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► **B****COUNCIL DIRECTIVE**

of 24 July 1986

on the fixing of maximum levels for pesticide residues in and on cereals

(86/362/EEC)

(OJ L 221, 7.8.1986, p. 37)

Amended by:

	Official Journal		
	No	page	date
► M1 Council Directive 88/298/EEC of 16 May 1988	L 126	53	20.5.1988
► M2 Council Directive 90/654/EEC of 4 December 1990	L 353	48	17.12.1990
► M3 Council Directive 93/57/EEC of 29 June 1993	L 211	1	23.8.1993
► M4 Council Directive 94/29/EC of 23 June 1994	L 189	67	23.7.1994
► M5 Council Directive 95/39/EC of 17 July 1995	L 197	29	22.8.1995
► M6 Council Directive 96/33/EC of 21 May 1996	L 144	35	18.6.1996
► M7 Council Directive 97/41/EC of 25 June 1997	L 184	33	12.7.1997
► M8 Commission Directive 97/71/EC of 15 December 1997	L 347	42	18.12.1997
► M9 Commission Directive 98/82/EC of 27 October 1998	L 290	25	29.10.1998
► M10 Commission Directive 1999/65/EC of 24 June 1999	L 172	40	8.7.1999
► M11 Commission Directive 1999/71/EC of 14 July 1999	L 194	36	27.7.1999
► M12 Commission Directive 2000/24/EC of 28 April 2000	L 107	28	4.5.2000
► M13 Commission Directive 2000/42/EC of 22 June 2000	L 158	51	30.6.2000
► M14 Commission Directive 2000/48/EC of 25 July 2000	L 197	26	3.8.2000
► M15 Commission Directive 2000/58/EC of 22 September 2000	L 244	78	29.9.2000
► M16 Commission Directive 2000/81/EC of 18 December 2000	L 326	56	22.12.2000
► M17 Commission Directive 2000/82/EC of 20 December 2000	L 3	18	6.1.2001
► M18 Commission Directive 2001/39/EC of 23 May 2001	L 148	70	1.6.2001
► M19 Commission Directive 2001/48/EC of 28 June 2001	L 180	26	3.7.2001
► M20 Commission Directive 2001/57/EC of 25 July 2001	L 208	36	1.8.2001
► M21 Commission Directive 2002/23/EC of 26 February 2002	L 64	13	7.3.2002
► M22 Commission Directive 2002/42/EC of 17 May 2002	L 134	29	22.5.2002
► M23 Commission Directive 2002/66/EC of 16 July 2002	L 192	47	20.7.2002
► M24 Commission Directive 2002/71/EC of 19 August 2002	L 225	21	22.8.2002
► M25 Commission Directive 2002/76/EC of 6 September 2002	L 240	45	7.9.2002
► M26 Commission Directive 2002/79/EC of 2 October 2002	L 291	1	28.10.2002
► M27 Commission Directive 2002/97/EC of 16 December 2002	L 343	23	18.12.2002

Amended by:

▶ <u>A1</u>	Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
	(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995

Corrected by:

▶ <u>C1</u>	Corrigendum, OJ L 262, 17.10.2000, p. 46 (2000/42/EC)
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▼B**COUNCIL DIRECTIVE****of 24 July 1986****on the fixing of maximum levels for pesticide residues in and on cereals**

(86/362/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

Having regard to the proposal from the Commission⁽¹⁾,Having regard to the opinion of the European Parliament⁽²⁾,Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas crop production plays a very important role in the Community;

Whereas the yield from that production is continually affected by harmful organisms and weeds;

Whereas it is absolutely essential to protect plants and plant products against these organisms, not only to prevent a reduction in yield or damage to the products harvested but also to increase agricultural productivity;

Whereas one of the most important methods of protecting plants and plant products from the effect of these harmful organisms is the use of chemical pesticides;

Whereas, however, these pesticides do not have only a favourable effect on plant production, since they are generally toxic substances or preparations with dangerous side-effects;

Whereas a large number of these pesticides and of their metabolites or breakdown products may have harmful effects on consumers of plant products;

Whereas these pesticides and the contaminants which may accompany them can present dangers for the environment;

Whereas, in order to deal with these dangers, several Member States have already fixed maximum levels for certain residues in and on cereals;

Whereas the differences which exist between Member States as regards the maximum permissible levels for pesticide residues can help to create barriers to trade and thus hinder the free movement of goods within the Community;

Whereas, for this reason, in an initial stage, maximum levels should be fixed for certain active substances in cereals, which must be observed when these products are put into circulation;

Whereas, moreover, observance of the maximum levels will ensure that the cereals can circulate freely and that the health of consumers is properly protected;

Whereas at the same time the Member States should be enabled to authorize the monitoring of levels of pesticide residues in cereals produced and consumed in their territory by a system of surveillance and related measures so as to provide safeguards equivalent to those resulting from the levels laid down;

⁽¹⁾ OJ No C 56, 6. 3. 1980, p. 14.⁽²⁾ OJ No C 28, 9. 2. 1981, p. 64.⁽³⁾ OJ No C 300, 18. 11. 1980, p. 29.

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Whereas, in special cases, particularly of volatile liquid or gaseous fumigants, Member States should be authorized to permit for cereals, not intended for immediate consumption, higher maximum levels than those laid down, provided that a suitable check is made to ensure that these products are not placed at the disposal of the end user or consumer until the residue content thereof no longer exceeds the maximum permissible levels;

Whereas it is not necessary to apply this Directive to products intended for export to third countries, for the manufacture of products other than foodstuffs or for sowing;

Whereas Member States should be allowed to reduce temporarily the levels laid down if they unexpectedly prove to be dangerous to human or animal health;

Whereas it is appropriate in that case to establish close cooperation between the Member States and the Commission within the Standing Committee on Plant Health;

Whereas, in order to guarantee compliance with this Directive when the products in question are put into circulation, the Member States must provide for suitable control measures;

Whereas Community methods of sampling and analysis should be established to be used at least as reference methods;

Whereas methods of sampling and analysis are technical and scientific matters, which should be determined by means of a procedure involving close cooperation between the Member States and the Commission within the Standing Committee on Plant Health;

Whereas it is appropriate that Member States make an annual report to the Commission on the results of their control measures so as to enable information concerning levels of pesticide residues to be collected for the Community as a whole;

Whereas the Council should review this Directive before 30 June 1991 with the aim of attaining a uniform Community system,

HAS ADOPTED THIS DIRECTIVE:

▼M7*Article 1*

1. This Directive shall apply to the products listed in Annex I, to the products obtained from them after drying or processing and to the composite foods in which they are included, in so far as they may contain pesticide residues.

2. This Directive shall apply without prejudice to:

- (a) Council Directive 74/63/EEC of 17 December 1973 on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs⁽¹⁾;
- (b) 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⁽²⁾;
- (c) Council Directive 90/642/EEC of 27 November 1990 on fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables⁽³⁾;

⁽¹⁾ OJ No L 38, 11. 2. 1974, p. 31. Directive as last amended by Directive 96/25/EC (OJ No L 125, 23. 5. 1996, p. 35).

⁽²⁾ OJ No L 340, 9. 12. 1976, p. 26. Directive as last amended by Directive 96/32/EC (OJ L 144, 18. 6. 1996, p. 12).

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 71. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).

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(d) Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae⁽¹⁾ and Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children⁽²⁾. However, until maximum levels have been established in accordance with Article 6 of Directive 91/321/EEC or Article 6 of Directive 96/5/EC the provisions of Article 5a (1) and (3) to (6) of this Directive shall apply for the products concerned.

3. This Directive shall also apply to products referred to in paragraph 1 intended for export to third countries. However, maximum pesticide residue levels set in accordance with this Directive shall not apply in the case of products treated before export where it can be satisfactorily proved that:

- (a) the third country of destination requires a particular treatment in order to prevent the introduction of harmful organisms into its territory; or
- (b) the treatment is necessary in order to protect the products against harmful organisms during transport to the third country of destination and storage there.

4. This Directive shall not apply to the products referred to in paragraph 1 where it can satisfactorily be proved that they are intended for:

- (a) the manufacture of products other than foodstuffs or animal feed; or
- (b) sowing or planting.

▼ B*Article 2*

1. For the purposes of this Directive, 'pesticide residues' means residues of the pesticides and of their metabolites, and breakdown or reaction products ► M7 ◀, which are present in or on the products referred to in Article 1.

2. For the purposes of this Directive, 'putting into circulation' means any handing over, whether or not for a consideration, of the products referred to in Article 1.

Article 3

1. Member States shall ensure that the products referred to in Article 1 do not, from the time they are put into circulation, present a danger to human health as a result of the presence of pesticide residues.

2. Member States may not prohibit or impede the putting into circulation within their territories of the products referred to in Article 1 on the grounds that they contain pesticide residues, if the quantity of such residues does not exceed the maximum levels specified in Annex II.

▼ M7*Article 4*

1. Notwithstanding Article 6, the products referred to in Article 1 shall not contain, from the time they are put into circulation, pesticide residue levels higher than those specified in the list referred to in Annex II.

The list of pesticide residues concerned and their maximum levels shall be established in Annex II in accordance with the procedure laid down in Article 12, having regard to current scientific and technical knowledge.

2. In the case of dried and processed products for which maximum levels are not explicitly fixed in Annex II, the maximum residue level

⁽¹⁾ OJ No L 175, 4. 7. 1991, p. 35. Directive as last amended by Directive 96/4/EC (OJ No L 49, 28. 2. 1996, p. 12).

⁽²⁾ OJ No L 49, 28. 2. 1996, p. 17.

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applicable shall be that laid down in Annex II, taking into account, respectively, the concentration caused by the drying process or the concentration or dilution caused by processing. A concentration or dilution factor covering the concentration and/or dilution caused by certain drying or processing operations may be determined for certain dried or processed products in accordance with the procedure laid down in Article 12.

3. In the case of composite foods which contain a mixture of ingredients and for which maximum residue levels are not fixed, the maximum residue levels applied may not exceed the levels laid down in Annex II, taking into account the relative concentrations of the ingredients in the mixture and also the provisions of paragraph 2.

4. Member States shall ensure, at least by check sampling, compliance with the maximum levels referred to in paragraph 1. The necessary inspections and monitoring shall be carried out in accordance with Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs⁽¹⁾, except for Article 14 thereof, and Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs⁽²⁾, except for Articles 5, 6 and 8 thereof.

Article 5

Where for a product belonging to a group referred to in Annex I, a provisional maximum residue level applicable throughout the Community is set by the Commission in accordance with the provisions of Article 4 (1) (f) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽³⁾, this level will be indicated in Annex II with a reference to that procedure.

Article 5a

1. For the purposes of this Article a Member State of origin shall be defined as the Member State in whose territory a product specified in Article 1 (1) is either legally produced and marketed or put into free circulation, and a Member State of destination as the Member State into whose territory such product is introduced and put into circulation for operations other than transit to another Member State or third country.

2. Member States shall introduce arrangements for establishing maximum residue levels, whether permanent or temporary, for products referred to in Article 1 (1), brought into their territories from a Member State of origin, taking into account good agricultural practice in the Member State of origin, and without prejudice to conditions necessary to protect the health of consumers, in cases where no maximum residue levels have been established for these products in accordance with the provisions of Articles 4 (1) or 5.

3. Where

- no maximum residue level has been established for a product referred to in Article 1 (1) in accordance with Articles 4 (1) or 5, and
- that product, which satisfies the maximum residue levels applied by its Member State of origin, has been subjected in the Member State of destination to measures whose effect is to prohibit or restrict its putting into circulation, on the grounds that the product contains pesticide residue levels in excess of the maximum residue level accepted in the Member State of destination, and
- either the Member State of destination has introduced new maximum residue levels or has altered the levels laid down in its

⁽¹⁾ OJ No L 186, 30. 6. 1989, p. 23.

⁽²⁾ OJ No L 290, 24. 11. 1993, p. 14.

⁽³⁾ OJ No L 230, 19. 8. 1991, p. 1. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).

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legislation, or it has made changes to its controls which are disproportionate and/or discriminatory compared with those for its domestic production, or the maximum residue level applied by the Member State of destination differs substantially from the corresponding levels established by other Member States, or the maximum residue level applied by the Member State of destination represents a disproportionate level of protection compared with the level of protection applied by the Member State to pesticides carrying a similar risk or to similar agricultural products or food-stuffs,

the following exceptional provisions shall apply:

- (a) the Member State of destination shall communicate the measures adopted to the other Member State concerned and the Commission within 20 days of their application. The notification shall document the facts involved;
- (b) on the basis of the notification referred to in (a), the two Member States concerned shall contact each other without delay in order to remove, whenever possible, the prohibitive or restrictive effect of the measures adopted by the Member State of destination by means of measures agreed between them; the Member States shall submit all the requisite information to each other.

Within a period of three months of the notification referred to in (a), the Member States concerned shall inform the Commission of the result of such contacts and in particular the measures they intend to apply, if any, including the maximum residue level they have agreed. The Member State of origin shall inform the other Member States of the result of such contacts;

- (c) the Commission shall immediately refer the matter to the Standing Committee on Plant Health and, if possible, submit a proposal aimed at establishing in Annex II a temporary maximum residue level, which shall be adopted in accordance with the procedure laid down in Article 12.

In its proposal, the Commission shall take account of existing technical and scientific knowledge on the matter and in particular data submitted by the Member States with an interest, especially the toxicological assessment and estimated ADI, good agricultural practice and the trial data which the Member State of origin used to establish the maximum residue level, together with the reasons given by the Member State of destination for deciding on the measures in question.

The period of validity of the temporary maximum level shall be laid down in the legal act adopted and may not exceed four years. That period may be linked to the supply, by the Member State of origin and/or other Member States with an interest, of the trial data required by the Commission in order to set the maximum residue level in accordance with Article 4 (1). At their request, the Commission and the Member States shall be kept informed regarding the programme of trials established.

4. Any measure provided for in paragraphs 2 or 3 shall be taken by a Member State with due regard for its obligations under the Treaty, in particular Articles 30 to 36 thereof.

5. Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽¹⁾ shall not apply to measures adopted and notified by Member States in accordance with paragraph 3 of this Article.

6. Detailed measures for the implementation of the procedure set out in this Article may be adopted in accordance with the procedure laid down in Article 11a.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8. Directive as last amended by Decision 96/139/EC (OJ No L 32, 10. 2. 1996, p. 31).

▼B*Article 6*

Member States may authorize the presence in and on the products referred to in Article 1 of the pesticide residues listed in Part B of Annex II in greater quantities than those specified therein, provided that those products are not intended for immediate consumption and an appropriate control system ensures that they cannot be made available to the end user or to the consumer, if they are supplied directly to the latter, until the residues no longer exceed the maximum levels specified in Part B. They shall inform the other Member States and the Commission of the measures taken. These measures shall be applicable to all products covered thereby, irrespective of the origin of the products.

▼M7*Article 7*

1. Member States shall designate and authority to ensure that the monitoring specified in Article 4 (4) is carried out.

2. (a) By ►**M10** 30 September ◀ each year, Member States shall send to the Commission their forward national monitoring programmes for the following calendar year. These forward programmes shall specify at least:

- the products to be inspected and the number of inspections to be carried out,
- the pesticide residues to be inspected,
- the criteria applied in drawing up these programmes.

(b) By ►**M10** 31 December ◀ each year, the Commission shall submit to the Standing Committee on Plant Health a draft recommendation setting out a coordinated Community monitoring programme identifying the taking of specific samples to be included in the national monitoring programmes. The recommendation shall be adopted in accordance with the procedure laid down in Article 11b. The basic objective of the Community monitoring programme shall be to make optimum use at Community level of the sampling of cereals included in the groups listed in Annex I, produced in the Community or imported into it, when problems have been identified, in order to ensure compliance with the maximum levels for pesticide residues set out in Annex II.

3. By 31 August each year, Member States shall send to the Commission and the other Member States the results of the analyses of the samples taken during the previous year under their national monitoring programmes and under the coordinated Community monitoring programme. The Commission shall collate and compile this information together with the results of the checks carried out in accordance with Directives 86/363/EEC⁽¹⁾ and 90/642/EEC and analyse:

- infringements of the maximum residue levels, and
- the average actual levels of residues and their relative values with respect to the maximum residue levels established.

The Commission should progressively work towards a system, when preparing the coordinated monitoring programme, which could permit the estimation of actual pesticide dietary exposure.

The Commission shall forward this information to the Member States in the framework of the Standing Committee on Plant Health before ►**M10** 31 December ◀ for each year, for review and adoption of any necessary measures such as:

- any action to be taken at Community level in the case of reported infringements of the maximum levels,
- the desirability of publication of the collated and compiled information.

⁽¹⁾ OJ No L 221, 7. 8. 1986, p. 43. Directive as last amended by Directive 96/33/EC (OJ No L 144, 18. 6. 1996, p. 35).

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4. The following may be adopted in accordance with the procedure laid down in Article 11a:

- (a) amendments to paragraphs 2 and 3 of this Article in so far as these amendments concern the dates for notification;
- (b) detailed implementing rules necessary for proper functioning of the provisions of paragraphs 2 and 3.

5. Not later than 31 December 1999 the Commission shall forward to the Council a report on the application of this Article, accompanied, if necessary, by any appropriate proposals.

▼ B*Article 8*

1. The methods of sampling and analysis necessary for carrying out the checks, monitoring and other measures provided for in Article 4 and, where appropriate, Article 5, shall be determined in accordance with the procedure laid down in ► M7 Article 11a ◀. The existence of Community analysis methods, to be used in cases of dispute, shall not preclude the use by Member States of other scientifically valid methods capable of achieving comparable results.

2. Member States shall inform the other Member States and the Commission of the other methods used pursuant to paragraph 1.

▼ M7*Article 9*

1. Where a Member State, as a result of new information or of a reassessment of existing information considers that a maximum level fixed in Annex II endangers human or animal health, and therefore requires swift action to be taken, that Member State may temporarily reduce the level in its own territory. In that case, it shall immediately notify the other Member States and the Commission of the measures, attaching a statement of the reasons therefor.

2. The Commission shall quickly examine the reasons given by the Member State referred to in paragraph 1 and shall consult the Member States within the Standing Committee on Plant Health, hereinafter referred to as 'the committee'; it shall then deliver its opinion forthwith and take the appropriate measures. The Commission shall immediately notify the Council and the Member States of any measures taken. Any Member State may refer the Commission's measures to the Council within 15 days of such notification. The Council acting by a qualified majority may take a different decision within 15 days of the date on which the matter was referred to it.

3. If the Commission considers that the maximum levels laid down in Annex II should be amended to resolve the difficulties mentioned in paragraph 1 and to guarantee public health protection, it shall initiate the procedure laid down in Article 13, with a view to adopting those amendments. In this case, the Member State which has taken measures under paragraph 1 may maintain them until the Council or the Commission has taken a decision in accordance with the said procedure.

Article 10

Without prejudice to the amendments made to the Annexes in accordance with Articles 5, 5a (3) and 9, amendments to the Annexes shall be adopted in accordance with the procedure laid down in Article 12, having regard to current scientific and technical knowledge. In particular, when establishing maximum residue levels, account shall be taken of a relevant dietary intake risk assessment and of the number and quality of the data available.

▼M7*Article 11a*

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of Decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 11b

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of Decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of 15 days from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

▼B*Article 12*

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Standing Committee on Plant Health, hereinafter referred to as the 'Committee', by its chairman, either on his own initiative or at the request of a Member State.

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2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the

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Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

4. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

5. If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the measures by a simple majority.

▼B*Article 13*

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Committee by its chairman, either on his own initiative or at the request of a Member State.

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2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion within two days. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

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►A1 3. ◀ Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. Where they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within 15 days of the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures except where the Council has voted by a simple majority against the said measures.

▼M7*Article 14*

Member States shall bring into force the laws, regulations and administrative provisions necessary to ensure that the amendments in Annex II resulting from decisions referred to in Articles 4 (1) and (2), 5, 5a (3), 9 (3) and 10 can be implemented in their territory within a maximum period of eight months from their adoption, and within a shorter implementation period when required for urgent reasons of human health protection.

In order to safeguard legitimate expectations, Community legal implementing acts may provide for transitional periods for the implementation of certain maximum residue levels allowing the normal marketing of the harvested products.

▼B*Article 15*

In order to improve upon the Community system introduced by this Directive, the Council, on the basis of a Commission report accompa-

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nied, if appropriate, by suitable proposals, shall re-examine this Directive by 30 June 1991 at the latest.

Article 16

Member States shall bring into force not later than 30 June 1988 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

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However, the Federal Republic of Germany is hereby authorized to place on the market in the territory of the former German Democratic Republic, until 31 December 1992 at the latest, Annex I products whose hydrogen cyanide level exceeds that fixed in Annex II; this derogation shall apply only to products originating in the territory of the former German Democratic Republic.

The permitted levels may under no circumstances exceed those applicable under the legislation of the former German Democratic Republic.

The Federal Republic of Germany shall ensure that the products in question are not introduced into parts of the Community other than the territory of the former German Democratic Republic.

▼B*Article 17*

This Directive is addressed to the Member States.

▼B*ANNEX I***▼M3**

CN code	Description
ex 1001	Wheat
1002 00 00	Rye
1003 00	Barley
1004 00	Oats
1005	Maize
1006	Rice
1007 00	Grain sorghum
ex 1008	Buckwheat, millet, other cereals

ANNEX II

PART A

	Pesticide residues	Maximum levels in mg/kg (ppm)
1. aldrin		0,01
2. dieldrin (HEOD)	} singly or combined, expressed as dieldrin (HEOD)	50
3. total inorganic bromide, expressed in Br ions		1: rice
4. carbaryl		0,5: other cereals
5. chlordane (sum of cis- and trans-isomers)		0,02
6. DDT (sum of DDT-, TDB- and DDE-isomers, expressed as DDT)		0,05
7. diazinon		▶ <u>M13</u> 0,02 (*) ▼
8. 1,2-dibromethane (ethylene dibromide)		0,01 (1)
9. dichlorvos		2
10. endosulfan (sum of alpha- and beta-isomers and of endosulfan sulphate, expressed as endosulfan)		▶ <u>M13</u> 0,05 (*) ▼
11. endrin		0,01
12. heptachlor (sum of heptachlor and heptachlor epoxide, expressed as heptachlor)		0,01
13. hexachlorobenzene (HCB)		0,01
14. hexachlorocyclohexane (HCH)		0,02
14.1. alpha-isomer	} sum	0,1 (2)
14.2. beta-isomer		8
14.3. gamma-isomer (lindane)		0,05
15. malathion (sum of malathion and malaixon, expressed as malathion)		3
16. phosphamidon		0,1
17. pyrethrins (sum of pyrethrins I and II, cinerins I and II, jasmolins I and II)		0,05
18. trichlorfon		0,02 (*)
19. captafol		0,02 (*)
20. ACEPHATE		0,02 (*)

▼ B▼ M1▼ M3

	Pesticide residues	Maximum levels in mg/kg (ppm)
▼ M3		
	21. BENOMYL	▶ <u>M9</u> 0,1 (*) ◀
	22. CARBENDAZIM	▶ <u>M9</u> 0,2 ◀; barley
	23. THIOPHANATE-METHYL	▶ <u>M9</u> 0,05 (*): oats and rye ◀
	24. CHLORPYRIFOS	▶ <u>M9</u> 0,05 (*) ◀; other cereals
	25. CHLORPYRIFOS-METHYL	▶ <u>M9</u> 3 ◀
	26. CHLORTHALONIL	▶ <u>M9</u> 0,1 ◀; wheat, rye, barley, oats and triticale
	27. CYPERMETHRIN, including other mixtures of constituent isomers (sum of isomers)	▶ <u>M9</u> 0,01 (*) ◀; other cereals ▶ <u>M9</u> 0,2 ◀; ▶ <u>M9</u> barley and oats ◀ ▶ <u>M9</u> 0,05 (*) ◀; other cereals
	28. DELTAMETHRIN	▶ <u>M9</u> 1 ◀
▼ M13	29. FENVALERATE and ESFENVALERATE	0,2: barley and oats 0,05: wheat, rye and triticale 0,02 (*): other cereals
	29.1. Sum of RR and SS isomers	0,05: barley and oats 0,02 (*): other cereals
	29.2. Sum of RS and SR isomers	▶ <u>M9</u> 5 ◀; wheat, rye and triticale ▶ <u>M9</u> 20 ◀; barley, oats ▶ <u>M9</u> and sorghum ◀ ▶ <u>M9</u> 0,1 (*) ◀; other cereals
▼ M3	30. GLYPHOSATE	▶ <u>M9</u> 0,02 (*) ◀
	31. IMAZALIL	▶ <u>M9</u> 0,5 ◀; wheat
	32. IPRDIONE	▶ <u>M9</u> 1 ◀; barley ▶ <u>M9</u> ————— ◀ ▶ <u>M9</u> 3: rice ◀ ▶ <u>M9</u> 0,02 (*) ◀; other cereals

	Pesticide residues	Maximum levels in mg/kg (ppm)
▼ <u>M4</u>		
▼ <u>M5</u>		
	54. METHIDATHION	0,02 (***)
	55. METHOMYL THIODICARB Residue: sum of methomyl and thiodicarb expressed as methomyl	0,05 (***)
	56. AMITRAZ Residue: amitraz plus all metabolites containing 2,4 demethylaniline expressed as amitraz	0,02 (***)
	57. PRIMIPHOS-METHYL	5
	58. ALDICARB Residue: sum of aldicarb, its sulfoxide and its sulfone expressed as aldicarb	0,05 (***)
	59. THIABENDAZOLE	► <u>MI3</u> 0,05 (*) ▼
▼ <u>M6</u>		
	60. TRIFORINE	0,1 wheat, rye, triticale, barley, oats 0,05 (****) other cereals
	61. ENDOSULFAN Residue: sum of alpha and beta endosulfan sulphate expressed as endosulphate	► <u>MI3</u> 0,05 (*) ▼
	62. FENBUTATIN OXIDE	0,05 (****)
	63. TRIAZAPHOS	► <u>MI3</u> 0,02 (*) ▼
	64. DIAZINON	► <u>MI3</u> 0,02 (*) ▼
	65. MECARBAM	0,05 (****) cereals
	66. FENTIN Residue: fentin expressed as triphyltrin cation	0,05 (****)
	67. PHORATE Residue: sum of phorate, its oxygen analogue and their sulfoxides and sulphones expressed as phorate	► <u>MI3</u> 0,05 (*) ▼
	68. DICOFOL Residue: sum of P, P' and O, P' isomers	0,02 (****)
	69. CHLORMEQUAT	5 oats 2 wheat, rye, triticale, barley (b) maize ► <u>MI3</u> 0,05 (*) ▼ others 0,02 (****)
	70. PROPYZAMIDE	

	Pesticide residues	Maximum levels in mg/kg (ppm)
▼ M6		
71. PROPOXUR		0,05 (****)
72. DISULFOTON		0,1 wheat
Residue: sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton		0,2 barley, sorghum
73. azoxystrobin		0,02 (****) others
74. Barban		0,3: wheat, rye, triticale, barley
75. Chlorobenzilate		0,05 (p) (****): other cereals
76. Chlorbufam		0,05 (****)
77. Chlorbenside		0,05 (****)
78. Chloroxuron		0,01 (****)
79. Aramite		0,05 (****)
80. Chlorfenson		0,01 (****)
81. Methoxychlor		0,01 (****)
82. 1,1-dichloro-2,2-bis (4-ethyl-phenyl-) ethane		0,01 (****)
83. Diallate		0,05 (****)
84. Azoxystrobin		5: rice
85. Kresoxim Methyl		0,05 (****) (p): cereals
86. Spiroxamine		0,3 (p): barley and oats
87. Azinphos-ethyl		0,05 (p) (****): other cereals
88. Chlozolinat		0,05 (*)
89. Dinoterb		0,05 (*)
90. DNOC		0,05 (*)
91. Monolinuron		0,05 (*)
▼ M11		
▼ M12		
▼ M14		
▼ M15		
▼ M16		
▼ M17		

	Pesticide residues	Maximum levels in mg/kg (ppm)
▼ M17		
	92. Propham	0,05 (*)
	93. Pyrazophos	0,05 (*)
	94. Tecnazene	0,05 (*)
▼ M18	95. Azimsulfuron	0,02 (*) (P): cereals
	96. Prohexadione (prohexadione and its salts expressed as prohexadione)	0,2 (P): wheat and barley
		0,05 (P) (*): other cereals
▼ M19	97. Azoxystrobin	0,3 (4): oats
▼ M20	98. Fluroxypyr including its esters expressed as fluroxypyr	0,1 (P): barley, oats, rye, triticale and wheat
		0,05 (*) (P): other cereals
▼ M21	99. Flupyrsulfuron-methyl	0,02 (*) (C): cereals
	100. Pymetrozine	0,02 (*) (C): cereals
▼ M22	101. Bentazone (sum of bentazone and the conjugates of 6-OH- and 8-OH-bentazone expressed as bentazone)	0,1 (P) (*): cereals
	102. Pyridate (sum of pyridate, its hydrolysis product CL 9673 (6-chloro-4-hydroxy-3-phenylpyridazin) and hydrolysable conjugates of CL 9673 expressed as pyridate)	0,05 (P) (*): cereals
▼ M23	103. Lindane	0,01 (*): cereals
	104. Quintozene (sum of quintozene, and pentachloro-aniline expressed as quintozene)	0,02 (*) (P): cereals
	105. Permethrin (sum of isomers)	0,05 (*) (P): cereals
	106. Parathion	0,05 (*) (P): cereals
▼ M24	107. Oxydemeton-methyl (sum of oxydemeton-methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl)	0,1: barley and oats
	108. Dimethoate (sum of dimethoate and omethoate expressed as dimethoate)	0,02 (*) (P): other cereals
		0,3: wheat, rye and triticale,
		0,02 (*) (P): other cereals

▼ M24	Pesticide residues	Maximum levels in mg/kg (ppm)
	109. Formothion	0,02 (*): cereals
▼ M25	110. Metsulfuron-methyl	0,05 (*) (P): cereals
▼ M26	111. Abamectin (sum of avermectin B1a, avermectin B1b and delta-8,9 isomer of avermectin B1a)	0,01 (*)
	112. Azoxychlorin and Cyhexatin (sum of azoxychlorin and cyhexatin expressed as cyhexatin)	0,05 (*)
	113. Bifenthrin	0,5: wheat, barley, oats, triticales 0,05 (*): other cereals
	114. Bitertanol	0,05 (*)
	115. Bromopropylate	0,05 (*)
	116. Clofentezine (sum of all compounds containing the 2-chlorobenzoyl moiety expressed as clofentezine)	0,02 (*)
	117. Cyromazine	0,05 (*)
	118. Fenpropimorph	0,5: barley, wheat, oats, rye, spelt, triticales 0,05 (*): other cereals
	119. Flucythrinate (expressed as flucythrinate, sum of isomers)	0,05 (*)
	120. Hexaconazole	0,02 (*)
	121. Methacrifos	0,05 (*)
	122. Myclobutanil	0,02 (*)
	123. Penconazole	0,05 (*)
	124. Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz)	1: oats, barley 0,5: triticales, wheat, rye 0,05 (*): other cereals
	125. Profenofos	0,05 (*)
	126. Resmethrin, including other mixtures of constituent isomers (sum of isomers)	0,05 (*)
	127. Tridemorph	0,2: barley, oats 0,05 (*): other cereals

	Pesticide residues	Maximum levels in mg/kg (ppm)
▼ M26		
128. Triadimefon and Triadimenol (sum of triadimefon and triadimenol)		0,2: wheat, barley, oats, rye, triticale 0,1 (*): other cereals
▼ M27	129. 2,4-D (sum of 2,4-D and its esters expressed as 2,4-D)	0,05 (*) (P): cereals
130. Triasulfuron		0,05 (*) (P): cereals
131. Thifensulfuron methyl		0,05 (*) (P): cereals
▼ B	<p>(1) During a transitional period expiring no later than 30 June 1991, Member States whose monitoring authorities are as yet unable to determine the residues at the set level of 0,01 mg/kg in a routine manner may use methods with determination limits not exceeding 0,05 mg/kg.</p> <p>(2) As from 1 January 1990.</p> <p>► M3 (*) Indicates lower limit of analytical determination. ◀</p> <p>► M4 (**) Indicates other limit of analytical determination.</p> <p>(a) As from ► M8 at the latest 1 July 2000 ◀ and save for adoption of other levels, the following maximum limits shall apply as indicated:</p> <p>(a): 0,05 (**).</p> <p>► M5 (***) Indicates lower limit of analytical determination. ◀</p> <p>► M6 (****) Indicates lower level of analytical detection.</p> <p>(b) Should levels not be adopted by ► M8 at the latest 1 July 2000 ◀ the following levels shall apply as indicated thereafter:</p> <p>(b): 0,05 (****) ◀</p> <p>► M11 (*****) Indicates lower limit of analytical determination.</p> <p>(p) Indicates provisional maximum residue level. ◀</p> <p>► M12 (*****) Indicates lower limit of analytical determination. ◀</p> <p>► M22 (p) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 4 years from date of coming into force of the Directive introducing this amendment. ◀</p> <p>► M19 (q) Indicates provisional maximum residue level established in accordance with Directive 91/414/EEC Article 4(1)(f); all provisional maximum residue levels for these pesticide residues will be treated as definitive in accordance with Article 10 of the Directive with effect from 1 August 2003. ◀</p> <p>► M21 (r) Indicates provisional maximum residue level. For those agricultural products listed in Annex II to Directive 86/362/EEC, where the maximum residue levels for flupyrsulfuron-methyl and pymetrozine are indicated as '(r)', this shall mean that they are provisional in accordance with the provisions of Article 4(1)(f) of Directive 91/414/EEC. ◀</p>	

▼B

PART B

Pesticide residues	Maximum levels in mg/kg (ppm)
1. bromomethane (methyl bromide)	0,1
2. carbon disulphide	0,1
3. carbon tetrachloride	0,1
4. hydrogen cyanide, cyanides expressed as hydrogen cyanide	15
5. hydrogen phosphide, phosphides expressed as hydrogen phosphide	0,1