

COMMISSION DIRECTIVE 2002/97/EC
of 16 December 2002

amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (2,4-D, triasulfuron and thifensulfuron methyl) in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables

(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 Commission Directive 2002/79/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 2002/79/EC, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ⁽⁴⁾, as last amended by Directive 2002/79/EC, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁵⁾, as last amended by Commission Directive 2002/81/EC ⁽⁶⁾, and in particular Article 4(1)(f) thereof,

WHEREAS:

- (1) The existing active substances 2,4-D, triasulfuron and thifensulfuron methyl, (the active substances concerned), were included in Annex I to Directive 91/414/EEC by Commission Directives 2001/103/EC ⁽⁷⁾, 2000/66/EC ⁽⁸⁾ and 2001/99/EC ⁽⁹⁾, respectively, for use as herbicides, but without specifying particular conditions having an impact on crops which may be treated with plant protection products containing this active substance.
- (2) The inclusion in Annex I to Directive 91/414/EEC of these active substances was based on the assessment of the information submitted concerning the proposed use. Information relating to this use has been submitted by certain Member States in accordance with Article 4(1)(f) of Directive 91/414/EEC. The information available has been reviewed and is sufficient to allow certain maximum residue levels (MRLs) to be fixed.
- (3) Where no Community MRL or provisional MRL exists, Member States are to establish a national provisional MRL in accordance with Article 4(1)(f) of Directive 91/414/EEC before plant protection products containing this active substance may be authorised.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37.

⁽²⁾ OJ L 291, 28.10.2002, p. 1.

⁽³⁾ OJ L 221, 7.8.1986, p. 43.

⁽⁴⁾ OJ L 350, 14.12.1990, p. 71.

⁽⁵⁾ OJ L 230, 19.8.1991, p. 1.

⁽⁶⁾ OJ L 276, 12.10.2002, p. 28.

⁽⁷⁾ OJ L 313, 30.11.2001, p. 37.

⁽⁸⁾ OJ L 276, 28.10.2000, p. 35.

⁽⁹⁾ OJ L 304, 21.11.2001, p. 14.

- (4) With respect to the inclusion in Annex I to Directive 91/414/EEC of the active substance concerned, the related technical and scientific evaluations were finalised in the form of the Commission review report. The report was finalised on 2 October 2001 for 2,4-D, on 13 July 2000 for triasulfuron and on 29 June 2001 for thifensulfuron methyl. The reports fixed the Acceptable Daily Intake (ADI) for 2,4-D at 0,05 mg/kg bw/day, for triasulfuron at 0,01 mg/kg bw/day and for thifensulfuron methyl at 0,01 mg/kg bw/day. The lifetime exposure of consumers of food products treated with the active substances concerned has been assessed and evaluated in accordance with Community procedures. Account has also been taken of guidelines published by the World Health Organisation ⁽¹⁾ and the opinion of the Scientific Committee for Plants ⁽²⁾ on the methodology employed. It is concluded that MRLs proposed will not lead to those ADIs being exceeded. No acute toxic effects requiring the setting of an Acute Reference Dose were noted during the evaluations and discussions preceding the inclusion of the active substances concerned in Annex I to Directive 91/414/EEC.
- (5) In order to ensure that the consumer is adequately protected from exposure to residues in or on products for which no authorisations have been granted, it is prudent to set provisional MRLs at the lower limit of analytical determination for all such products covered by Directives 86/362/EEC, 86/363/EEC and 90/642/EEC.
- (6) The setting at Community level of such provisional MRLs does not prevent the Member States from establishing provisional maximum residue levels in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI thereto. It is considered that a period of four years is sufficient to permit the development of further uses of the active substance concerned. The provisional MRLs should then become definitive.
- (7) The Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.
- (8) The Commission notified this Directive in draft form to the World Trade Organisation and the comments received have been considered in finalising the Directive. The possibility of fixing import tolerance MRLs for specific pesticide/crop combinations will be examined by the Commission on the basis of acceptable data submitted.
- (9) This Directive is in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following maximum pesticide residue level are added to Part A of Annex II to Directive 86/362/EEC:

Pesticide residue	Maximum level in mg/kg
2,4-D (sum of 2,4-D and its esters expressed as 2,4-D)	0,05 (*) (p) cereals
Triasulfuron	0,05 (*) (p) cereals
Thifensulfuron methyl	0,05 (*) (p) cereals

(*) indicates lower limit of analytical determination

(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 4 years from date of coming into force of this Directive.

⁽¹⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

⁽²⁾ Opinion of the Scientific Committee on Plants regarding questions relating to amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the Scientific Committee on Plants, 14 July 1998) (http://europa.eu.int/comm/dg24/health/sc/scp/out21_en.html).

Article 2

The following maximum pesticide residue levels are added to Part B of Annex II to Directive 86/363/EEC:

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 1 within CN code Nos 0401, 0402, 0405 00 and 0406	Of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex 1 within CN code Nos 0407 00 and 0408
2,4-D	Kidney (except poultry) 1(p) Others 0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)

(*) Indicates lower limit of analytical determination

(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 4 years from date of coming into force of this Directive'

Article 3

The maximum pesticide residue levels for the active substances concerned as shown in the Annex to this Directive are added to Annex II to Directive 90/642/EEC.

Article 4

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2003 at the latest. They shall forthwith inform the Commission thereof.

They shall apply these provisions with effect from 1 July 2003.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 5

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 16 December 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)		
	Triasulfuron	Thifensulfuron methyl	2,4-D (sum of 2,4-D and its esters) expressed as 2,4-D)
<p>1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts</p> <p>(i) CITRUS FRUIT</p> <p>Grapefruit</p> <p>Lemons</p> <p>Limes</p> <p>Mandarins (including clementines and other hybrids)</p> <p>Oranges</p> <p>Pomelos</p> <p>Others</p> <p>(ii) TREE NUTS (shelled or unshelled)</p> <p>Almonds</p> <p>Brazil nuts</p> <p>Cashew nuts</p> <p>Chestnuts</p> <p>Coconuts</p> <p>Hazelnuts</p> <p>Macadamia</p> <p>Pecans</p> <p>Pine nuts</p> <p>Pistachios</p> <p>Walnuts</p> <p>Others</p> <p>(iii) POME FRUIT</p> <p>Apples</p> <p>Pears</p> <p>Quinces</p> <p>Others</p> <p>(iv) STONE FRUIT</p> <p>Apricots</p> <p>Cherries</p> <p>Peaches (including nectarines and similar hybrids)</p> <p>Plums</p> <p>Others</p> <p>(v) BERRIES AND SMALL FRUIT</p> <p>(a) Table and wine grapes</p> <p>Table grapes</p> <p>Wine grapes</p> <p>(b) Strawberries (other than wild)</p>	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)		
	Triasulfuron	Thifensulfuron methyl	2,4-D (sum of 2,4-D and its esters) expressed as 2,4-D)
(c) Cane fruit (other than wild) Blackberries Dewberries Loganberries Raspberries Others			
(d) Other small fruit and berries (other than wild) Bilberries Cranberries Currants (red, black and white) Gooseberries Others			
(e) Wild berries and wild fruit			
(vi) MISCELLANEOUS Avocados Bananas Dates Figs Kiwi Kumquats Litchis Mangoes Olives Passion fruit Pineapples Pomegranate Others			
2. Vegetables, fresh or uncooked, frozen or dry	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)
(i) ROOT AND TUBER VEGETABLES Beetroot Carrots Celeriac Horseradish Jerusalem artichokes Parsnips Parsley root Radishes Salsify Sweet potatoes			

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)		
	Triasulfuron	Thifensulfuron methyl	2,4-D (sum of 2,4-D and its esters) expressed as 2,4-D)
Swedes			
Turnips			
Yam			
Others			
(ii) BULB VEGETABLES			
Garlic			
Onions			
Shallots			
Spring onions			
Others			
(iii) FRUITING VEGETABLES			
(a) <i>Solanacea</i>			
Tomatoes			
Peppers			
Aubergines			
Others			
(b) <i>Cucurbits</i> — edible peel			
Cucumbers			
Gherkins			
Courgettes			
Others			
(c) <i>Cuarbits</i> — inedible peel			
Melons			
Squashes			
Watermelons			
Others			
(d) Sweet corn			
(iv) BRASSICA VEGETABLES			
(a) Flowering brassica			
Broccoli			
Cauliflower			
Others			
(b) Head brassica			
Brussels sprouts			
Head cabbage			
Others			
(c) Leafy brassica			
Chinese cabbage			
Kale			
Others			
(d) Kohlrabi			

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)		
	Triasulfuron	Thifensulfuron methyl	2,4-D (sum of 2,4-D and its esters) expressed as 2,4-D)
(v) LEAF VEGETABLES AND FRESH HERBS			
(a) Lettuce & similar			
Cress			
Lamb's lettuce			
Lettuce			
Scarole			
Others			
(b) Spinach & similar			
Spinach			
Beet leaves (chard)			
Others			
(c) Water cress			
(d) Witloof			
(e) Herbs			
Chervil			
Chives			
Parsley			
Celery leaves			
Others			
(vi) LEGUME VEGETABLES (fresh)			
Beans (with pods)			
Beans (without pods)			
Peas (with pods)			
Peas (without pods)			
Others			
(vii) STEM VEGETABLES (fresh)			
Asparagus			
Cardoons			
Celery			
Fennel			
Globe artichokes			
Leek			
Rhubarb			
Others			
(viii) FUNGI			
(a) Cultivated mushrooms			
(b) Wild mushrooms			
3. Pulses	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)
Beans			
Lentils			
Peas			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)		
	Triasulfuron	Thifensulfuron methyl	2,4-D (sum of 2,4-D and its esters) expressed as 2,4-D)
4. Oil seeds Linseed Peanuts Poppy seeds Sesame seeds Sunflower seed Rape seed Soya bean Mustard seed Cotton seed Others	0,05 (*) (p)	0,05 (*) (p)	0,1 (*) (p)
5. Potatoes Early potatoes Ware potatoes	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (*) (p)	0,1 (*) (p)	0,1 (*) (p)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*) (p)	0,1 (*) (p)	0,1 (*) (p)

(*) Indicates lower limit of analytical determination

(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 4 years from date of coming into force of this Directive.