

2006 No. 1742

AGRICULTURE, ENGLAND AND WALES

PESTICIDES, ENGLAND AND WALES

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) (Amendment) (No. 2) Regulations 2006

Made - - - - *29th June 2006*

Laid before Parliament *5th July 2006*

Coming into force in accordance with regulation 1(3) and (4)

The Secretary of State for Environment, Food and Rural Affairs and the National Assembly for Wales, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, acting jointly (the National Assembly for Wales acting in relation to Wales only), in exercise of the powers conferred on them by that section, make the following Regulations:

Citation, interpretation and commencement

1.—(1) These Regulations may be cited as the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) (Amendment) (No. 2) Regulations 2006.

(2) In these Regulations “the Principal Regulations” means the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005(c).

(3) Subject to paragraph (4), these Regulations shall come into force on 27th July 2006.

(4) Regulation 3 shall come into force on 15th September 2006.

Amendments coming into force on 27th July 2006

2.—(1) The Principal Regulations are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “the Residues Directives” substitute the following definition—

““the Residues Directives” means Directive 76/895(d), Directive 86/362(e), Directive 86/363(f) and Directive 90/642(g), in each case as amended at the date of the making of

(a) S.I. 1972/1811 and, in the case of the National Assembly for Wales, S.I. 2005/2766.

(b) 1972 c.68.

(c) S.I. 2005/3286, amended by S.I. 2006/958.

(d) OJ No. L340, 9.12.1976, p.26, as last amended by Commission Directive 2005/70/EC (OJ No. L276, 21.10.2005, p.35).

(e) OJ No. L221, 7.8.1986, p.37, as last amended by Commission Directive 2006/30/EC (OJ No. L75, 14.3.2006, p.7).

(f) OJ No. L221, 7.8.1986, p.43, as last amended by Commission Directive 2006/30/EC (OJ No. L75, 14.3.2006, p.7).

(g) OJ No. L350, 14.12.1990, p.71, as last amended by Commission Directive 2006/30/EC (OJ No. L75, 14.3.2006, p.7).

the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) (Amendment) (No. 2) Regulations 2006.”.

(3) In Schedule 2 (maximum residue levels), for the entries in the columns relating to the pesticides Carbofuran and Diquat substitute the entries in the columns relating to those pesticides set out in Schedule 1 to these Regulations.

(4) In Schedule 3, in paragraph 4 (oil seeds), in column 2, beneath “Soya bean” insert “Hemp seed”.

Amendments coming into force on 15th September 2006

3.—(1) Schedules 1, 2 and 3 of the Principal Regulations are amended as follows.

(2) In Schedule 1 (pesticide residues), for the entry for Benomyl, Carbendazim and Thiophanate-methyl, substitute the entry for Benomyl and Carbendazim and the entry for Thiophanate-methyl set out in Schedule 2 to these Regulations.

(3) In Schedule 2—

- (a) for the column relating to Benomyl, Carbendazim and Thiophanate-methyl, substitute the column relating to Benomyl and Carbendazim set out in Schedule 1 to these Regulations;
- (b) insert, in the appropriate place to preserve the alphabetical ordering, the column of maximum permitted levels of residue for the pesticide Thiophanate-methyl set out in Schedule 1 to these Regulations;
- (c) at the end, insert as footnote 46 the footnote numbered (46) set out at the end of the footnotes to Schedule 1 to these Regulations.

(4) In Schedule 3, in paragraph 2(iii)(a) (solanacea), in column 2, beneath “Aubergines” insert “Okra”.

28th June 2006

D. Elis-Thomas
Presiding Officer
National Assembly for Wales

29th June 2006

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulations 2(3) and 3(3)

ENTRIES SUBSTITUTED OR INSERTED IN SCHEDULE 2 TO THE
PRINCIPAL REGULATIONS

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
1. FRUIT, FRESH, DRIED OR UNCOOKED, PRESERVED BY FREEZING NOT CONTAINING ADDED SUGAR: NUTS					
i) CITRUS FRUIT					
	Grapefruit	0.1*	0.3	0.05*	0.1*
	Lemons	0.1*	0.3	0.05*	0.1*
	Limes	0.1*	0.3	0.05*	0.1*
	Mandarins (inc clementines & similar hybrids)	0.1*	0.3	0.05*	0.1*
	Oranges	0.1*	0.3	0.05*	0.1*
	Pomelos	0.1*	0.3	0.05*	0.1*
	Others	0.1*	0.3	0.05*	0.1*
ii) TREE NUTS (shelled or unshelled)					
	Almonds	0.1*	0.02*	0.05*	0.2
	Brazil nuts	0.1*	0.02*	0.05*	0.2
	Cashew nuts	0.1*	0.02*	0.05*	0.2
	Chestnuts	0.1*	0.02*	0.05*	0.2
	Coconuts	0.1*	0.02*	0.05*	0.2
	Hazelnuts	0.1*	0.02*	0.05*	0.2
	Macadamia nuts	0.1*	0.02*	0.05*	0.2
	Pecans	0.1*	0.02*	0.05*	0.2
	Pine nuts	0.1*	0.02*	0.05*	0.2
	Pistachios	0.1*	0.02*	0.05*	0.2
	Walnuts	0.1*	0.02*	0.05*	0.2
	Others	0.1*	0.02*	0.05*	0.2
iii) POME FRUIT					
	Apples	0.2	0.02*	0.05*	0.5
	Pears	0.2	0.02*	0.05*	0.5
	Quinces	0.2	0.02*	0.05*	0.5
	Others	0.2	0.02*	0.05*	0.5
iv) STONE FRUIT					
	Apricots	0.2	0.02*	0.05*	2
	Cherries	0.5	0.02*	0.05*	0.3
	Peaches (inc nectarines & similar hybrids)	0.2	0.02*	0.05*	2
	Plums	0.5	0.02*	0.05*	0.3
	Others	0.1*	0.02*	0.05*	0.1*
v) BERRIES AND SMALL FRUIT					
	a) Table & wine grapes				
	Table grapes	0.3	0.02*	0.05*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Wine grapes	0.5	0.02*	0.05*	3
b)	Strawberries (other than wild)	0.1*	0.02*	0.05*	0.1*
c)	Cane fruit (other than wild)				
	Blackberries	0.1*	0.02*	0.05*	0.1*
	Dewberries	0.1*	0.02*	0.05*	0.1*
	Loganberries	0.1*	0.02*	0.05*	0.1*
	Raspberries	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
d)	Other small fruit & berries (other than wild)				
	Bilberries	0.1*	0.02*	0.05*	0.1*
	Cranberries	0.1*	0.02*	0.05*	0.1*
	Currants (red, black & white)	0.1*	0.02*	0.05*	0.1*
	Gooseberries	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
e)	Wild berries & wild fruit	0.1*	0.02*	0.05*	0.1*
vi)	MISCELLANEOUS FRUIT				
	Avocados	0.1*	0.02*	0.05*	0.1*
	Bananas	0.1*	0.02*	0.05*	0.1*
	Dates	0.1*	0.02*	0.05*	0.1*
	Figs	0.1*	0.02*	0.05*	0.1*
	Kiwi fruit	0.1*	0.02*	0.05*	0.1*
	Kumquats	0.1*	0.02*	0.05*	0.1*
	Litchis	0.1*	0.02*	0.05*	0.1*
	Mangoes	0.1*	0.02*	0.05*	0.1*
	Olives (Table Consumption)	0.1*	0.02*	0.05*	0.1*
	Olives (Oil Extract)	0.1*	0.02*	0.05*	0.1*
	Papaya	0.1*	0.02*	0.05*	0.1*
	Passion fruit	0.1*	0.02*	0.05*	0.1*
	Pineapples	0.1*	0.02*	0.05*	0.1*
	Pomegranates	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
2. VEGETABLES, FRESH OR UNCOOKED, FROZEN OR DRY					
i) ROOT AND TUBER VEGETABLES					
	Beetroot	0.1*	0.02*	0.05*	0.1*
	Carrots	0.1*	0.02*	0.05*	0.1*
	Cassava	0.1*	0.02*	0.05*	0.1*
	Celeriac	0.1*	0.02*	0.05*	0.1*
	Horseradish	0.1*	0.02*	0.05*	0.1*
	Jerusalem artichokes	0.1*	0.02*	0.05*	0.1*
	Parsnips	0.1*	0.02*	0.05*	0.1*
	Parsley root	0.1*	0.02*	0.05*	0.1*
	Radishes	0.1*	0.02*	0.05*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Salsify	0.1*	0.02*	0.05*	0.1*
	Sweet potatoes	0.1*	0.02*	0.05*	0.1*
	Swedes	0.1*	0.02*	0.05*	0.1*
	Turnips	0.1*	0.02*	0.05*	0.1*
	Yams	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
ii) BULB VEGETABLES					
	Garlic	0.1*	0.02*	0.05*	0.1*
	Onions	0.1*	0.02*	0.05*	0.1*
	Shallots	0.1*	0.02*	0.05*	0.1*
	Spring onions	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
iii) FRUITING VEGETABLES					
a) Solanacea					
	Tomatoes	0.5	0.02*	0.05*	2
	Peppers	0.1*	0.02*	0.05*	0.1*
	Chilli peppers	0.1*	0.02*	0.05*	0.1*
	Aubergines	0.5	0.02*	0.05*	2
	Okra	2	0.02*	0.05*	1
	Others	0.1*	0.02*	0.05*	0.1*
b) Cucurbits-edible peel					
	Cucumbers	0.1*	0.02*	0.05*	0.1*
	Gherkins	0.1*	0.02*	0.05*	0.1*
	Courgettes	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
c) Cucurbits-inedible peel					
	Melons	0.1*	0.02*	0.05*	0.3
	Squashes	0.1*	0.02*	0.05*	0.3
	Watermelons	0.1*	0.02*	0.05*	0.3
	Others	0.1*	0.02*	0.05*	0.3
d) Sweet corn		0.1*	0.02*	0.05*	0.1*
iv) BRASSICA VEGETABLES					
a) Flowering Brassicas					
	Broccoli	0.1* ⁽¹³⁾	0.02*	0.05* ⁽¹³⁾	0.1* ⁽¹³⁾
	Cauliflower	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
b) Head Brassicas					
	Brussels sprouts	0.5	0.02*	0.05*	1
	Head cabbage	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
c) Leafy Brassicas					
	Chinese cabbage	0.1*	0.02*	0.05*	0.1*
	Kale	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
d) Kohlrabi		0.1*	0.02*	0.05*	0.1*
v) LEAF VEGETABLES AND FRESH HERBS					

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	a) Lettuce & similar				
	Cress	0.1*	0.02*	0.05*	0.1*
	Lamb's lettuce	0.1*	0.02*	0.05*	0.1*
	Lettuce	0.1*	0.02*	0.05*	0.1*
	Scarole	0.1* ⁽⁶⁾	0.02*	0.05* ⁽⁶⁾	0.1* ⁽⁶⁾
	Others	0.1*	0.02*	0.05*	0.1*
	b) Spinach & similar				
	Spinach	0.1*	0.02*	0.05*	0.1*
	Beet leaves (chard)	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
	c) Watercress	0.1*	0.02*	0.05*	0.1*
	d) Witloof	0.1*	0.02*	0.05*	0.1*
	e) Herbs				
	Chervil	0.1*	0.02*	0.05*	0.1*
	Chives	0.1*	0.02*	0.05*	0.1*
	Parsley	0.1*	0.02*	0.05*	0.1*
	Celery leaves	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
vi) LEGUME VEGETABLES (fresh)					
	Beans (with pods)	0.2	0.02*	0.05*	0.1*
	Beans (without pods)	0.1*	0.02*	0.05*	0.1*
	Peas (with pods)	0.2	0.02*	0.05*	0.1*
	Peas (without pods)	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
vii) STEM VEGETABLES					
	Asparagus	0.1*	0.02*	0.05*	0.1*
	Cardoons	0.1*	0.02*	0.05*	0.1*
	Celery	0.1*	0.02*	0.05*	0.1*
	Fennel	0.1*	0.02*	0.05*	0.1*
	Globe artichokes	0.1*	0.02*	0.05*	0.1*
	Leeks	0.1*	0.02*	0.05*	0.1*
	Rhubarb	0.1*	0.02*	0.05*	0.1*
	Others	0.1*	0.02*	0.05*	0.1*
viii) FUNGI					
	a) Cultivated mushrooms	0.1*	0.02*	0.05*	0.1*
	b) Wild mushrooms	0.1*	0.02*	0.05*	0.1*
3. PULSES					
	Beans	0.1*	0.02*	0.2	0.1*
	Lentils	0.1*	0.02*	0.2	0.1*
	Peas	0.1*	0.02*	0.2	0.1*
	Others	0.1*	0.02*	0.2	0.1*
4. OILSEEDS					
	Linseed	0.1*	0.1	5	0.1*
	Peanuts	0.1*	0.1	0.1*	0.1*
	Poppy seed	0.1*	0.1	0.1*	0.1*
	Sesame seed	0.1*	0.1	0.1*	0.1*

Group to which food belongs	Groups include the following products	Benomyl/ Carbendazim	Carbofuran	Diquat	Thiophanate-methyl
	Sunflower seed	0.1*	0.1	1	0.1*
	Rape seed	0.1*	0.1	2	0.1*
	Soya bean	0.2	0.1	0.2	0.3
	Mustard seed	0.1*	0.1	0.5	0.1*
	Cotton seed	0.1*	0.1	0.1*	0.1*
	Hemp seed	0.1*	0.1	0.5	0.1*
	Others	0.1*	0.1	0.1*	0.1*
5. POTATOES					
	Early potatoes	0.1*	0.02*	0.05*	0.1*
	Ware potatoes	0.1*	0.02*	0.05*	0.1*
6. TEA					
	(dried leaves and stalks, fermented or otherwise, Camellia sinensis)	0.1*	0.05*	0.1*	0.1*
7. HOPS (dried)					
	including hop pellets & unconcentrated powder	0.1*	0.05*	0.1*	0.1*
8. CEREALS					
	Wheat	0.1	0.02*	0.05*	0.05
	Rye	0.1	0.02*	0.05*	0.05
	Barley	2	0.02*	10	0.3
	Sorghum	0.01*	0.02*	0.05*	0.01*
	Oats	2	0.02*	2	0.3
	Triticale	0.1	0.02*	0.05*	0.05
	Maize	0.01*	0.02*	1	0.01*
	Buckwheat	0.01*	0.02*	0.05*	0.01*
	Millet	0.01*	0.02*	1	0.01*
	Rice ⁽¹⁾	0.01*	0.02*	0.05*	0.01*
	Others	0.01*	0.02*	0.05*	0.01*
9. PRODUCTS OF ANIMAL ORIGIN					
	Meat, edible offal, fat & preparations of meat and edible offal ⁽²⁾	0.05* ⁽⁴⁶⁾	0.1*	0.05*	0.05* ⁽⁴⁶⁾
	Milk ⁽³⁾ & Dairy produce ⁽⁴⁾	0.05* ⁽⁴⁶⁾	0.1*	0.05*	0.05* ⁽⁴⁶⁾
	Eggs ⁽⁵⁾	0.05* ⁽⁴⁶⁾	0.1*	0.05*	0.05* ⁽⁴⁶⁾
10. SPICES					
	Cumin seed				
	Juniper seed				
	Nutmeg				
	Pepper, black and white				
	Vanilla pods				
	Spices - others				

UNITS:

Maximum residue levels (MRLs) are expressed in milligrammes of residue per kilogramme of food.

KEY:

* Level at or about the limit of determination.

FOOTNOTES:

- (1) Paddy or rough rice, husked rice and semi-milled or wholly milled rice.
- (2) Levels are measured on fat, except in the case of foods with a fat content of 10% or less by weight. In these cases the residue is related to the total weight of the boned foodstuff and the MRL is one tenth of the value given in the table, but must be no less than 0.01 mg/kg.
- (3) These levels are for fresh raw cow's milk and fresh whole cream cow's milk expressed on the whole milk.
- (4) For preserved, concentrated or sweetened cow's milk; for raw milk and whole cream milk of other animal origin; and for butter, cheese or curd.
Whether made from cow's milk or other milk or a combination, the following levels apply:
— if the fat content is less than 2% by weight, the MRL is taken as half that set for raw milk and whole cream milk;
— if the fat content is 2% or more by weight, the MRL is expressed in mg/kg of fat and is set at 25 times that set for raw milk and whole cream milk.
- (5) Birds eggs in shell (other than eggs for hatching) and whole egg products and egg yolk products (whether fresh, dried or otherwise prepared).
- (6) Scarole includes broad-leaf endive.
- (13) Broccoli includes calabrese.
- (46) The figure of 0.05 is the total MRL for Carbendazim and Thiophanate-methyl taken together and expressed as carbendazim.

SCHEDULE 2

Regulation 3(2)

ENTRIES SUBSTITUTED IN SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

Column 1 <i>Pesticide</i>	Column 2 <i>Residue</i>
Benomyl and Carbendazim	(1) for products of plant origin other than cereals: sum of benomyl and carbendazim, expressed as carbendazim (2) for cereals: benomyl and carbendazim, expressed as carbendazim (3) for foodstuffs of animal origin: for carbendazim only: carbendazim and thiophanate-methyl, expressed as carbendazim
Thiophanate-methyl	(1) for products of plant origin: thiophanate-methyl (2) for foodstuffs of animal origin: carbendazim and thiophanate-methyl, expressed as carbendazim

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005 (S.I. 2005/3286).

The Regulations implement Commission Directives 2006/4/EC (OJ No. L23, 27.1.2006, p.69), 2006/9/EC (OJ No. L22, 26.1.2006, p.24) and 2006/30/EC (OJ No. L75, 14.3.2006, p.7).

Regulation 2, which comes into force on 27th July 2006, makes amendments which substitute certain new maximum residue levels in Schedule 2 to the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005 (S.I. 2005/3286) (“the Principal Regulations”). These are maximum residue levels for residues of the pesticides Carbofuran and Diquat.

Regulation 3, which comes into force on 15th September 2006, amends—

- (a) Schedule 1, which identifies the substances residues of which are taken into account in the measuring of residue levels for each pesticide, by replacing the entry for the pesticide group Benomyl, Carbendazim and Thiophanate-methyl with two entries, one for Benomyl and Carbendazim, and a separate one for Thiophanate-methyl; and
- (b) Schedule 2, by substituting new maximum residue levels for residues of those pesticides.

A Regulatory Impact Assessment (RIA) was prepared in respect of the Principal Regulations, which provides a basis for establishing the impact of amendments to the Principal Regulations of the kind made by these Regulations. A transposition note has been prepared in respect of these Regulations. Copies of the assessment and the transposition note can be obtained from the Pesticides Safety Directorate, Room 308, Mallard House, Kings Pool, 3 Peasholme Green, York YO1 7PX or via the website www.pesticides.gov.uk. Copies have been placed in the library of each House of Parliament.

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