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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

(OJ L 197, 22.8.1995, p. 14)

Corrected by:

►**C1** Corrigendum, OJ L 155, 28.6.1996, p. 62 (95/38)

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COUNCIL DIRECTIVE 95/38/EC

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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,

►C1 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 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

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[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).

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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,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 90/642/EEC is hereby amended as follows:

1. Annex I shall be supplemented by the addition of the following:

'Group of products	Products included in the groups	Parts of products to which maximum residue levels apply
8. **Spices**		
	Cumin seed	Whole product
	Juniper berries	
	Nutmeg	
	Pepper, black and white	
	Vanilla pods	
	Others'	

2. Annex II shall become Annex II, Part A, and shall be supplemented by the following:

'Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	►C1 Methidathion ◄	Methomyl Thiodicarb: sum of methomyl and thiodicarb expressed as methomyl	Amitraz residue: amitraz plus all its metabolites containing 2,4 dimethylaniline, expressed as amitraz
1. **Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts**			
(i) CITRUS FRUIT	2	(b)	
grapefruit			
lemons			
limes			
mandarins (including clementines and other hybrids)			
oranges			1
pomelos			
others			(a)
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)	0,05 (*)	0,02 (*)
almonds			
brazil nuts			
cashew nuts			
chestnuts			
coconuts			
hazelnuts			
Macadamia			
Pecans			

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'Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	►C1 Methidathion ◄	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) *table and wine grapes*	0,5	3	(a)
table grapes			
wine grapes			
(b) *strawberries* (other than wild)	0,02 (*)	0,05 (*)	(a)
(c) *cane fruit* (other than wild)	0,02 (*)	0,05 (*)	0,02 (*)
blackberries			
dewberries			
loganberries			
raspberries			
others			
(d) *other small fruit and berries* (other than wild)	0,02 (*)		
bilberries (fruit of species *vaccinium myrtillus*)			
cranberries			
currants (red, black and white)		(b)	(a)
gooseberries			
others		0,05 (*)	0,02 (*)
(e) *wild berries and wild fruit*	0,02 (*)	0,05 (*)	0,02 (*)
(vi) MISCELLANEOUS			0,02 (*)
avocados			
bananas			
dates			
figs			
kiwi			
kumquats			
lychees			
mangoes			
olives	1	(b)	
passion fruit			
pineapples			
pomegranates			
others	0,02 (*)	0,05 (*)	
2. **Vegetables, fresh or uncooked, frozen or dry**			

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'Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	►C1 Methidathion ◄	Methomyl Thiodicarb: sum of methomyl and thiodicarb expressed as methomyl	Amitraz residue: amitraz plus all its metabolites containing 2,4 dimethylaniline, expressed as amitraz
(i) ROOT AND TUBER VEGETABLES	0,02 (*)		0,02 (*)
beetroot			
carrots			
celeriac			
horse radish			
jerusalem artichokes			
parsnips			
parsley root			
▼C1 radishes		0,5	
▼B 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) *Solanacea*	0,02 (*)	(b)	
tomatoes			0,5
peppers			
▼C1 aubergines			(a)
others			
▼B (b) *Cucurbits — edible peel*	0,02 (*)		(a)
cucumbers		(b)	
gherkins			
courgettes		(b)	
others		0,05 (*)	
(c) *Cucurbits — inedible peel*	0,02 (*)	0,2	(a)
melons			
squashes			
watermelons			
others			
(d) *sweetcorn*	0,02 (*)	0,05 (*)	0,02 (*)
(iv) BRASSICA VEGETABLES			
(a) *flowering brassica*	0,02 (*)	(b)	0,02 (*)
broccoli			
cauliflower			
others			
(b) *head brassica*	0,02 (*)	(b)	0,02 (*)
brussels sprouts			
head cabbage			
others			
(c) *leaf brassica*	0,02 (*)	(b)	0,02 (*)
chinese cabbage			

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'Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	►C1 Methidathion ◄	Methomyl Thiodicarb: sum of methomyl and thiodicarb expressed as methomyl	Amitraz residue: amitraz plus all its metabolites containing 2,4 dimethylaniline, expressed as amitraz
kale			
others			
(d) *Kohlrabi*	0,02 (*)	0,05 (*)	0,02 (*)
(v) LEAF VEGETABLES AND FRESH HERBS			
(a) *lettuce and similar*	0,02 (*)	(b)	0,02 (*)
cress			
lamb's lettuce			
lettuce			
scarole			
others			
(b) *Spinach and similar*	0,02 (*)	2	0,02 (*)
beet leaves (chard)			
(c) *water cress*	0,02 (*)	0,05 (*)	0,02 (*)
(d) *witloof*	0,02 (*)	0,05 (*)	0,02 (*)
(e) *herbs*	0,02 (*)	(b)	0,02 (*)
chervil			
chives			
parsley			
celery leaves			
others			
(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			

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'Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	►C1 Methidathion ◄	Methomyl Thiodicarb: sum of methomyl and thiodicarb expressed as methomyl	Amitraz residue: amitraz plus all its metabolites containing 2,4 dimethylaniline, expressed as amitraz
4. **Oil seed**			
linseed			
peanuts			
poppy seeds			
sesame seeds			
►C1 sunflower seed ◄			
▼C1 rape seed	0,05		
▼B ►C1 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 camellia sinensis)**	(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)	
▼C1 macadamia		
▼B pecans		0,2
pine nuts		
pistachios	(b)	
walnuts	(b)	
others	0,05 (*)	0,05 (*)

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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
(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		
(d) *other small fruit and berries* (other than wild)	0,05 (*)	0,05 (*)
bilberries (fruit of species vaccinium myrtillus)		
cranberries		
currants (red, black and white)		
gooseberries		
others		
(e) *wild berries and wild fruit*	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 (*)

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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
2. **Vegetables, fresh or uncooked, frozen or dry**		
(i) ROOT AND TUBER VEGETABLES		
beetroot		(b)
carrots	1	(b)
celeriac		
horse radish		
jerusalem artichokes		
▼C1		
parsnips		(b)
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) *solanacea*	(b)	
▼C1		
tomatoes		(b)
peppers		
aubergines		
▼B		
others		0,05 (*)
(b) *cucurbits — edible peel*	(b)	0,05 (*)
cucumbers		
gherkins		
courgettes		
others		
(c) *cucurbits — inedible peel*	(b)	0,05 (*)
melons		
squashes		
watermelons		
others		
(d) *sweetcorn*	0,05 (*)	0,05 (*)
(iv) BRASSICA VEGETABLES		
(a) *Flowering brassica*	1	
broccoli		(b)
cauliflower		0,2
others		0,05 (*)

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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) *head brassica*		
brussels sprouts	2	0,2
head cabbage		(b)
others	(b)	0,05 (*)
(c) *leafy brassica*	(b)	0,05 (*)
chinese cabbage		
kale		
others		
(d) *kohlrabi*	(b)	0,05 (*)
(v) LEAF VEGETABLES AND FRESH HERBS		
(a) *lettuce and similar*	(b)	0,05 (*)
cress		
lamb's lettuce		
lettuce		
scarole		
others		
(b) *spinach and similar*	(b)	0,05 (*)
beet leaves (chard)		
(c) *water cress*	0,05 (*)	0,05 (*)
(d) *Witloof*	0,05 (*)	0,05 (*)
(e) *herbs*	(b)	0,05 (*)
chervil		
chives		
parsley		
celery leaves		
others		
(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 (*)
▼C1		
cultivated mushrooms	2	
▼B		
wild mushrooms	0,05 (*)	
3. **Pulses**	(b)	0,05 (*)
beans		
lentils		
peas		
others		
4. **Oil seed**		
linseed	(b)	(b)

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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
peanuts	(b)	
poppy seeds		
sesame seeds		
▼C1		
sunflower seed		
▼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, *camellia sinensis)***	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	

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Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Thiabendazole
cherries	(b)
peaches (including, nectarines and similar hybrids)	
plums	
others	0,05 (*)
(v) BERRIES AND SMALL FRUIT	
(a) *table and wine grapes*	(b)
table grapes	
wine grapes	
(b) *strawberries* (other than wild)	5
(c) *cane fruit* (other than wild)	
blackberries	
dewberries	
loganberries	
raspberries	(b)
others	0,05 (*)
(d) *other small fruit and berries* (other than wild)	
bilberries (fruit of species vaccinium myrtillus)	
cranberries	
currants (red, black and white)	(b)
gooseberries	(b)
others	0,05 (*)
(e) *Wild berries and wild fruit*	0,05 (*)
(vi) MISCELLANEOUS	
avocados	
bananas	3
dates	
figs	
kiwi	
kumquat	
lychees	
mangoes	
olives	
passion fruit	
pineapples	
pomegranate	
►**C1** others ◄	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)

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Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Thiabendazole
onions	(b)
shallots	(b)
spring onions	
others	0,05 (*)
(iii) FRUITING VEGETABLES	
(a) *solanacea*	
tomatoes	(b)
peppers	(b)
aubergines	
others	0,05 (*)
(b) *cucurbits — edible peel*	
cucumbers	(b)
gherkins	
courgettes	
others	0,05 (*)
(c) *cucurbits — inedible peel*	
melons	(b)
squashes	
watermelons	(b)
others	0,05 (*)
(d) *sweetcorn*	0,05 (*)
(iv) BRASSICA VEGETABLES	
(a) *flowering brassica*	
Broccoli	5
cauliflower	
others	0,05 (*)

▼C1

(b) *head brassica*	
Brussels sprouts	
head cabbage	(b)
others	0,05 (*)
(c) *leafy brassica*	0,05 (*)

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chinese cabbage	
kale	
others	
(d) *kohlrabi*	0,05 (*)
(v) LEAF VEGETABLES AND FRESH HERBS	
(a) *lettuce and similar*	
cress	
lamb's lettuce	
lettuce	(b)
scarole	
others	0,05 (*)
(b) *spinach and similar*	0,05 (*)
beet leaves (chard)	
(c) *water cress*	0,05 (*)
(d) *witloof*	0,05 (*)
(e) *herbs*	0,05 (*)
chervil	
chives	
parsley	
celery leaves	
others	

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Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Thiabendazole
(vi) LEGUME VEGETABLES (fresh)	
beans (with pods)	(b)
beans (without pods)	(b)
peas (with pods)	
peas (without pods)	
others	0,05 (*)
(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	
►C1 sunflower seed ◄	
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, *camellia sinensis)***	0,1 (*)
7. **Hops (dried), including hop pellets and unconcentrated powder**	0,1 (*)

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(*) 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

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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.