

COUNCIL DIRECTIVE 96/33/EC

of 21 May 1996

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,

tities of pesticide to achieve adequate control, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable;

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 cereals⁽¹⁾, and in particular Article 11 thereof,

Whereas, in the light of technical and scientific progress and the requirements of public health and agriculture, it is desirable 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 chlormequat, diazinon, dicofol, disulfoton, endosulfan, fenbutatin oxide, fentin, mecarbam, phorate, propoxur, propyzamide, triazophos and triforine;

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

Whereas, however, 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, therefore, maximum levels should be established on the basis of such data by 30 April 2000 at the latest; whereas failure to provide satisfactory data will normally 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 the adoption of this Directive;

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 pesticide residues may arise 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 authorized pesticide uses and as appropriate supervised trials and animal feeding studies;

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 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⁽³⁾,

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 quan-

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

⁽¹⁾ OJ No L 221, 7. 8. 1986, p. 37. Directive as last amended by Directive 95/39/EC (OJ No L 197, 22. 8. 1995, p. 29).

⁽²⁾ OJ No L 221, 7. 8. 1986, p. 43. Directive as last amended by Directive 95/39/EC (OJ No L 197, 22. 8. 1995, p. 29).

⁽³⁾ OJ No L 230, 19. 8. 1991, p. 1.

Pesticide residues	Maximum levels in mg/kg (ppm)	
TRIFORINE	0,1 0,05 (*)	wheat, rye, triticale, barley, oats other cereals
ENDOSULFAN Residue: sum of alpha and beta endosulfan sulphate expressed as endosulphate	0,1 (a) 0,2 (a) 0,05 (*)	wheat, rye, triticale, barley, oats maize others
FENBUTATIN OXIDE	0,05 (*)	
TRIAZAPHOS	(b) 0,02 (*)	wheat, rye, triticale, barley, oats, maize others
DIAZINON	0,02 (*) 0,05 (b)	buckwheat, millet others
MECARBAM	0,05 (*)	cereals
FENTIN Residue: fentin expressed as triphyltin cation	0,05 (*)	
PHORATE Residue: sum of phorate, its oxygen analogue and their sulfoxides and sulphones expressed as phorate	(a) 0,05 (*)	maize others
DICOFOL Residue: sum of P, P' and O, P' isomers	0,02 (*)	
CHLORMEQUAT	5 2 (a) 0,05 (*)	oats wheat, rye, triticale, barley maize others
PROPYZAMIDE	0,02 (*)	
PROPOXUR	0,05 (*)	
DISULFOTON Residue: sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton	0,1 0,2 0,02 (*)	wheat barley, sorghum others

(*) Indicates lower level of analytical detection.

(a) and (b) Should levels not be adopted by 30 April 2000 the following levels shall apply as indicated thereafter:

(a) 0,05 (*)
(b) 0,02 (*)

Article 2

Annex II to Directive 86/363/EEC shall be amended as follows:

1. The following pesticide residues shall be added to Part A:

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of fat, contained in meat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 (i) (iv)	for raw cows' milk and whole-cream cows' milk listed in Annex I under heading No 0401; for the other foodstuffs in headings Nos 0401, 0402, 0405 00 and 0406 (ii) (iv)	of shelled fresh eggs, for birds' eggs and egg yolks listed in Annex I under headings Nos 0407 00, 0408 (iii) (iv)
ENDOSULFAN Residue: sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan	(a) poultrymeat 0,1 others	0,004	(a)
FENTIN Residue: fentin expressed as triphenyltin cation	0,05 (*)	0,05 (*)	0,05 (*)
FENBUTATIN OXIDE	0,05 (*)	0,05 (*)	0,05 (*)
TRIAZAPHOS	(b) poultrymeat 0,01 (*) others	0,01 (*)	(b)
DIAZINON	(a) pig and poultrymeat	0,01 (*)	(a)
DISULFOTON Residue: sum of disulfoton, disulfoton sulphone expressed as disulfoton	0,02 (*)	0,02	0,02 (*)
DICOFOL Residue: sum of P, P' and O, P' isomers	0,5 meat of cattle, sheep and goats 0,1 meat of poultry 0,05 (*) others	0,02	0,05 (*)

(*) Indicates lower limit of analytical detection.

- (i) 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.
- (ii) In determining the residues in raw cows' 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 headings 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.
- (iii) For eggs and egg products with a fat content higher than 10 %, the maximum level is expressed in mg/kg. In this case, the maximum level is 10 times higher than the maximum level for fresh eggs.
- (iv) Footnotes (i), (ii) and (iii) shall not apply in cases where the lower limit of analytical determination is indicated.
- (v) Should levels not be adopted by 30 April 2000, the following maximum levels shall apply:
(a) 0,05 (*)
(b) 0,01 (*)

2. The following pesticide residues shall be added to Part B:

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of meat, including fat, preparations of meat, offal and animal fats listed in Annex I under headings 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 headings Nos 0401, 0402, 0405 00 and 0406	of shelled fresh eggs, for birds' eggs and egg yolks listed in Annex I under headings Nos 0407 00 and 0408
TRIFORINE	0,05 (*)	0,05 (*)	0,05 (*)
PROPOXUR	0,05 (*)	0,05 (*)	0,05 (*)
PROPYZAMIDE Residue: sum of propyzamide and all metabolites containing the 3,5-dichlorobenzoic acid fraction expressed as propyzamide	0,05 fat, liver and kidney 0,02 (*) others	0,01 (*)	0,02 (*)
PHORATE Sum of phorate, its oxygen analogue and their sulphoxides and sulphones expressed as phorate	0,05 (*)	0,02 (*)	0,05 (*)
CHLORMEQUAT	(a)	(a)	(a)
DICOFOL Residue: 1,1-bis-(parachlorophenol)-2,2-dichloroethanol (PP'-FW152), expressed as dicofol	1,0 liver of cattle, sheep and goats		

(*) Indicates lower limit of analytical detection.

(a) Should a maximum level not be adopted by 30 April 2000, a maximum level of 0,05 (*) shall apply.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 30 April 1997.

When Member States adopt those measures, they shall contain references to this Directive or shall be accompanied by such references on the occasion of their publication. The methods of making such references 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 Brussels, 21 May 1996.

For the Council
The President
M. PINTO