

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 24 final

Brussels, 26 January 1981

Proposal for a
COUNCIL DIRECTIVE
amending Annex II to Directive 76/895/EEC relating to the fixing of
maximum levels for pesticide residues in and on fruit and vegetables

(submitted to the Council by the Commission)

COM(81) 24 final

EXPLANATORY MEMORANDUM

The proposed Council Directive seeks to amend Annex II to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables⁽¹⁾. It has been drawn up in accordance with the provisions of this Directive following notification by the Netherlands of its application of Article 4 thereof (the so-called "safeguard clause") on grounds of danger to public health in respect of the maximum levels fixed in Annex II for residues of fenclorphos, dimethoate and omethoate.

The procedure laid down in the Directive for such cases provides for the involvement of the Standing Committee on Plant Health and the adoption by the Commission of any necessary amendment of the levels in Annex II, on which the Committee has expressed a favourable opinion. Where the Committee has not expressed a favourable opinion or given no opinion, the Commission is required to submit to the Council immediately a proposal on the measures to be taken. The Council shall adopt them by a qualified majority within 15 days. If, however, the Council has not acted by then, the Commission may implement the measures immediately unless the Council has rejected them by a simple majority.

The maximum level for fenclorphos has already been amended, in accordance with this procedure, by Commission Directive 80/428/EEC of 28 March 1980⁽²⁾ but the cases of dimethoate and omethoate required further study by Commission departments before appropriate proposals could be made.

This work has been completed and has involved inter alia study of recently available data from residues trials and long-term toxicity studies, in particular on brain acetylcholinesterase inhibition. These indicate that a more restrictive view should now be taken of omethoate residues. The present proposal, which has been worked out after consultation of the Scientific Committee for Pesticides, seeks essentially to reduce the maximum level laid down in Annex II for omethoate, except for a small number of commodities which form a small proportion of daily intake or are usually consumed after cooking. It is also proposed to separate completely the levels fixed for dimethoate and omethoate and to make a consequential adjustment to the maximum level for dimethoate.

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(1) OJ No L 340, 9.12.1976, p. 26

(2) OJ No L 102, 19.4.1980, p. 26

This proposal was referred on 15 December 1980 for opinion to the Standing Committee on Plant Health. During the voting, the Danish, German and UK representatives expressed themselves against the proposal. The Danish representative was of the opinion that the lowest level of 0.1 proposed for omethoate is near to the lower limit of determination in certain of the products concerned and doubted whether this level could be officially controlled. The German representative could not support the proposal since he felt unable to commit his Government to bringing into force the necessary national measures within the period laid down in Article 2. The United Kingdom disagreed with the basis for calculation of the proposed levels and thought that greater account should be taken of actual dietary intake of treated products. The representatives of the other six Member States supported the proposal.

In the absence, therefore, of a favourable opinion of the Standing Committee, the Council has now to act on the proposal. For its part, the Commission feels that the present measures are necessary to avoid possible danger to human health.

Proposal for a Council Directive amending Annex II to Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
Having regard to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables⁽¹⁾, as last amended by Commission Directive 80/428/EEC⁽²⁾, and in particular Articles 4 and 8 thereof,
Having regard to the proposal from the Commission,

Whereas Article 4 of Directive 76/895/EEC provides that where a Member State considers that a maximum level fixed in Annex II might endanger the health of humans or of animals other than harmful organisms, that Member State may temporarily reduce that level in its own territory;

Whereas the Kingdom of the Netherlands has invoked the provisions of the aforesaid Article in respect of the maximum levels fixed for dimethoate, omethoate and fenchlorphos;

Whereas fenchlorphos was the subject of the amendments provided for in the abovementioned Directive 80/428/EEC; whereas the Commission has now completed its further studies on the other two pesticides;

Whereas, on the basis of new scientific data, the maximum level laid down for omethoate in Annex II must be amended;

Whereas it is also desirable to separate completely the maximum levels fixed for dimethoate and omethoate and to make a consequential adjustment to the maximum level laid down for dimethoate;

Whereas in the absence of a favourable opinion of the Standing Committee on Plant Health the Commission has not been able, in accordance with

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the procedure provided for in Article 8 of Directive 76/895/EEC, to adopt the measures it envisaged;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 76/895/EEC is hereby amended as follows:

1. In the last column of the table, headed "Maximum levels (in mg/kg (ppm))", the figure 1.5 relating to dimethoate is replaced by the figure 1 and the figure 0.4 relating to omethoate by the following:
"0.4 : cherries, witloof chicory, artichokes and spinach
0.1 : berries, onions, leeks and root vegetables
0.2 : other products"
2. Footnote (3) and the reference thereto relating to dimethoate in the last column of the table are deleted.

Article 2

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1982 and shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels,

For the Council