

COMMISSION DIRECTIVE 2006/9/EC**of 23 January 2006****amending Council Directives 90/642/EEC as regards the maximum residue levels of diquat, fixed therein****(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 certain products of plant origin including fruit and vegetables ⁽¹⁾, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽²⁾, and in particular Article 4(1)(f) thereof,

Whereas:

(1) In accordance with Directive 91/414/EEC, authorisations of plant protection products for use on specific crops are the responsibility of the Member States. Such authorisations have to be based on the evaluation of effects on human and animal health and influence on the environment. Elements to be taken into account in such evaluations include operator and bystander exposure and impact on the terrestrial, aquatic and aerial environments, as well as impact on humans and animals through consumption of residues on treated crops.

(2) Maximum residue levels (MRLs) reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in terms of estimated dietary intake.

(3) MRLs for pesticides should be kept under review. They may be changed to take account of new uses, new information and data.

(4) 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

residues 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 with such necessary data.

(5) Information on new or changed uses of diquat covered by Directive 90/642/EEC has been notified to the Commission.

(6) The lifetime exposure of consumers to these pesticides via food products that may contain residues of these pesticides, has been assessed and evaluated in accordance with the procedures and practices used within the Community, taking account of guidelines published by the World Health Organisation ⁽³⁾. It has been calculated that the MRLs concerned will ensure that the acceptable daily intake is not exceeded.

(7) An assessment of the available information has shown that no ARfD is required and that therefore a short term assessment is not needed.

(8) Therefore it is appropriate to fix new maximum levels for residues of diquat.

(9) The setting or modification at Community level of provisional MRLs does not prevent the Member States from establishing provisional MRLs for diquat in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI thereto. It is considered that a period of four years is sufficient to permit further uses of diquat. The provisional Community MRL should then become definitive.

(10) Directive 90/642/EEC should therefore be amended accordingly.

(11) 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 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2005/76/EC (OJ L 293, 9.11.2005, p. 14).

⁽²⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2005/72/EC (OJ L 279, 22.10.2005, p. 63).

⁽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).

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 90/642/EEC is amended as follows. In group '4. OILSEEDS', the entry 'Hemp seed' is inserted between the entries 'Cotton seed' and 'Others'.

Article 2

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

Article 3

1. Member States shall adopt and publish, by 26 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.

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 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, 23 January 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

In part A of Annex II to Directive 90/642/EEC, the column for diquat is replaced by the following:

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

Pesticide residue and maximum residue level (mg/kg)	
Groups and examples of individual products to which the MRLs would apply	Diquat
Plums	
Others	
(v) BERRIES AND SMALL FRUIT	
(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	
Avocados	
Bananas	
Dates	
Figs	
Kiwi	
Kumquats	
Litchis	
Mangoes	
Olives	
Papaya	
Passion fruit	
Pineapples	
Pomegranate	
Others	

Pesticide residue and maximum residue level (mg/kg)	
Groups and examples of individual products to which the MRLs would apply	Diquat
2. Vegetables, fresh or uncooked, frozen or dry	0,05 (*) (P)
(i) ROOT AND TUBER VEGETABLES	
Beetroot	
Carrots	
Cassava	
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	
(b) Cucurbits — edible peel	
Cucumbers	
Gherkins	
Courgettes	
Others	

Pesticide residue and maximum residue level (mg/kg)	
Groups and examples of individual products to which the MRLs would apply	Diquat
(c) Cucurbits — inedible peel	
Melons	
Squashes	
Watermelons	
Others	
(d) Sweet corn	
(iv) BRASSICA VEGETABLES	
(a) Flowering brassica	
Broccoli (including Calabrese)	
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 (broad-leaf endive)	
Others	
(b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
(c) Water cress	
(d) Witloof	

Pesticide residue and maximum residue level (mg/kg)	
Groups and examples of individual products to which the MRLs would apply	Diquat
(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	<u>0,2 (P)</u>
Beans	
Lentils	
Peas	
Others	
4. Oilseeds	
Linseed	5 (P)
Peanuts	0,1 (*) (P)
Poppy seed	0,1 (*) (P)

Pesticide residue and maximum residue level (mg/kg)	
Groups and examples of individual products to which the MRLs would apply	Diquat
Sesame seed	0,1 (*) (P)
Sunflower seed	<u>1</u> (P)
Rape seed	<u>2</u> (P)
Soya bean	<u>0,2</u> (P)
Mustard seed	0,5 (P)
Cotton seed	0,1 (*) (P)
Hemp seed	<u>0,5</u> (P)
Others	0,1 (*) (P)
5. Potatoes	0,05 (*) (P)
Early potatoes	
Ware potatoes	
6. Tea (dried leaves and stalks, fermented or otherwise, <i>Camellia sinensis</i>)	0,1 (*) (P)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*) (P)

(*) Indicates lower limit of analytical determination.

(P) Indicates that the maximum residue level has been established provisionally in accordance with Article 4(1)(f) of Directive 91/414/EEC.