COMMISSION DIRECTIVE 97/71/EC

of 15 December 1997

amending the Annexes to Council Directives 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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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], as last amended by Directive 97/41/EC [2], 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 [3], as last amended by Directive 97/41/EC, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fexing of maximum levels for pesticide residues in and on products of plant origin, including fruit and vegetables [4], as last amended by Directive 97/41/EC, and in particular Article 10 thereof,

Whereas Directives 93/57/EEC [5], 94/29/EC [6], 95/39/EC [7] and 96/33/EC [8] amended the Annexes II of Directives 86/362/EEC and 86/363/EEC to establish maximum residue levels for lists of pesticides; whereas, however, certain positions were left open where available data were insufficient to establish maximum levels and interested parties were given the opportunity to generate the missing data within a specified timetable; whereas, if maximum levels are not adopted by the dates specified in footnotes to the lists added to the Annexes II of Directives 86/362/EEC and 86/363/EEC by Directives 93/57/EEC, 94/29/EC, 95/39/EC and 96/33/EC the appropriate lower limit of analytical determination will apply;

Whereas Directives 93/58/EEC [9], 94/30/EC [10], 95/38/EC [11] and 96/32/EC [12] amended Annex II of Directive 90/642/EEC to establish maximum levels for lists of pesticides; whereas, however, certain positions were left open where available data were insufficient to establish maximum levels and interested parties were given the opportunity to generate the missing data within a specified timetable; whereas, if maximum levels are not adopted by the dates specified in footnotes to the lists added to the Annexes II of Directive 90/642/EEC by Directives 93/58/EEC, 94/30/EC, 95/38/EC and 96/32/EC the appropriate lower limit of analytical determination will apply;

Whereas Member States may set national maximum residue levels where these are not fixed by Directives 86/362/EEC, 86/363/EEC and 90/642/EEC; whereas Member States should set such national levels to reflect their national authorisations of plant protection products containing the relevant active substance and based on sufficient data to ensure that consumers are not exposed to unacceptable levels of pesticide residue;

Whereas Member States' national maximum residue levels which have the effect to prohibit or restrict the putting into circulation of products originating in other Member States are subject to a conciliation procedure set out in Article 5a of Directives 86/362/EEC and 86/363/EEC and in Article 5b of Directive 90/642/EEC under which exceptional provisions apply, including where possible the establishment of a temporary maximum residue level;

Whereas, for cereals and products of plant origin, maximum residue levels reflect the use of minimum quantities of pesticides to achieve adequate protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically

[1] OJ L 221, 7. 8. 1986, p. 37.
[2] OJ L 184, 12. 7. 1997, p. 33.
[3] OJ L 221, 7. 8. 1986, p. 43.
[4] OJ L 350, 14. 12. 1990, p. 71.
[5] OJ L 211, 23. 8. 1993, p. 1.
[6] OJ L 189, 23. 7. 1994, p. 67.
[7] OJ L 197, 22. 8. 1995, p. 29.
[8] OJ L 144, 18. 6. 1996, p. 35.
[9] OJ L 211, 23. 8. 1993, p. 6.
[10] OJ L 189, 23. 7. 1994, p. 70.
[11] OJ L 197, 22. 8. 1995, p. 14.
[12] OJ L 144, 18. 6. 1996, p. 12.