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COUNCIL DIRECTIVE 95/39/EC

of 17 July 1995

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

(OJ L 197, 22.8.1995, p. 29)

Corrected by:

► C1 Corrigendum, OJ L 164, 3.7.1996, p. 23 (95/39)

**COUNCIL DIRECTIVE 95/39/EC****of 17 July 1995****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**

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 been instructed, within the framework of Council Directives 86/362/EEC and 86/363/EEC, to prepare a list of pesticide residues and their maximum levels for approval by the Council;

Whereas pesticide residues may be found in cereals and foodstuffs of animal origin as a result of agricultural practices; whereas it is necessary to take into account relevant data for both types of authorized pesticide use and, as appropriate, supervised trials and animal feeding studies;

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

Whereas, in the light of technical and scientific progress and the requirements of public health and agriculture, Directives 86/362/EEC and 86/363/EEC should be amended by adding provisions relating to further pesticide residues for cereals and foodstuffs of animal origin, namely methidathion, methomyl thiodicarb, amitraz, pirimiphos-methyl, aldicarb and thiabendazole;

Whereas, however, the available data are insufficient by current standards to establish maximum pesticide residue levels for certain pesticide residue/product combinations; whereas in such cases a period of time not exceeding four years would seem reasonable for the generation of the necessary data; whereas maximum levels should therefore be established on the basis of such data by 1 July 2000 at the latest; whereas failure to provide satisfactory data will result in the establishment of levels at the appropriate limit of determination; whereas satisfactory undertakings to generate the necessary data must be given within one year of adoption of this Directive;

Whereas the maximum residue levels established in this Directive will have to be reviewed in the framework of the re-evaluation of active substances provided for in the work programme referred to in Article 8 (2) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽³⁾,

⁽¹⁾ OJ No L 221, 7. 8. 1986, p. 37. Directive as last amended by Directive 94/29/EC (OJ No L 189, 23. 7. 1994, p. 67).

⁽²⁾ OJ No L 221, 7. 8. 1986, p. 43. Directive as last amended by Directive 94/29/EC (OJ No L 189, 23. 7. 1994, p. 67).

⁽³⁾ OJ No L 230, 19. 8. 1991, p. 1.



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)
METHIDATHION	0,02 (*)
METHOMYL THIODICARB Residue: sum of methomyl and thiodicarb expressed as methomyl	0,05 (*)
AMITRAZ Residue: amitraz plus all metabolites containing 2,4 demethylaniline expressed as amitraz	0,02 (*)
PIRIMIPHOS-METHYL	5
ALDICARB Residue: sum of aldicarb, its sulfoxide and its sulfone expressed as aldicarb	0,05 (*)
THIABENDAZOLE	(a) wheat, rice 0,05 (*): others

(*) Indicates lower limit of analytical determination.

(a) Should levels not be adopted by 1 July 2000 the level of 0,05 (*) shall apply.

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)		
	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, 1602 ⁽¹⁾ ⁽⁴⁾	for 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 ⁽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⁾
METHIDATHION	0,02 (*)	0,02 (*)	0,02 (*)
PIRIMIPHOS-METHYL	0,05 (*)	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 ► **C1** 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 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.

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

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of meat, including fat, 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	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
METHOMYL	0,02 (*)	0,02 (*)	0,02 (*)
THIODICARB Residue: sum of methomyl and thiodicarb expressed as methomyl			
AMITRAZ Residues: amitraz plus all metabolites containing 2,4 dimethylamine expressed as amitraz	Poultrymeat 0,02 (*)		0,02 (*)
ALDICARB Residue: sum of aldicarb, its sulfoxide and its sulfone expressed as aldicarb	0,01 (*)	0,01 (*)	0,01 (*)
THIABENDAZOLE Residue: sum of thiabendazole and 5-hydroxythiabendazole	0,1 (with the exception of meat and other ovine, bovine and caprine products)		0,1 (*)

(*) Indicates lower limit of analytical determination.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 22 August 1996.

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 reference shall be laid down by Member States.

Article 4

This Directive is addressed to the Member States.