

COMMISSION DIRECTIVE 2003/113/EC

of 3 December 2003

amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for certain pesticide residues 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 2003/62/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 Commission Directive 2003/60/EC ⁽⁴⁾, 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 ⁽⁵⁾, as last amended by Commission Directive 2003/69/EC ⁽⁶⁾, 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 ⁽⁷⁾, as last amended by Commission Directive 2003/84/EC ⁽⁸⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) The existing active substances 2,4-DB linuron and pendimethalin, were included in Annex I to Council Directive 91/414/EEC by Commission Directive 2003/31/EC ⁽⁹⁾.
- (2) The new active substances imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl and cyazofamid were included in Annex I to Council Directive 91/414/EEC by Commission Directive, 2003/23/EC ⁽¹⁰⁾.

- (3) The inclusion in Annex I to Directive 91/414/EEC of the active substances concerned 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.

- (4) 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 these active substances may be authorised.

- (5) With respect to the inclusion in Annex I to Directive 91/414/EEC of the active substances concerned, the related technical and scientific evaluations were finalised in the form of Commission review reports. The assessment reports for the substances mentioned were finalised on the dates as mentioned in the Commission Directives cited under (1) and (2). These reports fixed the Acceptable Daily Intake (ADI) and if necessary, the Acute Reference Dose (ARfD) for the substances concerned. The exposure of consumers of food products treated with the active substance concerned has been assessed and evaluated in accordance with Community procedures. Account has also been taken of guidelines published by the World Health Organisation ⁽¹¹⁾ and the opinion of the Scientific Committee for Plants ⁽¹²⁾ on the methodology employed. It is concluded that MRLs proposed will not lead to those ADIs or ARfD being exceeded.

- (6) In order to ensure that the consumer is adequately protected from exposure to residues resulting from unauthorised uses of plant protection products, provisional MRLs should be set for the relevant product/pesticide combinations at the lower limit of analytical determination.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37.

⁽²⁾ OJ L 154, 21.6.2003, p. 70.

⁽³⁾ OJ L 221, 7.8.1986, p. 43.

⁽⁴⁾ OJ L 155, 24.6.2003, p. 15.

⁽⁵⁾ OJ L 350, 14.12.1990, p. 71.

⁽⁶⁾ OJ L 175, 15.7.2003, p. 37.

⁽⁷⁾ OJ L 230, 19.8.1991, p. 1.

⁽⁸⁾ OJ L 247, 30.9.2003, p. 20.

⁽⁹⁾ OJ L 101, 23.4.2003, p. 3.

⁽¹⁰⁾ OJ L 81, 28.3.2003, p. 39.

⁽¹¹⁾ 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).

⁽¹²⁾ 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/food/fs/sc/index_en.html).

- (7) The setting at Community level of such provisional MRLs does not prevent the Member States from establishing provisional MRLs for the substances in this Directive 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 further uses of the active substance concerned. The provisional MRL should then become definitive.
- (8) It is therefore necessary to add all of the pesticide residues arising from use of these plant protection products to the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer. The Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.
- (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 maximum pesticide residue levels for 2,4-DB, linuron, pendimethalin, imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl and cyazofamid as shown in Annex I to this Directive are added to Part A of Annex II to Directive 86/362/EEC.

Article 2

The maximum pesticide residue levels for pendimethalin, as shown in Annex II to this Directive are added to Annex IIA to Directive 86/363/EEC. The maximum pesticide residue levels for 2,4-DB and oxasulfuron as shown in Annex III to this Directive are added to Annex IIB to Directive 86/363/EEC.

Article 3

The maximum pesticide residue levels for 2,4-DB, linuron, pendimethalin, imazamox, oxasulfuron, ethoxysulfuron, foramsulfuron, oxadiargyl and cyazofamid as shown in Annex IV 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 six months after publication of this Directive in the *Official Journal of the European Union* at the latest. They shall forthwith inform the Commission thereof.

They shall apply these provisions with effect from 4 June 2005.

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 20th day following that of its publication in the *Official Journal of the European Union*.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 3 December 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)								
	2,4-DB	linuron	imazamox	pendimethalin	oxasulfuron	ethoxysulfuron	foramsulfuron	oxadiargyl	cyazofamid
CEREALS	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,02 (*) (p)
Barley									
Buckwheat									
Maize									
Millet									
Oats									
Rice									
Rye									
Sorghum									
Triticale									
Wheat									
Cereals others									

(*) 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 (four years from date of coming into force of the Directive introducing this amendment)

ANNEX II

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 heading Nos ex 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 under headings No 0401: for other foodstuffs in heading Nos 0401, 0402, 0405 00 and 0406 in accordance with ⁽²⁾ ⁽⁴⁾	of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex I under heading Nos 0407 00 and 0408 ⁽³⁾ ⁽⁴⁾
Pendimethalin	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (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 31 December 2007.

⁽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 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.

ANNEX III

Pesticide residues	Maximum levels in mg/kg (ppm)		
	Of meat, including fat, preparations of meat, offal 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 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 bird's eggs and egg yolks listed in Annex I under heading Nos 0407 00 and 0408
2,4-DB	0,05 (*) (p) meat 0,1 (p) liver, kidney	0,01 (*) (p)	0,05 (*) (p)
oxasulfuron	0,05 (*) (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 31 December 2007.

ANNEX IV

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		0,05 (*) (p)							0,01 (*) (p)
(i) CITRUS FRUIT									
Grapefruit									
Lemons									
Limes									
Mandarins (including clementines and other hybrids)									
Oranges									
Pomelos									
Others		0,05 (*) (p)							0,01 (*) (p)
(ii) TREE NUTS (shelled or unshelled)									
Almonds									
Brazil nuts									
Cashew nuts									
Chestnuts									
Coconuts									
Hazelnuts									
Macadamia									
Pecans									
Pine nuts									
Pistachios									
Walnuts									
Others		0,05 (*) (p)							0,01 (*) (p)

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(iii) POME FRUIT									
Apples									
Pears									
Quinces									
Others		0,05 (*) (p)							0,01 (*) (p)
(iv) STONE FRUIT									
Apricots									
Cherries									
Peaches (including nectarines and similar hybrids)									
Plums									
Others		0,05 (*) (p)							
(v) BERRIES AND SMALL FRUIT									0,5 (p)
(a) Table and wine grapes									
Table grapes									
Wine grapes									0,01 (*) (p)
(b) Strawberries (other than wild)									0,01 (*) (p)
(c) Cane fruit (other than wild)									
Blackberries									
Dewberries									
Loganberries									
Raspberries									
Others									0,01 (*) (p)

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(d) Other small fruit and berries (other than wild)									
Bilberries									
Cranberries									
Currants (red, black and white)									
Gooseberries									
Others									0,01 (*) (p)
(e) Wild berries and wild fruit		0,05 (*) (p)							0,01 (*) (p)
(vi) MISCELLANEOUS									
Avocados									
Bananas									
Dates									
Figs									
Kiwi									
Kumquats									
Litchis									
Mangoes									
Olives									
Passion fruit									
Pineapples									
Papaya									
Others	0,05 (*) (p)			0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
2. Vegetables, fresh or uncooked, frozen or dry									0,01 (*) (p)
(i) ROOT AND TUBER VEGETABLES									
Beetroot		0,2 (p)	0,2 (p)						
Carrots		0,5 (p)							
Celeriac			0,2 (p)						
Horseradish									
Jerusalem artichokes		0,2 (p)	0,2 (p)						
Parsnips		0,2 (p)	0,2 (p)						
Parsley root									
Radishes									
Salsify									
Sweet potatoes									
Swedes									
Turnips									
Yam		0,05 (*) (p)	0,05 (*) (p)						
Others		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(ii) BULB VEGETABLES									
Garlic									
Onions									
Shallots									
Spring onions									
Others		0,05 (*) (p)	0,05 (*) (p)						

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(iii) FRUITING VEGETABLES									
(a) Solanacea									0,2 (p)
Tomatoes									
Peppers									
Aubergines									0,01 (*) (p)
Others									
(b) Cucurbits — edible peel									0,1 (p)
Cucumbers									
Gherkins									
Courgettes									0,01 (*) (p)
Others									0,1 (p)
(c) Cucurbits — inedible peel									
Melons									
Squashes									
Watermelons									
Others									0,01 (*) (p)
(d) Sweet corn		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(iv) BRASSICA VEGETABLES									
(a) Flowering brassica									
Broccoli									
Cauliflower									
Others									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(b) Head brassica									
Brussels sprouts									
Head cabbage									
Others									
(c) Leafy brassica									
Chinese cabbage									
Kale									
Others									
(d) Kohlrabi			0,05 (*) (p)						0,01 (*) (p)
(v) LEAF VEGETABLES AND FRESH HERBS		0,05 (*) (p)							
(a) Lettuce and similar									
Cress									
Lamb's lettuce									
Lettuce									
Scarole									
Others		0,05 (*) (p)							
(b) Spinach and similar									
Spinach									
Beet leaves (chard)									
Others		0,05 (*) (p)							
(c) Water cress		0,05 (*) (p)							
(d) Witloof									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiazyl	Cyazofamid
(e) Herbs									
Chervil									
Chives		1 (p)							
Parsley		1 (p)							
Celery leaves		0,05 (*) (p)							
Others			0,2 (p)						0,01 (*) (p)
(vi) LEGUME VEGETABLES (fresh)									
Beans (with pods)		0,1 (p)							
Beans (without pods)									
Peas (with pods)		0,1 (p)							
Peas (without pods)		0,05 (*) (p)							
Others			0,05 (*) (p)						0,01 (*) (p)
(vii) STEM VEGETABLES (fresh)									
Asparagus									
Cardoons		0,1 (p)							
Celery									
Fennel									
Globe artichokes									
Leek									
Rhubarb		0,05 (*) (p)							
Others		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(viii) FUNGI									
(a) Cultivated mushrooms									
(b) Wild mushrooms	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,01 (*) (p)

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
3. PULSES									
Beans									
Lentils									
Peas									
Others	0,05 (*) (p)	0,1 (p)	0,1 (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,02 (p)
4. OIL SEED									
Linseed									
Peanuts									
Poppy seeds									
Sesame seeds									
Sunflower seed									
Rape seed									
Soya bean									
Mustard seed									
Cotton seed									
Others	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,01 (*) (p)
5. POTATOES									
Early potatoes									
Ware potatoes	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (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) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (p)
7. HOPS (dried), including hop pellets and unconcentrated powder	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (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 31 December 2007.