COMMISSION DIRECTIVE 2000/24/EC

of 28 April 2000

amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 ([1]), as last amended by Directive 97/41/EC ([2]), and in particular Article 5 thereof,

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 ([3]), as last amended by Commission Directive 1999/71/EC ([4]), and in particular Article 10 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 ([5]), as last amended by Directive 1999/71/EC, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on products of plant origin, including fruit and vegetables ([6]), as last amended by Directive 1999/71/EC, and in particular Article 7 thereof,

Whereas:

(1) For cereals and products of plant origin, including fruit and vegetables, maximum residue levels reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in view of the protection of the environment and in terms of estimated dietary intake. For foodstuffs of animal origin, maximum residue levels reflect the consumption of cereals and products of plant origin treated with pesticides resulting in residues in animals and animal products, as well as taking into account the direct consequences of the use of veterinary medicines where appropriate.

(2) Maximum residue levels are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue in or on the food product, or where there are no authorised uses, or where uses which have been authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported with such necessary data.

(3) Maximum residue levels for pesticides should be kept under review. The levels may be changed to take account of new information and data.

([1]) OJ L 340, 9.12.1976, p. 26.
([2]) OJ L 184, 12.7.1997, p. 33.
([3]) OJ L 221, 7.8.1986, p. 37.
([4]) OJ L 194, 27.7.1999, p. 36.
([5]) OJ L 221, 7.8.1986, p. 43.
([6]) OJ L 350, 14.12.1990, p. 71.

(4) Aramite, barban, chlorobenzilate, chlorfenson, chloroxuron, chlorbenside, 1,1-dichloro-2,2-bis (4-ethyl-phenyl-) ethane and diallate are either no longer authorised for use in the Community or are no longer used at Community level. The aramite and chlorfenson residues were deleted from Annex II to Directive 76/895/EEC by Council Directive 82/528/EEC [1] but have not since that time been added to the Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC. The chlorbenside and 1,1-dichloro-2,2-bis (4-ethyl-phenyl-) ethane residues were deleted from Annex II to Directive 76/895/EEC by Council Directive 93/58/EEC [2] but have not since that time been added to the Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC. It is necessary to add all of these residues to the Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC to allow for proper surveillance and control of their uses and to protect the consumer.

(5) Limited authorisations still exist in the Community for chlorbufam and methoxychlor. The authorised uses would not be expected to give rise to detectable residues in food. Maximum residue levels have been fixed in Annex II to Directive 76/895/EEC for these residues.

(6) To establish maximum levels of pesticide residues for barban, chlorbufam, chlorobenzilate, chloroxuron, diallate and methoxychlor at Community level it is necessary to transfer provisions from Directive 76/895/EEC to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC. Certain of these provisions should be amended in the light of technical and scientific progress as well as changes in uses and authorisations at national and Community level.

(7) Community maximum residue levels and levels recommended by the Codex Alimentarius are fixed and evaluated following similar procedures. With the exception of chlorobenzilate, no Codex maximum residue limits were set for the active substances covered by this Directive. The Codex maximum residue limits for chlorobenzilate have been withdrawn [3]. Authorisations of plant protection products in third countries may require the use of greater quantities of pesticides or shorter pre-harvest intervals than are authorised in the Community and consequently may require higher residue levels. The Community's trading partners have been consulted about the levels set out in this Directive through the World Trade Organisation and their comments on these levels have been considered and discussed by the Standing Committee on Plant Health. The possibility of fixing import tolerance maximum residue levels for specific pesticide/crop combinations will be examined by the European Community on the basis of the submission of acceptable data.

(8) The maximum residue levels established in this Directive may have to be reviewed in the framework of the re-evaluation of active substances provided for in the programme of work 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 [4], as last amended by Commission Directive 1999/80/EC [5].

(9) The maximum residue level for cartap in tea was set at 20 mg/kg in Community legislation on the basis of the information contained in the Codex Alimentarius. The 29th meeting of the Codex Committee on Pesticide Residues recommended that all MRLs for the active substance be withdrawn [6].

(10) A lack of clarity in the description of CN codes in Annexes I and II to Directive 86/363/EEC has led to problems in classifying samples for the purposes of the notification procedure under Article 7 of Directive 86/363/EEC.

(11) DDT is not authorised for use as a plant protection product in the Community. A maximum residue level for DDT in birds' eggs and egg yolks of 0,1 mg/kg was set in Community legislation by Council Directive 93/57/EEC [7] to allow for the possibility that residual environmental contamination may give rise to DDT residues in eggs. Monitoring data for DDT in eggs in Community Member States and in Norway indicate that this maximum level may be reduced.

[1] OJ L 234, 9.8.1982, p. 1.
[2] OJ L 211, 23.8.1993, p. 6.
[3] ALINORM 93/24A.
[4] OJ L 230, 19.8.1991, p. 1.
[5] OJ L 210, 10.8.1999, p. 13.
[6] ALINORM 97/24A Annex II.
[7] OJ L 211, 23.8.1993, p. 1.

(12) This Directive is in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 76/895/EEC is hereby amended as follows:

1. The entries relating to chlorobenzilate, chloroxuron and methoxychlor shall be deleted.

2. The grouping 'barban, chlorpropham, chlorbufam' shall be replaced by 'chlorpropham'.

3. The grouping 'diallate, triallate' shall be replaced by 'triallate'.

Article 2

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

The following pesticide residues shall be added to Part A of Annex II:

Pesticide residue	Maximum level (mg/kg)
Barban	0,05 (*)
Chlorobenzilate	0,02 (*)
Chlorbufam	0,05 (*)
Chlorbenside	0,01 (*)
Chloroxuron	0,05 (*)
Aramite	0,01 (*)
Chlorfenson	0,01 (*)
Methoxychlor	0,01 (*)
1,1-dichloro-2,2-bis (4-ethyl-phenyl-) ethane	0,01 (*)
Diallate	0,05 (*)

(*) Indicates lower limit of analytical determination.

Article 3

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

1. The following pesticide residues shall be added to part A of Annex II:

Pesticide residue	Maximum level (mg/kg)		
	Of fat contained in meat, preparations of meat, offals and animal fats listed in Annex I within CN code Nos 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 within CN code No 0401; for the other foodstuffs within CN code Nos 0401, 0402, 0405 00, 0406 in accordance with [2] [4]	Of shelled fresh eggs, in birds' eggs and egg yolks listed in Annex I within CN code Nos 0407 00 and 0408 [3] [4]
Aramite	0,01 (*)	0,01 (*)	0,01 (*)
Chlorfenson	0,05 (*)	0,05 (*)	0,05 (*)
Chloroxuron	0,05 (*)	0,05 (*)	0,05 (*)
Chlorbenside	0,05 (*)	0,05 (*)	0,05 (*)

Pesticide residue	Maximum level (mg/kg)		
	Of fat contained in meat, preparations of meat, offals and animal fats listed in Annex I within CN code Nos 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 within CN code No 0401; for the other foodstuffs within CN code Nos 0401, 0402, 0405 00, 0406 in accordance with (2) (4)	Of shelled fresh eggs, in birds' eggs and egg yolks listed in Annex I within CN code Nos 0407 00 and 0408 (3) (4)
Methoxychlor	0,01 (*)	0,01 (*)	0,01 (*)
1,1-dichloro-2,2-bis (4-ethyl-phenyl-) ethane	0,01 (*)	0,01 (*)	0,01 (*)
Barban	0,05 (*)	0,05 (*)	0,05 (*)
Chlorobenzilate	0,1 (*)	0,1 (*)	0,1 (*)

(*) 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 op 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.

2. The following pesticide residues shall be added to part B of Annex II:

Pesticide residue	Maximum level (mg/kg)		
	Of meat, including fat, preparations of meat, offals and animal fats as listed in Annex I within CN code Nos 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 within CN code Nos 0401, 0402, 0405 00 and 0406	Of shelled fresh eggs, for birds' eggs and egg yolks listed in Annex I within CN code Nos 0407 00 and 0408
Chlorbufam	0,05 (*)	0,05 (*)	0,05 (*)
Diallate	0,2 (*)	0,2 (*)	0,2 (*)

(*) Indicates lower limit of analytical determination.

3. In Annex I, the text in the column 'Description' which corresponds to CN code ex 0208 shall be replaced by the text 'Other meat and edible meat offal of domestic pigeons, domestic rabbits and game, fresh, chilled or frozen'.

4. In Annex II, in the tables in Parts A and B, in the column 'meat', the text 'ex 0201' shall be replaced by the text '0201'.

5. In Annex II, in the table in Part A, in the column relating to birds' eggs and egg yolks, the value of 0,1 mg/kg for DDT shall be replaced by the value 0,05 mg/kg.

Article 4

Directive 90/642/EEC is hereby amended as follows:

1. The following pesticide residues shall be added to Annex II:

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)									
	Methoxy-chlor	Barban	Aramite	Chlor-fenson	Chloro-benzilate	Chlor-bufam	Chlor-oxuron	Chlor-benside	Diallate	1,1-Dichloro-2,2-bis (4-ethyl-phenyl-) ethane
1. **Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts**	0,01 (*)	0,05 (*)	0,01 (*)	0,01 (*)	0,02 (*)	0,05 (*)	0,05 (*)	0,01 (*)	0,05 (*)	0,01 (*)
(I) CITRUS FRUIT										
Grapefruit										
Lemons										
Limes										
Mandarins (including clementines and other hybrids)										
Oranges										
Pomelos										
Others										
(II) TREE NUTS (shelled or unshelled)										
Almonds										
Brazil nuts										
Cashew nuts										
Chestnuts										
Coconuts										
Hazelnuts										
Macadamia										
Pecans										
Pine nuts										
Pistachios										
Walnuts										
Others										
(III) POME FRUIT										
Apples										
Pears										
Quinces										
Others										
(IV) STONE FRUIT										
Apricots										
Cherries										
Peaches (including nectarines and similar hybrids)										
Plums										
Others										