, 10-hexachloro-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-6, 7-epoxy-1, 4: 5, 8-dimethanonaphthalene  
0.01 all products Fenclorphos and its oxygen analogue  
0, 0-dimethyl 0-2, 4, 5-trichlorophenyl phosphorothioate

0,0-demethyl 0-2, 4, 5-trichlorophenyl phosphatesum:

0.01 all products Fenitrothion 0,0-dimethyl 0-4-nitro-m-tolyl phosphorothioate  
1 peaches

0.5 other products Fentin compounds (sum expressed as fentin hydroxide)

triphenylton1 celery  
0.2 carrots  
0.1 celeriac  
0.05 other productsFolpetN-(trichloromethylthio) phthalimide30 currants  
20 blueberries, grapes & strawberries  
15 cherries, lettuce & raspberries  
10 citrus fruit and pome fruit  
5 tomatoes  
2 other productsFormothionS-(N-formyl-N-methylcarbamoyl-methyl) 0,  
0-dimethyl phosphorodithioate0.2 citrus fruits  
0.1 other productsheptachlor (sum of Heptachlor & Heptachlor epoxide)  
1, 4, 5, 6, 7, 8, 8-heptachloro-3a, 4, 7, 7a-tetrahydro -4,  
7-methanoindene0.2 carrots  
0.02 tomatoes  
0.05 other vegetables  
0.01 other productsLindan (gamma-HCH) 1a, 2a, 3b, 4a, 5a,  
6b-hexachlorocyclohexane2 leaf vegetables  
0.5 tomatoes, stone fruit and grapes  
0.2 carrots  
1 other productsMalathion

including MalaaxonS-1, 2-bis(ethoxycarbony) ethyl 0, 0-dimethyl  
phosphorodithioate  
S-1, 2-bis(ethoxycarbonyl)ethyl 0, 0-dimethyl phosphorothioate8  
blackberries, raspberries, grapes, endive, lettuce, nuts, spinach and  
cabbage  
6 peaches, plums and cherries  
5 broccoli  
4 citrus fruit  
3 other vegetables (apart from root vegetables) & turnips  
2 apples  
1 strawberries  
0.5 other productsMethoxychlor1, 1, -trichloro-2, 2-bis  
(4-methoxy-phenyl) ethane10 all productsMethylbromidebromomethane0.1 all  
productsMethyl Parathion including  
Methyl Paraoxon0,0-dimethyl 0-4-nitrophenyl phosphorothioate  
0,0-dimethyl 0-4-nitrophenyl phosphate0.2 all products  
0.2 all productsParathion including

Paraoxon0,0-diethyl 0-4-nitrophenyl phosphorothioate  
0,0-diethyl 0-4-nitrophenyl phosphate1 citrus and stone fruit  
0.5 other productsParaquat, expressed as Paraquat  
cation1,1'-dimethyl-4,4'-bipyridyldiylidium0.05 all  
productsPhosphamidon2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl  
phosphate0.5 pome fruit  
0.4 citrus fruit  
0.2 other productsPropoxur2-isopropoxyphenyl methylcarbamate3 all  
productsPyrethrins (sum of Pyrethrins 1 & 11, Cinerins 1 & 11 &  
Jasmolins 1 & 111 all productsTEPPtetraethyl pyrophosphate0.01 all  
productsThiramtetramethylthiuram disulphide4 strawberries, grapes  
3 other productsToxaphenechlorinated camphenes (67 to 69% chlorine)  
0.4 all productsTrichlorofondimethyl-2, 2,  
2-trichloro-1-hydroxyethyl-phosphonate0.5 all productsVamidothion (sum of  
Vamidothion and Vamidothion sulfoxide0,0-dimethyl  
S-2-(1-methylcarbamoyl)ethyl-thio) ethylphosphorothioate0.5 pome fruit

0.05 other products

GIVEN under my Official Seal, this 7th day March, 1985.

AUSTIN DEASY,

Minister for Agriculture.

EXPLANATORY NOTE.

These Regulations amend existing Regulations (S.I. No. 183 of 1979) in regard to (i) the procedures for inspection of documents and products and the taking of samples, (ii) the maximum fines for infringements and (iii) the list of pesticides scheduled and the maximum levels of those pesticides permitted in fruit and vegetables.