

COUNCIL DIRECTIVE 94/29/EC

of 23 June 1994

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 UNION,

Having regard to the Treaty establishing the European 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 the Commission has received a mandate in the framework of Directives 86/362/EEC and 86/363/EEC to prepare the list of pesticide residues and their maximum levels for approval by the Council;

Whereas, in the light of technical and scientific progress and the requirements of public health and agriculture, it is now desirable to amend Annex II to the abovementioned Directives by adding provisions relating to further pesticide residues for cereals and foodstuffs of animal origin, namely, daminozide, lambda-cyhalothrin, ethephon, propiconazole, carbofuran, carbosulfan, benfuracarb,

furathiocarb, cyfluthrin, metalaxyl, benalaxyl and fenarimol;

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 30 June 1999 at the latest; whereas failure to provide satisfactory data should 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;

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 Annex 8 (2) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽³⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following pesticide residues shall be added to Part A of Annex II to Directive 86/362/EEC:

Pesticide residues	Maximum levels in mg/kg (ppm)
42. CYFLUTHRIN, including other mixed isomeric constituents (sum of isomers)	0,05 (*) : maize 0,02 (*) : other cereals
43. METALAXYL	0,05 (*)
44. BENALAXYL	0,05 (*)
45. FENARIMOL	(a) : wheat, barley 0,02 (*) : other cereals
46. PROPICONAZOLE	0,05 (*)

⁽¹⁾ OJ No L 221, 7. 8. 1986, p. 37. Directive as last amended by Directive 93/57/EEC (OJ No L 211, 23. 8. 1993, p. 1).

⁽²⁾ OJ No L 221, 7. 8. 1986, p. 43. Directive amended by Directive 93/57/EEC (OJ No L 211, 23. 8. 1993, p. 1).

⁽³⁾ OJ No L 230, 19. 8. 1991, p. 1. Directive as amended by Commission Directive 93/71/EEC (OJ No L221, 31. 8. 1993, p. 27).

Pesticide residues	Maximum levels in mg/kg (ppm)
47. DAMINOZIDE, (sum of daminozide and 1,1-dimethylhydrazine expressed as daminozide)	0,02 (*)
48. LAMBDA-CYHALOTHRIN	0,05 : barley 0,02 (*) : other cereals
49. ETHEPHON	(b) : maize 0,2 : wheat and triticales 0,5 : barley and rye 0,05 (*) : other cereals
50. CARBOFURAN (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)	(c) : rice and oats 0,1 (*) : other cereals
51. CARBOSULFAN	0,05 (*)
52. BENFURACARB	(b) : maize 0,05 (*) : other cereals
53. FURATHIOCARB	0,05 (*)

(*) Indicates other limit of analytical determination.

(a) (b) (c) As from 30 June 1999 and save for adoption of other levels, the following maximum limits shall apply as indicated :

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

Article 2

1. The following pesticide residues shall be added to Part A of Annex II to Directive 86/363/EEC :

Pesticide residues	Maximum levels in mg/kg (ppm)		
	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, 1602 (*) (*)	in raw 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, 0406 in accordance with (*) and (*)	in shelled fresh eggs, in birds' eggs and egg yolks listed in Annex I under heading Nos 0407 00 and 0408 (*) (*)
15. CYFLUTHRIN, including other mixed isomeric constituents (sum of isomers)	0,05	0,02 (*)	0,02 (*)
16. LAMBDA-CYHALOTHRIN, including other mixed isomeric constituents (sum of isomers)	0,5 (except 0207 poultrymeat) 0,02 (*) (0207 poultrymeat)	0,05	0,02 (*)

(*) Indicates 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 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 limit of analytical determination is indicated.

2. The following pesticide residues shall be added in Part B of Annex II to Directive 86/363/EEC:

Pesticide residues	Maximum levels in mg/kg (ppm)		
	in meat, preparations of meat, offals and animal fats as 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	in milk and milk products listed in Annex I under heading Nos 0401, 0402, 0405 00 and 0406	in shelled fresh eggs, in birds' eggs and egg yolks listed in Annex I under heading Nos 0407 00 and 0408
17. FENARIMOL	Ex 0208 (a) liver + kidney 0,02 (*) other products	0,02 (*)	0,02 (*)
18. METALAXYL	0,5 (*)	0,05 (*)	0,05 (*)
19. BENALAXYL	0,5 (*)	0,05 (*)	0,05 (*)
20. DAMINOZIDE (sum of daminozide and 1,1-dimethylhydrazine expressed as daminozide)	0,05	0,05 (*)	0,05 (*)
21. ETHEPHON	0,05 (*)	0,05 (*)	0,05 (*)
22. PROPICONAZOLE	Ex 0206 0,1 ruminant liver 0,05 (*) other products	0,1 (*)	0,05 (*)
23. CARBOFURAN (sum of carbofuran and 3-hydroxycarbofuran expressed as carbofuran)	0,1 (*)	0,1 (*)	0,1 (*)
24. CARBOSULFAN	0,5 (*)	0,05 (*)	0,05 (*)
25. BENFURACARB	0,5 (*)	0,05 (*)	0,05 (*)
26. FURATHIOCARB	0,5 (*)	0,05 (*)	0,05 (*)

(*) Indicates limit of analytical determination.

(a) As from 30 June 1999 and save for adoption of other levels, the following maximum limit shall apply: 0,02.

Article 3

Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive not later than 30 June 1995.

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 shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

Done at Luxembourg, 23 June 1994.

For the Council
The President
G. MORAITIS