

COUNCIL DIRECTIVE 95/38/EC

of 17 July 1995

amending Annexes I and II to Directive 90/642/EEC on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables, and providing for the establishment of a list of maximum levels

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables⁽¹⁾, and in particular Article 1 thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has been instructed, within the framework of Directive 90/642/EEC, to prepare a list of pesticide residues and their maximum levels for submission to the Council for approval;

Whereas pesticide residues may occur in products of plant origin, including fruit and vegetables, as a result of agricultural practices; whereas it is necessary to take into account relevant data for both authorized pesticide uses and supervised trials;

Whereas in order better to estimate the maximum potential dietary intake of pesticide residues, it is prudent to establish simultaneously, where appropriate, maximum residue levels for individual pesticides in all major components of diet; whereas these levels represent the use of minimum quantities of pesticide necessary to achieve adequate control, applied in such a manner that the amount of residue is the smallest possible and is toxicologically acceptable;

Whereas it is now appropriate that maximum levels be fixed for certain pesticide residues in products of plant origin, namely methidathion, methomyl thiodicarb, amitraz, pirimiphos-methyl, aldicarb, thiabendazole; whereas, however, it is not possible to do so for all pesticide residue product combinations due to insufficient data;

Whereas, in the case of thiabendazole, the available data are insufficient to establish, in accordance with current rules, a maximum residue level for citrus fruit; whereas, however, thiabendazole has been included in the list of substances included in Commission Regulation (EEC) No 3600/92⁽²⁾ and is covered by the first stage of the work programme provided for in Article 8 (2) of Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽³⁾; whereas an important element of this programme will be the establishment of maximum levels arising from use as plant protection products;

Whereas certain pesticide residues may remain, in particular, in spices, which may need to be controlled; whereas it is necessary to amend Annex I to Directive 90/642/EEC to include such spices in the list of groups of product to which maximum residue levels apply;

Whereas, it is only considered necessary to establish maximum pesticide residue levels in spices for certain pesticides having regard to the toxicological nature of their residues and their use pattern;

Whereas, however, the available data are insufficient by current standards to establish maximum pesticide residue levels for certain pesticide residue/product combinations; whereas in such cases a period of time not exceeding four years would seem reasonable for the generation of the necessary data; whereas maximum levels should therefore be established on the basis of such data by 1 July 2000 at the latest; whereas failure to provide satisfactory data will result in the establishment of levels at the appropriate limit of determination; whereas satisfactory undertakings to generate the necessary data must be given within one year of adoption of this Directive;

Whereas the maximum residue levels established in this Directive will have to be reviewed in the framework of the re-evaluation of active substances provided for in the work programme referred to in Article 8 (2) of Directive 91/414/EEC,

⁽¹⁾ OJ No L 350, 14. 12. 1990, p. 71. Directive as last amended by Directive 94/30/EC (OJ No L 189, 23. 7. 1994, p. 70).

⁽²⁾ OJ No L 366, 15. 12. 1992, p. 10.

⁽³⁾ OJ No L 230, 19. 8. 1991, p. 1. Directive as last amended by Directive 94/43/EC (OJ No L 227, 1. 9. 1994, p. 31).

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residues level (mg/kg)		
	Methiathion	Methomyl Thiodicarb : sum of methomyl and thiodicarb expressed as methomyl	Amitraz residue : amitraz plus all its metabolites containing 2,4 dimethylaniline, expressed as amitraz
pine nuts			
pistachios			
walnuts			
others			
(iii) POME FRUIT	0,3		1
apples		1	
pears		(b)	
quinces			
others		0,05 (*)	
(iv) STONE FRUIT		(b)	
apricots			
cherries	(a)		
peaches (including nectarines, and similar hybrids)			1
plums			
others	0,2		(a)
(v) BERRIES AND SMALL FRUIT			
(a) <i>table and wine grapes</i>	0,5	3	(a)
table grapes			
wine grapes			
(b) <i>strawberries</i> (other than wild)	0,02 (*)	0,05 (*)	(a)
(c) <i>cane fruit</i> (other than wild)	0,02 (*)	0,05 (*)	0,02 (*)
blackberries			
dewberries			
loganberries			
raspberries			
others			
(d) <i>other small fruit and berries</i> (other than wild)	0,02 (*)		
bilberries (fruit of species <i>vaccinium myrtillus</i>)			
cranberries			
currants (red, black and white)		(b)	(a)
gooseberries			
others		0,05 (*)	0,02 (*)
(e) <i>wild berries and wild fruit</i>	0,02 (*)	0,05 (*)	0,02 (*)
(vi) MISCELLANEOUS			0,02 (*)
avocados			
bananas			
dates			
figs			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residues level (mg/kg)		
	Methiathion	Methomyl Thiodicarb : sum of methomyl and thiodicarb expressed as methomyl	Amitraz residue : amitraz plus all its metabolites containing 2,4 dimethylaniline, expressed as amitraz
kiwi			
kumquats			
lychees			
mangoes			
olives	1	(b)	
passion fruit			
pineapples			
pomegranates			
others	0,02 (*)	0,05 (*)	
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER VEGETABLES	0,02 (*)		0,02 (*)
beetroot			
carrots			
celeriac			
horse radish			
jerusalem artichokes			
parsnips			
parsley root			
radishes		0,5 (*)	
salsify			
sweet potatoes			
swedes			
turnips			
yam			
others		0,05 (*)	
(ii) BULB VEGETABLES		0,05 (*)	0,02 (*)
garlic			
onions	(a)		
shallots	(a)		
spring onions			
others	0,02 (*)		
(iii) FRUITING VEGETABLES			
(a) Solanaceae	0,02 (*)	(b)	
tomatoes			0,5
peppers			
aubergines			
others			(a)
(b) Cucurbits — edible peel	0,02 (*)		(a)
cucumbers		(b)	
gherkins			
courgettes		(b)	
others		0,05 (*)	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residues level (mg/kg)		
	Methiadathion	Methomyl Thiodicarb : sum of methomyl and thiodicarb expressed as methomyl	Amitraz residue : amitraz plus all its metabolites containing 2,4 dimethylaniline, expressed as amitraz
(c) <i>Cucurbits — inedible peel</i> melons squashes watermelons others	0,02 (*)	0,2	(a)
(d) <i>sweetcorn</i>	0,02 (*)	0,05 (*)	0,02 (*)
(iv) BRASSICA VEGETABLES			
(a) <i>flowering brassica</i> broccoli cauliflower others	0,02 (*)	(b)	0,02 (*)
(b) <i>head brassica</i> brussels sprouts head cabbage others	0,02 (*)	(b)	0,02 (*)
(c) <i>leaf brassica</i> chinese cabbage kale others	0,02 (*)	(b)	0,02 (*)
(d) <i>Kohlrabi</i>	0,02 (*)	0,05 (*)	0,02 (*)
(v) LEAF VEGETABLES AND FRESH HERBS			
(a) <i>lettuce and similar</i> cress lamb's lettuce lettuce scarole others	0,02 (*)	(b)	0,02 (*)
(b) <i>Spinach and similar</i> beet leaves (chard)	0,02 (*)	2	0,02 (*)
(c) <i>water cress</i>	0,02 (*)	0,05 (*)	0,02 (*)
(d) <i>witloof</i>	0,02 (*)	0,05 (*)	0,02 (*)
(e) <i>herbs</i> chervil chives parsley celery leaves others	0,02 (*)	(b)	0,02 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residues level (mg/kg)		
	Methiathion	Methomyl Thiodicarb : sum of methomyl and thiodicarb expressed as methomyl	Amitraz residue : amitraz plus all its metabolites containing 2,4 dimethylaniline, expressed as amitraz
(vi) LEGUME VEGETABLES (fresh)	0,02 (*)		0,02 (*)
beans (with pods)		(b)	
beans (without pods)			
peas (with pods)		(b)	
peas (without pods)			
others		0,05 (*)	
(vii) STEM VEGETABLES (fresh)			0,02 (*)
asparagus			
cardoons			
celery			
fennel		(b)	
globe artichokes		(b)	
leek	(a)		
rhubarb			
others	0,02 (*)	0,05 (*)	
(viii) FUNGI	0,02 (*)	0,05 (*)	0,02 (*)
cultivated mushrooms			
wild mushrooms			
3. Pulses	0,02 (*)	0,05 (*)	0,02 (*)
beans			
lentils			
peas			
others			
4. Oil seed			
linseed			
peanuts			
poppy seeds			
sesame seeds			
sunflower seed (with shell)			
sunflower seed (without shell)			
rape seed	0,05 (*)		
soya bean		0,2	
mustard seed			
cotton seed	(a)	0,5	(a)
others	0,02 (*)	0,05 (*)	0,02 (*)
5. Potatoes	0,02 (*)	0,05 (*)	0,02 (*)
early and ware potatoes			
6. Tea (Dried leaves and stalks, fermented or otherwise of <i>camellia sinensis</i>)	(b)	0,1 (*)	0,1 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	3	10	50

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Pirimiphos-methyl	Aldicarb residue : sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar ; nuts		
(i) CITRUS FRUIT		0,2
grapefruit		
lemons		
limes		
mandarins (including clementines and other hybrids)	2	
oranges		
pomelo		
others	1	
(ii) TREE NUTS (shelled or unshelled)		
almonds	(b)	
brazil nuts		
cashew nuts		
chestnuts		
coconuts		
hazelnuts	(b)	
macadamia		(b)
pecans		0,2
pine nuts		
pistachios	(b)	
walnuts	(b)	
others	0,05 (*)	0,05 (*)
(iii) POME FRUIT	(b)	0,05 (*)
apples		
pears		
quinces		
others		
(iv) STONE FRUIT	(b)	0,05 (*)
apricots		
cherries		
peaches (including nectarines and similar hybrids)		
plums		
others		
(v) BERRIES AND SMALL FRUIT		
(a) table and wine grapes	(b)	0,05 (*)
table grapes		
wine grapes		
(b) strawberries (other than wild)	(b)	(b)
(c) cane fruit (other than wild)	0,05 (*)	0,05 (*)
blackberries		
dewberries		
loganberries		
raspberries		
others		

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Pirimiphos-methyl	Aldicarb residue : sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb
(d) <i>other small fruit and berries</i> (other than wild) bilberries (fruit of species <i>vaccinium myrtillus</i>) cranberries currants (red, black and white) gooseberries others	0,05 (*)	0,05 (*)
(e) <i>wild berries and wild fruit</i>	0,05 (*)	0,05 (*)
(vi) MISCELLANEOUS		
avocados		
bananas		(b)
dates		
figs		
kiwi	2	
kumquats		
lychees		
mangoes		
olives	(b)	
passion fruit		
pineapples		
pomegranate		
others	0,05 (*)	0,05 (*)
2. Vegetables, fresh or uncooked, frozen or dry		
(i) ROOT AND TUBER VEGETABLES		
beetroot		(b)
carrots	1	(b)
celeriac		
horse radish		
jerusalem artichokes		
parsnips		
parsley root		(b)
radishes		
salsify		
sweet potatoes		
swedes		
turnips		
yam		
others	0,05 (*)	0,05 (*)
(ii) BULB VEGETABLES	(b)	0,05 (*)
garlic		
onions		
shallots		
spring onions		
others		
(iii) FRUITING VEGETABLES		
(a) <i>solanacea</i>	(b)	
tomatoes		
peppers		(b)
aubergines		(b)
others		0,05 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Pirimiphos-methyl	Aldicarb residue : sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb
(b) <i>cucurbits — edible peel</i> cucumbers gherkins courgettes others	(b)	0,05 (*)
(c) <i>cucurbits — inedible peel</i> melons squashes watermelons others	(b)	0,05 (*)
(d) <i>sweetcorn</i>	0,05 (*)	0,05 (*)
(iv) BRASSICA VEGETABLES		
(a) <i>Flowering brassica</i> broccoli cauliflower others	1	(b) 0,2 0,05 (*)
(b) <i>head brassica</i> brussels sprouts head cabbage others	2 (b)	0,2 (b) 0,05 (*)
(c) <i>leafy brassica</i> chinese cabbage kale others	(b)	0,05 (*)
(d) <i>kohlrabi</i>	(b)	0,05 (*)
(v) LEAF VEGETABLES AND FRESH HERBS		
(a) <i>lettuce and similar</i> cress lamb's lettuce Lettuce scarole others	(b)	0,05 (*)
(b) <i>spinach and similar</i> beet leaves (chard)	(b)	0,05 (*)
(c) <i>water cress</i>	0,05 (*)	0,05 (*)
(d) <i>Witloof</i>	0,05 (*)	0,05 (*)
(e) <i>herbs</i> chervil chives parsley celery leaves others	(b)	0,05 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)	
	Pyrimiphos-methyl	Aldicarb residue : sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb
(vi) LEGUME VEGETABLES (fresh)		0,05 (*)
beans (with pods)		
beans (without pods)		
peas (with pods)		
peas (without pods)	0,05 (*)	
others	(b)	
(vii) STEM VEGETABLES (fresh)	(b)	
asparagus		
cardoons		
celery		
fennel		
globe artichokes		
leek		(b)
rhubarb		
others		0,05 (*)
(viii) FUNGI		0,05 (*)
cultivated mushrooms	(b)	
wild mushrooms	0,05 (*)	
3. Pulses	(b)	0,05 (*)
beans		
lentils		
peas		
others		
4. Oil seed		
linseed	(b)	(b)
peanuts	(b)	
poppy seeds		
sesame seeds		
sunflower seed (with shell)	(b)	
sunflower seed (without shell)	(b)	
rape seed	(b)	(b)
soya bean	(b)	
mustard seed		
cotton seed	(b)	(b)
others	0,05 (*)	0,05 (*)
5. Potatoes	0,05 (*)	(b)
early and ware potatoes		
6. Tea (Dried leaves and stalks, fermented or otherwise, <i>camellia sinensis</i>)	0,05 (*)	0,05 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,05 (*)	(b)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Thiabendazole
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar ; nuts	
(i) CITRUS FRUIT	6
grapefruit	
lemons	
limes	
mandarins (including clementines and other hybrids)	
oranges	
pomelo	
others	
(ii) TREE NUTS (shelled or unshelled)	0,1 (*)
almonds	
brazil nuts	
cashew nuts	
chestnuts	
coconuts	
hazelnuts	
macadamia	
pecans	
pine nuts	
pistachios	
walnuts	
others	
(iii) POME FRUIT	5
apples	
pears	
quinces	
others	
(iv) STONE FRUIT	
apricots	
cherries	(b)
peaches (including, nectarines and similar hybrids)	
plums	
others	0,05 (*)
(v) BERRIES AND SMALL FRUIT	
(a) <i>table and wine grapes</i>	(b)
table grapes	
wine grapes	
(b) <i>strawberries</i> (other than wild)	5
(c) <i>cane fruit</i> (other than wild)	
blackberries	
dewberries	
loganberries	
raspberries	(b)
others	0,05 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Thiabendazole
(d) <i>other small fruit and berries</i> (other than wild)	
bilberries (fruit of species <i>vaccinium myrtillus</i>)	
cranberries	
currants (red, black and white)	(b)
gooseberries	(b)
others	0,05 (*)
(e) <i>Wild berries and wild fruit</i>	0,05 (*)
(vi) MISCELLANEOUS	
avocados	
bananas	3
dates	
figs	
kiwi	
kumquat	
lychees	
mangoes	
olives	
passion fruit	
pineapples	
pomegranate	
others (except bananas)	0,05 (*)
2. Vegetables, fresh or uncooked, frozen or dry	
(i) ROOT AND TUBER VEGETABLES	
beetroot	(b)
carrots	
celeriac	
horse radish	
jerusalem artichokes	
parsnip	
parsley root	
radishes	
salsify	
sweet potatoes	
swedes	
turnips	
yam	
others	0,05 (*)
(ii) BULB VEGETABLES	
garlic	(b)
onions	(b)
shallots	(b)
spring onions	
others	0,05 (*)
(iii) FRUITING VEGETABLES	
(a) <i>solanacea</i>	
tomatoes	(b)
peppers	(b)
aubergines	
others	0,05 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Thiabendazole
(b) <i>cucurbits — edible peel</i>	
cucumbers	(b)
gherkins	
courgettes	
others	0,05 (*)
(c) <i>cucurbits — inedible peel</i>	
melons	(b)
squashes	
watermelons	(b)
others	0,05 (*)
(d) <i>sweetcorn</i>	0,05 (*)
(iv) BRASSICA VEGETABLES	
(a) <i>flowering brassica</i>	
Broccoli	5
cauliflower	
others	0,05 (*)
(b) <i>head brassica</i>	
brussels sprouts	(b)
head cabbage	0,05 (*)
others	0,05 (*)
(c) <i>leafy brassica</i>	
chinese cabbage	
kale	
others	
(d) <i>kohlrabi</i>	0,05 (*)
(v) LEAF VEGETABLES AND FRESH HERBS	
(a) <i>lettuce and similar</i>	
cress	
lamb's lettuce	
lettuce	(b)
scarole	
others	0,05 (*)
(b) <i>spinach and similar</i>	0,05 (*)
beet leaves (chard)	
(c) <i>water cress</i>	0,05 (*)
(d) <i>witloof</i>	0,05 (*)
(e) <i>herbs</i>	0,05 (*)
chervil	
chives	
parsley	
celery leaves	
others	
(vi) LEGUME VEGETABLES (fresh)	
beans (with pods)	(b)
beans (without pods)	(b)
peas (with pods)	
peas (without pods)	
others	0,05 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Thiabendazole
(vii) STEM VEGETABLES (fresh)	
asparagus	(b)
cardoons	
celery	(b)
fennel	
globe artichokes	
leek	(b)
rhubarb	
others	0,05 (*)
(viii) FUNGI	
cultivated mushrooms	(b)
wild mushrooms	0,05 (*)
3. Pulses	0,05 (*)
beans	
lentils	
peas	
others	
4. Oil Seed	0,05 (*)
linseed	
peanuts	
poppy seeds	
sesame seeds	
sunflower seed (with shell)	
sunflower seed (without shell)	
rape seed	
soya bean	
mustard seed	
cotton seed	
others	
5. Potatoes	
early potatoes	(b)
ware potatoes	5
6. Tea (Dried leaves and stalks fermented or otherwise, <i>camellia sinensis</i>)	0,1 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*)
8. Spices	
cumin seed	
juniper berries	
nutmeg	
pepper, black and white	
vanilla pods	
(whole products)	

(*) Indicates lower limit of analytical determination.

(a) (b) Should levels not be adopted by 1 July 2000, the following maximum levels shall apply:

(a) 0,02 (*).

(b) 0,05 (*).

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 July 1996.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 17 July 1995.

For the Council

The President

L. ATIENZA SERNA