

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 93/57/EEC

of 29 June 1993

amending the Annexes to Directives 86/362/EEC and 86/363/EEC on the fixing of maximum levels for pesticide residues in and on cereals and foodstuffs of animal origin respectively

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals⁽¹⁾, and in particular Article 11 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin⁽²⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas it appears desirable to update the nomenclature in Annex I to each of Directives 86/362/EEC and 86/363/EEC to conform with Commission Regulation (EEC) No 2587/91⁽³⁾;

Whereas it also appears desirable to enlarge the scope of Annex I to Directive 86/362/EEC to include husked rice and semi-milled or wholly milled rice in addition to paddy or rough rice, since a significant proportion of rice is put into circulation as such;

Whereas, in the light of technical and scientific progress and the requirements of public health and agriculture, it is now desirable to supplement Annex II to Directive 86/363/EEC in respect of the provisions for the establishment of maximum levels for birds' eggs and egg yolks and to establish levels for the pesticides therein listed; whereas, for clarity, it appears desirable to present a consolidated version of the said Annex;

Whereas it is also desirable, on the same grounds, to amend Directives 86/362/EEC and 86/363/EEC by adding provisions relating to further pesticide residues for cereals and foodstuffs of animal origin, namely acephate, benomyl, carbendazim, chlorpyrifos, chlorpyrifos-methyl, chlorthalonil, cypermethrin, deltamethrin, fenvalerate, glyphosate, imazalil, iprodione, mancozeb, maneb, methamidophos, metiram, permethrin, procymidone, propineb, thiophanate-methyl, vinclozolin, zineb;

Whereas, however, available data are insufficient for certain pesticide-cereal/foodstuffs of animal origin combinations as appropriate; whereas a period of time, not exceeding four years, will be necessary to generate such data; whereas, therefore, maximum levels should be established on the basis of such data by 1 January 1998 at the latest; whereas failure to provide satisfactory data would normally result in the establishment of levels at the appropriate limit of determination;

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

⁽¹⁾ OJ No L 221, 7. 8. 1986, p. 37. Directive as last amended by Directive 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48).

⁽²⁾ OJ No L 221, 7. 8. 1986, p. 43.

⁽³⁾ OJ No L 259, 26. 7. 1991, p. 1.

Whereas the maximum residue levels established in the current Directive will have to be reviewed in the framework of the re-evaluations of active substances provided for in the work programme established in Article 8 (2) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 86/362/EEC is hereby amended as follows:

1. Annex I shall be replaced by the following:

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

2. the following pesticide residues shall be added to Part A of Annex II:

Pesticide residues	Maximum levels in mg/kg (ppm)
20. ACEPHATE	0,02*
21. BENOMYL 22. CARBENDAZIM 23. THIOPHANATE-METHYL	sum expressed as carbendazim (a) : barley 0,1* : other cereals
24. CHLORPYRIFOS	(b) : barley 0,05* : other cereals
25. CHLORPYRIFOS-METHYL	0,05* : rice
26. CHLORTHALONIL	0,1 : wheat, rye, barley, oats and triticales 0,01* : other cereals
27. CYPERMETHRIN, including other mixtures of constituent isomers (sum of isomers)	(b) : wheat, barley, oats and rye 0,05* : other cereals
28. DELTAMETHRIN	1
29. FENVALERATE, including other mixtures of constituent isomers (sum of isomers)	(b) : barley, oats, rye and triticales 0,05* : other cereals
30. GLYPHOSATE	5 : wheat, rye and triticales 20 : barley and oats 0,1* : other cereals
31. IMAZALIL	0,02*
32. IPRIDIONE	0,5 : wheat (c) : barley and rice 0,02* : other cereals

* Indicates lower limit of analytical determination.

(a) (b) (c) Should levels not be adopted by 1 January 1998, the following maximum levels shall apply as indicated thereafter

- (a) : 0,1*
(b) : 0,05*
(c) : 0,02*

⁽¹⁾ OJ No L 230, 19. 8. 1991, p. 1.

Pesticide residues	Maximum levels in mg/kg (ppm)
33. MANCOZEB	0,05* : maize and rice (b) : other cereals
34. MANEB	
35. METIRAM	
36. PROPINEB	
37. ZINEB	
} sum expressed as CS ₂	
38. METHAMIDOPHOS	0,01*
39. PERMETHRIN (sum of isomers)	0,2 : maize 2 : other cereals
40. PROCYMIDONE	0,02*
41. VINCLOZOLIN (sum of vinclozolin and all metabolites containing the 3,5-dichloroaniline moiety, expressed as vinclozolin)	0,05*

* Indicates lower limit of analytical determination.

(a) (b) (c) Should levels not be adopted by 1 January 1998, the following maximum levels shall apply as indicated thereafter

(b) : 0,05*

Article 2

Directive 86/363/EEC is hereby amended as follows:

1. Annex I shall be replaced by the following:

CN code	Description
0201	Meat of bovine animals, fresh or chilled
0202	Meat of bovine animals, frozen
0203	Meat of swine, fresh, chilled or frozen
0204	Meat of sheep or goats, fresh chilled or frozen
0205 00 00	Meat of horses, asses, mules or hinnies, fresh, chilled or frozen
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen
0207	Meat and edible offal, of the poultry of heading No 0105 (fowls of the species <i>Gallus domesticus</i> , ducks, geese, turkeys and Guinea fowls), fresh, chilled or frozen
ex 0208	Other meat and edible meat offal, fresh, chilled or frozen
0209 00	Pig fat free of lean meat and poultry fat (not rendered), fresh, chilled, frozen, salted in brine, diced or smoked
0210	Meat and edible meat offal, salted in brine, dried or smoked; edible flours and meals of meat or meat offal
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter
0405 00	Butter and other fats and oils derived from milk
0406	Cheese and curd
0407 00	Birds' eggs, in shell, fresh, preserved or cooked
0408	Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter
1601 00	Sausages and similar products, of meat, meat offal or blood: food preparations based on these products
1602	Other prepared or preserved meat offal or blood

2. former Annex II shall become Annex II, Part A, and shall be amended and re-presented as follows:

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of fat, contained in meat, preparations of meat, offals and animal fats listed in Annex I under heading Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 ⁽¹⁾ ⁽⁴⁾	for cow's milk and whole cream cow's milk listed in Annex I under heading No 0401; for the other foodstuffs in heading Nos 0401, 0402, 0405 00 and 0406 in accordance with ⁽²⁾ ⁽⁴⁾	of shelled fresh eggs, for birds' eggs and egg yolks listed in Annex I under heading Nos 0407 00 and 0408 ⁽³⁾ ⁽⁴⁾
1. ALDRIN } singly or combined, 2. DIELDRIN } expressed as dieldrin (HEOD) } (HEOD)	0,2	0,006	0,02
3. CHLORDANE (sum of cis- and trans-isomers and oxychlordane expressed as chlordane)	0,05	0,002	0,005
4. DDT (sum of p,p'-DDT, o,p'-DDT, p,p'-DDE and p,p'-TDE (DDD) expressed as DDT)	1	0,04	0,1
5. ENDRIN	0,05	0,0008	0,005
6. HEPTACHLOR (sum of heptachlor and heptachlor epoxide, expressed as heptachlor)	0,2	0,004	0,02
7. HEXACHLOROBENZENE (HCB)	0,2	0,01	0,02
8. HEXACHLOROCYCLOHEXANE (HCH)			
8.1. alpha-isomer	0,2	0,004	0,02
8.2. beta-isomer	0,1	0,003	0,01
8.3. gamma-isomer (lindane)	2	0,008	0,1
	ex 0204 sheepmeat		
	1 other products		
9. CHLORPYRIFOS	0,05* 0207 Poultry meat	0,01*	0,01*
10. CHLORPYRIFOS-METHYL	0,05*	0,01*	0,01*
11. CYPERMETHRIN including other mixtures of constituent isomers (sum of isomers)	0,05* 0207 Poultry meat 0,2 other products	0,02	0,05*
12. DELTAMETHRIN	0,05 0207 Poultry meat		0,05*
13. FENVALERATE including other mixtures of constituent isomers (sum of isomers)	(a) 0207 Poultry meat 0,5 other products	0,05	(a)
14. PERMETHRIN (sum of isomers)	0,5	0,05	0,05

* Indicates lower limit of analytical determination.

⁽¹⁾ In the case of foodstuffs with a fat content of 10% or less by weight, the residue is related to the total weight of the boned foodstuff. In such cases, the maximum level is one-tenth of the value related to fat content, but must be no less than 0,01 mg/kg.

⁽²⁾ In determining the residues in raw cow's milk and whole cream cow's milk, a fat content of 4% by weight should be taken as a basis.

For raw milk and whole cream milk of another animal origin the residues are expressed on the basis of the fat.

For the other foodstuffs listed in Annex I under heading Nos 0401, 0402, 0405 00 and 0406:

— with a fat content of less than 2% by weight, the maximum level is taken as half that set for raw milk and whole cream milk,

— with a fat content of 2% or more by weight, the maximum level is expressed in mg/kg of fat. In such cases, the maximum level is 25 times that set for raw milk and whole cream milk.

⁽³⁾ For eggs and egg products with a fat content higher than 10% the maximum level is expressed in mg/kg fat. In this case the maximum level is 10 times higher than the maximum level for fresh eggs.

⁽⁴⁾ Footnotes ⁽¹⁾, ⁽²⁾ and ⁽³⁾ do not apply in cases where the lower limit of analytical determination is indicated.

(a) Should levels not be adopted by 1 January 1998, the following maximum level shall apply: 0,05*.

3. the following shall be added to Annex II:

'PART B

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of meat, including fat, preparations of meat, offals and animal fats listed in Annex I under heading Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	for milk and milk products listed in Annex I under heading Nos 0401, 0402, 0405 00 and 0406	of shelled fresh eggs, for birds' eggs and egg yolks listed in Annex I under heading Nos 0407 00 and 0408
1. ACEPHATE	0,02*	0,02*	0,02*
2. BENOMYL 3. CARBENDAZIM 4. THIOPHONATE METHYL	sum expressed as carbendazim 0,1*	0,1*	0,1*
5. CHLOROTHALONIL	0,01*	0,01*	0,01*
6. GLYPHOSATE	0,5 ex 0206 pig kidney 2 ex 0206 cattle, goat and sheep kidney 0,1* other products	0,1*	0,1*
7. IMAZALIL	0,02*	0,02*	0,02*
8. MANCOZEB 9. MANEB 10. METIRAM 11. PROPINEB 12. ZINEB	sum expressed as CS ₂ 0,05*	0,05*	0,05*
13. METHAMIDOPHOS	0,01*	0,01*	0,01*
14. IPRODIONE 15. PROCYMIDONE 16. VINCLOZOLIN	(sum of compounds and all metabolites containing the 3,5-dichloroaniline moiety expressed as 3,5 dichloroaniline) 0,05*	0,05*	0,05*

* Indicates lower limit of analytical determination.

Article 3

Member States shall bring into force, not later than 31 December 1993, the laws, regulations or administrative provisions necessary to comply with this Directive.

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 a reference shall be laid down by the Member States.

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 29 June 1993.

For the Council
The President
S. AUKEN