COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.10.1995
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Proposal for a

COUNCIL DIRECTIVE

amending Annex II to Council Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables and Annex II to Council Directive 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables, and providing for the establishment of a list of maximum levels.

(presented by the Commission)

Proposal for a

COUNCIL DIRECTIVE

amending the Annexes to Council 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.

(presented by the Commission)

Explanatory Memorandum

The present proposals represent the fourth in the series of ad hoc priority lists of pesticides to be established since the adoption of Council Directive 90/642/EEC, and for which it is considered urgent to establish for the first time harmonized maximum pesticide residues levels (MRLs). Directive 90/642/EEC in completing the range of products to include most important components of the diet, allows a more systematic approach to be taken to establishing Community MRLs than was previously possible. The basis for prioritization of pesticides is their significance in agriculture and potential for trade difficulties due to the presence of residues in treated products. Accordingly, when adopted, the proposals will facilitate Community trade in the products covered by the measures.

The proposals provide for the amendment of Annex II to Council Directive 76/895/EEC, Annex II to Council Directive 90/642/EEC and the Annexes to Council Directives 86/362/EEC and 86/363/EEC. At the time of the adoption of the framework directives, Council provided for amending the directives to progressively establish lists of pesticides and their maximum levels. The present proposals fall within the exclusive competence of the Community. A system involving uniform maximum levels is necessary in order to facilitate circulation of the concerned agricultural products and to ensure protection of consumer health. The other features of the proposals are as follows:

- To amend the maximum pesticide residue levels for glyphosate in soyabean and fenarimol in bananas in order to reflect the authorised uses in certain third countries and to facilitate international trade. The new levels provided for are acceptable from a dietary intake point of view.

- To amend the maximum pesticide residue levels for iprodione in rhubarb and for benomyl in rhubarb and courgettes. The new levels provided for are acceptable from a dietary intake point of view.

- To establish Community maximum pesticide residue levels for 13 widely used pesticides that may leave residues in agricultural products, 7 of which have not been previously covered by Community legislation. It is proposed to defer decisions for certain pesticide/product combinations due to inadequate data by current standards and not withstanding the existence of Good Agricultural Practice in certain Member States. A maximum period of four years is envisaged in such cases to allow for the generation of data and during this period maximum levels for the particular pesticide/product combinations will remain unharmonized.

  The proposals will have little or no impact on small or medium-sized enterprises.

  The proposals would have no impact on the budget of the European Community.

Proposal for a

COUNCIL DIRECTIVE

amending Annex II to Council Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables and Annex II to Council Directive 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables, and providing for the establishment of a list of maximum levels.

THE COUNCIL OF THE EUROPEAN UNION

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], and in particular Article 5 thereof,

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[1] OJ No L 340, 09.12.1976, p. 26.

Having regard to Council Directive 90/642/EEC of 27 November 1990 relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables[2] as last amended by Directive 94/30/EC[3], and in particular Article 1 thereof,

Having regard to the proposal from the Commission,

Whereas, in order to establish mandatory maximum levels of pesticide residues at Community level it is necessary to transfer provisions from Directive 76/895/EEC to Directive 90/642/EEC relating to the pesticides chlormequat, diazinon, dicofol, endosulfan, fentin and propoxur; whereas certain of those provisions should be amended in the light of technical and scientific progress.

Whereas, the Commission has received a mandate in the framework of Council Directive 90/642/EEC to prepare the list of pesticide residues and their maximum levels for approval by Council;

Whereas, Directive 90/642/EEC provided for the establishment of a list of maximum levels for certain pesticide residues, including a maximum pesticide residue level for the herbicide glyphosate in and on soyabean[4], and for the fungicide fenarimol

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2 OJ No L 350, 14.12.1990, p.71.

3 OJ No L 189, 23.07.94, p.70.

4 OJ No L 211, 23.08.93, p.6.

in and on bananas[5]; whereas, it is now appropriate to amend the maximum pesticide residue levels for soyabean and bananas in order to reflect the authorised uses in certain third countries; whereas, the new levels provided for are acceptable from a dietary intake point of view; whereas, these levels should facilitate international trade;

Whereas, Directive 90/642/EEC provided for the establishment of maximum pesticide residue levels for iprodione in and on rhubarb, and for benomyl in and on rhubarb and courgettes[6]; whereas, new data are available on these pesticide residue/product combinations; whereas, on consideration of these data it is now appropriate to amend the maximum pesticide residue levels for rhubarb and courgettes; whereas, the new levels provided for are acceptable from a dietary intake point of view;

Whereas, pesticide residues may arise in products of plant origin including fruit and vegetables as a result of agricultural practices; whereas, it is necessary to take into account relevant data for both authorised pesticide uses and supervised trials;

Whereas, in order to better estimate dietary intake of pesticide residues, it is prudent to establish simultaneously, where appropriate, maximum residue levels for individual pesticides in all major components of the diet; whereas, these

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[5] OJ No L 189, 23.07.94, p.70.

[6] OJ No L 211, 23.08.93, p.6.

levels represent the use of minimum quantities of pesticide to achieve adequate control, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable;

Whereas, it is now appropriate that maximum levels be fixed for certain pesticide residues in products of plant origin, namely disulfoton, fenbutatin oxide, mecarbam, phorate, propyzamide,triazophos and triforine, whereas, however, it is not possible to establish maximum pesticide residue levels for all pesticide residue product combinations due to insufficient data;

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 31 December 1999 at the latest; whereas, failure to provide satisfactory data shall 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;

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[7]

HAS ADOPTED THIS DIRECTIVE:

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[7] OJ No L 230, 19.08.1991, p.1.

Article 1

Directive 76/895/EEC is hereby amended as follows:

The entries relating to the following pesticide residues shall be deleted:

chlormequat

diazinon

dicofol

endosulfan

fentin

propoxur

Article 2

Annex II to Directive 90/642/EEC is hereby amended as follows:

GLYPHOSATE

In the column under the heading 'Glyphosate' the figure '20,0' shall be added opposite the following product entry:

- in group '4. OIL SEEDS', 'Soyabean'

FENARIMOL

In the column under the heading 'Fenarimol' the figure '0,3' shall be added opposite the following product entry:

- in group '1. (vi). MISCELLANEOUS', 'Bananas'

IPRODIONE

In the column under the heading 'Iprodione' the figure '0,2' shall be added opposite the following product entry:

- in group '2. (vii). STEM VEGETABLES', 'Rhubarb'

BENOMYL

In the column under the heading 'Benomyl' the figure '2,0' shall be added opposite the following product entry:

- in group '2.(vii). STEM VEGETABLES', 'Rhubarb'

In the column under the heading 'Benomyl' the figure '0,3' shall be added opposite the following product entry:

- in group '2.(iii). FRUITING VEGETABLES', 'Courgettes'

Article 3

The following pesticide residues shall be added to Annex II to Directive 90/642/EEC:

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg		
	Triforine	Endosulfan (Sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin expressed as triphenyltin cation)
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts			
(i) CITRUS FRUIT	0.05*	1(a)	0.05*
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pumelos			
Others			
(ii) TREE NUTS (shelled or unshelled)		0.1*	0.05*
Almonds	(a)		
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts			
Macadamia			
Pecans			
Pine nuts			
Pistachios			
Walnuts			
Others	0.05*		
(iii) POME FRUIT	2	1(a)	0.05*
Apples			
Pears			
Quinces			
Other			
(iv) STONE FRUIT		1(a)	0.05*
Apricots	(a)		
Cherries	2		
Peaches (including nectarines and similar hybrids)	(a)		
Plums	1		
Others	0.05*		
(v) BERRIES AND SMALL FRUIT			0.05*
(a) Table and	(a)	1(a)	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg		
	Triforine	Endosulfan (Sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin expressed as triphenyltin cation)
wine grapes			
Table grapes			
Wine grapes			
(b) Strawberries (other than wild)	(a)	1(a)	
(c) Cane fruit (other than wild)	0.05*		
Blackberries		1(a)	
Dewberries			
Loganberries			
Raspberries		1(a)	
Others		0.05*	
(d) Other small fruit and berries (other than wild)			
Bilberries (fruit of species *Vaccinium myrtyllus)*			
Cranberries			
Currants (red, black and white)	2	1(a)	
Gooseberries	2		
Others	0.05*	0.05*	
(e) Wild berries and wild fruit	0.05*	0.05*	
(vi) MISCELLANEOUS	0.05*		0.05*
Avocados			
Bananas			
Dates			
Figs			
Kiwi		1(a)	
Kumquat			
Litchis			
Mangoes			
Olives		0.1*	
Passion fruit			
Pineapples			
Pomegranate			
Others		0.05*	
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER			0.05*

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Triforine	Endosulfan (Sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin expressed as triphenyltin cation)
VEGETABLES			
Beetroot		0.2(a)	
Carrots		0.2(a)	
Celeriac		0.2(a)	
Horseradish			
Jerusalem artichokes			
Parsnip			
Parsley root			
Radishes		0.2(a)	
Salsify			
Sweet			
potatoes			
Swedes	(a)	0.2(a)	
Turnips		0.2(a)	
Yam			
Others	0.05*	0.05*	
(ii) BULB VEGETABLES	(a)		0.05*
Garlic			
Onions		1(a)	
Shallots			
Spring onions			
Others		0.05*	
(iii)FRUITING VEGETABLES			0.05*
(a) Solanacea	(a)	1(a)	
Tomatoes			
Peppers			
Aubergines			
Others			
(b) Cucurbits - edible peel	0.5	1(a)	
Cucumbers			
Gherkins			
Courgettes			
Others			
(c) Cucurbits - inedible peel	(a)	1(a)	
Melons			
Squashes			
Watermelons			
Others			
(d) Sweet corn	0.05*	0.05*	
(iv) BRASSICA VEGETABLES	(a)		0.05*
(a) Flowering brassica		1(a)	
Broccoli			
Cauliflower			
Others			
(b) Head brassica		1(a)	
Brussels			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg		
	Triforine	Endosulfan (Sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin expressed as triphenyltin cation)
sprouts			
Head cabbage			
Others			
(c) Leafy brassica		1(a)	
Chinese cabbage			
Kale			
Others			
(d) Kohlrabi		0.05*	
(v) LEAF VEGETABLES AND FRESH HERBS			0.05*
(a) Lettuce & similar			
Cress	(a)	0.05*	
Lamb's lettuce			
Lettuce			
Scarole			
Others	0.05*	1(a)	
(b) Spinach & similar		1(a)	
Spinach	(a)		
Beet leaves (chard)			
Others	0.05*		
(c) Water cress	0.05*	0.05*	
(d) Witloof	0.05*	0.05*	
(e) Herbs		0.05*	
Chervil			
Chives			
Parsley	(a)		
Celery leaves			
Others	0.05*		
(vi) LEGUME VEGETABLES (fresh)	(a)	1(a)	0.05*
Beans (with pods)			
Beans (without pods)			
Peas (with pods)			
Peas (without pods)			
Others			
(vii) STEM VEGETABLES (fresh)			
Asparagus	(a)		
Cardoons		1(a)	
Celery	(a)	1(a)	(a)
Fennel			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Triforine	Endosulfan (Sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin expressed as triphenyltin cation)
Globe artichokes	(a)	1(a)	
Leek	(a)	1(a)	
Rhubarb			
Others	0.05*	0.05*	0.05*
(viii) FUNGI	0.05*		0.05*
(a) Cultivated mushrooms		1(a)	
(b) Wild mushrooms		0.05*	
3. PULSES	0.05*	0.05*	0.05*
Beans			
Lentils			
Peas			
Others			
4. OIL SEED	0.05*		0.05*
Linseed		(a)	
Peanuts			
Poppy seeds			
Sesame seeds			
Sunflower seed		(a)	
Rape seed		(a)	
Soya bean		(a)	
Mustard seed		(a)	
Cotton seed		0.3	
Others		0.01*	
5. POTATOES Early & ware potatoes	0.05*	(a)	0.1
6. TEA (Black tea processed from the leaves of *Camellia sinensis)*	0.1*	(see directive 93/58/EEC)	0.1*
7. HOPS (dried), including hop pellets and unconcentrated powder	30	(c)	0.5

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Phorate (Sum of phorate, its oxygen analogue and their sulphoxides and sulphones expressed as phorate)	Dicofol (Sum of P, P'- and O, P'- isomers)	Chlormequat
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts			
(i) CITRUS FRUIT	0.05*	2(b)	0.05*
Grapefruit			
Lemons			
Limes			
Mandarins			
(including			
clementines			
and other			
hybrids)			
Oranges			
Pumelos			
Others			
(ii) TREE NUTS (shelled or unshelled)	0.05*	0.02*	0.1*
Almonds			
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts			
Macadamia			
Pecans			
Pine nuts			
Pistachios			
Walnuts			
Others			
(iii) POME FRUIT	0.05*	1(b)	
Apples			(a)
Pears			3(a)
Quinces			
Other			0.05*
(iv) STONE FRUIT	0.05*	(b)	0.05*
Apricots			
Cherries			
Peaches			
(including nectarines and similar hybrids)			
Plums			
Others			
(v) BERRIES AND SMALL FRUIT			
(a) Table and	0.05*	1(b)	1(a)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Phorate (Sum of phorate, its oxygen analogue and their sulphoxides and sulphones expressed as phorate)	Dicofol (Sum of P, P'- and O, P'- isomers)	Chlormequat
wine grapes			
Table grapes			
Wine grapes			
(b) Strawberries (other than wild)	(a)	2(b)	(a)
(c) Cane fruit (other than wild)	0.05*	0.02*	0.05*
Blackberries			
Dewberries			
Loganberries			
Raspberries			
Others			
(d) Other small fruit and berries (other than wild)	0.05*		0.05*
Bilberries (fruit of species *Vaccinium myrtyllus)*			
Cranberries			
Currants (red, black and white)		(b)	
Gooseberries			
Others		0.02*	
(e) Wild berries and wild fruit	0.05*	0.02*	0.05*
(vi) MISCELLANEOUS	0.05*		
Avocados			
Bananas		2(b)	
Dates			
Figs		(b)	
Kiwi			
Kumquat			
Litchis			
Mangoes			
Olives			0.1*
Passion fruit			
Pineapples			
Pomegranate			
Others		0.02*	0.05*
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER		0.02*	0.05*

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Phorate (Sum of phorate, its oxygen analogue and their sulphoxides and sulphones expressed as phorate)	Dicofol (Sum of P, P'- and O, P'- isomers)	Chlormequat
VEGETABLES			
Beetroot	(a)		
Carrots	(a)		
Celeriac			
Horseradish			
Jerusalem artichokes			
Parsnip	(a)		
Parsley root			
Radishes			
Salsify			
Sweet potatoes			
Swedes			
Turnips			
Yam			
Others	0.05*		
(ii) BULB VEGETABLES	0.05*	0.02*	0.05*
Garlic			
Onions			
Shallots			
Spring onions			
Others			
(iii)FRUITING VEGETABLES			
(a) Solanacea	(a)		
Tomatoes		0.5(b)	(a)
Peppers		0.5(b)	
Aubergines			
Others		0.02*	0.05*
(b) Cucurbits - edible peel		0.5(b)	0.05*
Cucumbers	0.05*		
Gherkins			
Courgettes			
Others	(a)		
(c) Cucurbits - inedible peel	0.05*	0.5(b)	0.05*
Melons			
Squashes			
Watermelons			
Others			
(d) Sweet corn	(a)	0.02*	0.05*
(iv) BRASSICA VEGETABLES		0.02*	0.05*
(a) Flowering brassica	(a)		
Broccoli			
Cauliflower			
Others			
(b) Head brassica	(a)		
Brussels			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Phorate (Sum of phorate, its oxygen analogue and their sulphoxides and sulphones expressed as phorate)	Dicofol (Sum of P, P'- and O, P'- isomers)	Chlormequat
sprouts			
Head cabbage			
Others			
(c) Leafy brassica	(a)		
Chinese cabbage			
Kale			
Others			
(d) Kohlrabi	0.05*		
(v) LEAF VEGETABLES AND FRESH HERBS		0.02*	0.05*
(a) Lettuce & similar	(a)		
Cress			
Lamb's lettuce			
Lettuce			
Scarole			
Others			
(b) Spinach & similar	0.05*		
Spinach			
Beet leaves (chard)			
Others			
(c) Water cress	0.05*		
(d) Witloof	0.05*		
(e) Herbs	(a)		
Chervil			
Chives			
Parsley			
Celery leaves			
Others			
(vi) LEGUME VEGETABLES (fresh)	(a)		0.05*
Beans (with pods)		0.5(b)	
Beans (with-out pods)		0.5(b)	
Peas (with pods)			
Peas (with-out pods)			
Others		0.02*	
(vii) STEM VEGETABLES (fresh)			0.05*
Asparagus			
Cardoons			
Celery	(a)		
Fennel			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Phorate (Sum of phorate, its oxygen analogue and their sulphoxides and sulphones expressed as phorate)	Dicofol (Sum of P, P'- and O, P'- isomers)	Chlormequat
Globe artichokes		(b)	
Leek			
Rhubarb			
Others	0.05*	0.02*	
(viii) FUNGI	0.05*		
(a) Cultivated mushrooms		(b)	(a)
(b) Wild mushrooms		0.02*	0.05*
3. PULSES			0.05*
Beans	(a)	(b)	
Lentils			
Peas			
Others	0.05*	0.02*	
4. OIL SEED			
Linseed	(a)		(c)
Peanuts	0.1		
Poppy seeds			
Sesame seeds			
Sunflower seed			
Rape seed	(a)		(c)
Soya bean			
Mustard seed			
Cotton seed		0.1	(c)
Others	0.05*	0.02*	0.1*
5. POTATOES	(a)	0.02*	(a)
Early & ware potatoes			
6. TEA (Black tea processed from the leaves of *Camellia sinensis)*	0.1*	(See Directive 93/58/EEC)	0.1*
7. HOPS (dried), including hop pellets and unconcentrated powder	0.1*	50	0.1*

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Propyzamide	Propoxur	**Disulfoton (Sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton)**
wine grapes			
Table grapes			
Wine grapes			
(b) Strawberries (other than wild)	(b)	3(a)	(b)
(c) Cane fruit (other than wild)	0.02*		0.02*
Blackberries		3(a)	
Dewberries			
Loganberries			
Raspberries		3(a)	
Others		0.05*	
(d) Other small fruit and berries (other than wild)			0.02*
Bilberries (fruit of species *Vaccinium myrtyllus)*			
Cranberries			
Currants (red, black and white)	(b)	0.2	
Gooseberries	(b)	0.2	
Others	0.02*	0.05*	
(e) Wild berries and wild fruit	0.02*	0.05*	0.02*
(vi) MISCELLANEOUS	0.02*		
Avocados			
Bananas			
Dates			
Figs			
Kiwi			
Kumquat			
Litchis			
Mangoes			
Olives		3(a)	
Passion fruit			
Pineapples			(b)
Pomegranate			
Others		0.05*	0.02*
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER	0.02*		

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Propyzamide	Propoxur	Disulfoton (Sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton)
VEGETABLES			
Beetroot		3(a)	
Carrots			(b)
Celeriac		3(a)	
Horseradish			
Jerusalem artichokes			
Parsnip			(b)
Parsley root			
Radishes			
Salsify			
Sweet potatoes			
Swedes			
Turnips			
Yam			
Others		0.05*	0.02*
(ii) BULB VEGETABLES	0.02*	0.05*	0.02*
Garlic			
Onions			
Shallots			
Spring onions			
Others			
(iii)FRUITING VEGETABLES	0.02*		0.02*
(a) Solanacea		3(a)	
Tomatoes			
Peppers			
Aubergines			
Others			
(b) Cucurbits - edible peel		3(a)	
Cucumbers			
Gherkins			
Courgettes			
Others			
(c) Cucurbits - inedible peel		3(a)	
Melons			
Squashes			
Watermelons			
Others			
(d) Sweet corn		0.05*	
(iv) BRASSICA VEGETABLES		3(a)	
(a) Flowering brassica	0.02*		
Broccoli			(b)
Cauliflower			(b)
Others			0.02*
(b) Head brassica			
Brussels			(b)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Propyzamide	Propoxur	Disulfoton (Sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton)
sprouts			
Head cabbage	(b)		(b)
Others	0.02*		0.02*
(c) Leafy brassica	0.02*		0.02*
Chinese cabbage			
Kale			
Others			
(d) Kohlrabi	0.02*		0.02*
(v) LEAF VEGETABLES AND FRESH HERBS			
(a) Lettuce & similar	0.1		0.02*
Cress		0.05*	
Lamb's lettuce			
Lettuce			
Scarole			
Others		3(a)	
(b) Spinach & similar	0.02*	3(a)	0.02*
Spinach			
Beet leaves (chard)			
Others			
(c) Water cress	0.02*	0.05*	0.02*
(d) Witloof	0.02*	0.05*	0.02*
(e) Herbs	0.1	3(a)	(b)
Chervil			
Chives			
Parsley			
Celery leaves			
Others			
(vi) LEGUME VEGETABLES (fresh)			
Beans (with pods)	(b)	3(a)	
Beans (with-out pods)	(b)		
Peas (with pods)		3(a)	
Peas (with-out pods)			0.02*
Others	0.02*	0.05*	(b)
(vii) STEM VEGETABLES (fresh)			
Asparagus			
Cardoons		3(a)	
Celery		3(a)	(b)
Fennel		3(a)	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Propyzamide	Propoxur	Disulfoton (Sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton)
Globe artichokes	(b)	3(a)	
Leek		1	
Rhubarb			
Others	0.02*	0.05*	0.02*
(viii) FUNGI	0.02*	0.05*	0.02*
(a) Cultivated mushrooms			
(b) Wild mushrooms			
3. PULSES	0.02*	0.05*	
Beans			(b)
Lentils			
Peas			
Others			0.02*
4. OIL SEED		0.05*	
Linseed	0.05		
Peanuts	(b)		
Poppy seeds			
Sesame seeds			
Sunflower seed			
Rape seed	(b)		
Soya bean			
Mustard seed			
Cotton seed	(b)		0.05
Others	0.02*		0.02*
5. POTATOES	0.02*	0.05*	(b)
Early & ware potatoes			
6. TEA	0.05*	0.1*	0.05*
(Black tea processed from the leaves of *Camellia sinensis)*			
7. HOPS (dried), including hop pellets and unconcentrated powder	(a)	0.1*	(b)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Fenbutatin oxide	Triazophos	Diazinon
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts			
(i) CITRUS FRUIT	(a)	(b)	0.5(b)
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pumelos			
Others			
(ii) TREE NUTS (shelled or unshelled)	0.05*		0.05*
Almonds		(b)	
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts		(b)	
Macadamia			
Pecans			
Pine nuts			
Pistachios		(b)	
Walnuts			
Others		0.02*	
(iii) POME FRUIT	2	(b)	0.5(b)
Apples			
Pears			
Quinces			
Other			
(iv) STONE FRUIT	(a)		0.5(b)
Apricots		(b)	
Cherries			
Peaches (including nectarines and similar hybrids)		(b)	
Plums			
Others		0.02*	
(v) BERRIES AND SMALL FRUIT			
(a) Table and	2	0.02*	0.5(b)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Fenbutatin oxide	Triazophos	Diazinon
wine grapes			
Table grapes			
Wine grapes			
(b) Strawberries (other than wild)	2	(b)	0.5(b)
(c) Cane fruit (other than wild)	0.05*	0.02*	0.5(b)
Blackberries			
Dewberries			
Loganberries			
Raspberries			
Others			
(d) Other small fruit and berries (other than wild)	0.05*	0.02*	
Bilberries (fruit of species *Vaccinium myrtyllus)*			0.2
Cranberries			
Currants (red, black and white)			0.2
Gooseberries			0.2
Others			0.02*
(e) Wild berries and wild fruit	0.05*	0.02*	0.02*
(vi) MISCELLANEOUS			
Avocados			
Bananas	(a)		
Dates			
Figs			
Kiwi			0.5(b)
Kumquat			
Litchis			
Mangoes			
Olives		(b)	0.5(b)
Passion fruit			
Pineapples			
Pomegranate			
Others	0.05*	0.02*	0.02*
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER	0.05*		

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Fenbutatin oxide	Triazophos	Diazinon
VEGETABLES			
Beetroot			0.5(b)
Carrots		1	0.5(b)
Celeriac			0.5(b)
Horseradish			0.5(b)
Jerusalem artichokes			
Parsnip		1	0.5(b)
Parsley root			
Radishes			0.5(b)
Salsify			
Sweet potatoes			
Swedes			0.5(b)
Turnips			0.5(b)
Yam			
Others		0.02*	0.02*
(ii) BULB VEGETABLES	0.05*		0.5(b)
Garlic		(b)	
Onions		(b)	
Shallots		(b)	
Spring onions			
Others		0.02*	
(iii)FRUITING VEGETABLES			0.5(b)
(a) Solanacea	(a)	0.02*	
Tomatoes			
Peppers			
Aubergines			
Others			
(b) Cucurbits - edible peel		(b)	
Cucumbers	0.5		
Gherkins			
Courgettes			
Others	(a)		
(c) Cucurbits - inedible peel	(a)	(b)	
Melons			
Squashes			
Watermelons			
Others			
(d) Sweet corn	0.05*	0.02*	
(iv) BRASSICA VEGETABLES	0.05*		0.5(b)
(a) Flowering brassica		(b)	
Broccoli			
Cauliflower			
Others			
(b) Head brassica		(b)	
Brussels			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Fenbutatin oxide	Triazophos	Diazinon
sprouts			
Head cabbage			
Others			
(c) Leafy brassica		(b)	
Chinese cabbage			
Kale			
Others			
(d) Kohlrabi		0.02*	
(v) LEAF VEGETABLES AND FRESH HERBS	0.05*	0.02*	0.5(b)
(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)			0.5(b)
Beans (with pods)	(a)	(b)	
Beans (with-out pods)	(a)	(b)	
Peas (with pods)		(b)	
Peas (with-out pods)		(b)	
Others	0.05*	0.02*	
(vii) STEM VEGETABLES (fresh)	0.05*		
Asparagus		(b)	0.5(b)
Cardoons			
Celery		(b)	0.5(b)
Fennel		(b)	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Fenbutatin oxide	Triazophos	Diazinon
Globe artichokes		(b)	0.5(b)
Leek		(b)	0.5(b)
Rhubarb		(b)	
Others		0.02*	0.02*
(viii) FUNGI	0.05*	0.02*	
(a) Cultivated mushrooms			0.5(b)
(b) Wild mushrooms			0.02*
3. PULSES	0.05*	0.02*	(b)
Beans			
Lentils			
Peas			
Others			
4. OIL SEED			
Linseed		(b)	
Peanuts			(a)
Poppy seeds			
Sesame seeds			
Sunflower seed			(a)
Rape seed		(b)	
Soya bean			
Mustard seed		(b)	
Cotton seed	(a)	0.1	(a)
Others	0.05*	0.02*	0.05*
5. POTATOES	0.05*	(b)	(b)
Early & ware potatoes			
6. TEA	0.1*	0.05*	0.05*
(Black tea processed from the leaves of *Camellia sinensis)*			
7. HOPS (dried), including hop pellets and unconcentrated powder	(c)	0.05*	0.05*

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Mecarbam		
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts			
(i) CITRUS FRUIT	2(a)		
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pumelos			
Others			
(ii) TREE NUTS (shelled or unshelled)	0.05*		
Almonds			
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts			
Macadamia			
Pecans			
Pine nuts			
Pistachios			
Walnuts			
Others			
(iii) POME FRUIT	0.05*		
Apples			
Pears			
Quinces			
Other			
(iv) STONE FRUIT	0.05*		
Apricots			
Cherries			
Peaches (including nectarines and similar hybrids)			
Plums			
Others			
(v) BERRIES AND SMALL FRUIT	0.05*		
(a) Table and			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Mecarbam		
wine grapes			
Table grapes			
Wine grapes			
(b) Strawberries (other than wild)			
(c) Cane fruit (other than wild)			
Blackberries			
Dewberries			
Loganberries			
Raspberries			
Others			
(d) Other small fruit and berries (other than wild)			
Bilberries (fruit of species *Vaccinium myrtyllus)*			
Cranberries			
Currants (red, black and white)			
Gooseberries			
Others			
(e) Wild berries and wild fruit			
(vi) MISCELLANEOUS	0.05*		
Avocados			
Bananas			
Dates			
Figs			
Kiwi			
Kumquat			
Litchis			
Mangoes			
Olives			
Passion fruit			
Pineapples			
Pomegranate			
Others			
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER	0.05*		

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg) Mecarbam		
VEGETABLES			
Beetroot			
Carrots			
Celeriac			
Horseradish			
Jerusalem artichokes			
Parsnip			
Parsley root			
Radishes			
Salsify			
Sweet potatoes			
Swedes			
Turnips			
Yam			
Others			
(ii) BULB VEGETABLES	0.05*		
Garlic			
Onions			
Shallots			
Spring onions			
Others			
(iii)FRUITING VEGETABLES	0.05*		
(a) Solanacea			
Tomatoes			
Peppers			
Aubergines			
Others			
(b) Cucurbits - edible peel			
Cucumbers			
Gherkins			
Courgettes			
Others			
(c) Cucurbits - inedible peel			
Melons			
Squashes			
Watermelons			
Others			
(d) Sweet corn			
(iv) BRASSICA VEGETABLES	0.05*		
(a) Flowering brassica			
Broccoli			
Cauliflower			
Others			
(b) Head brassica			
Brussels			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Mecarbam		
sprouts			
Head cabbage			
Others			
(c) Leafy brassica			
Chinese cabbage			
Kale			
Others			
(d) Kohlrabi			
(v) LEAF VEGETABLES AND FRESH HERBS	0.05*		
(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)	0.05*		
Beans (with pods)			
Beans (with-out pods)			
Peas (with pods)			
Peas (with-out pods)			
Others			
(vii) STEM VEGETABLES (fresh)	0.05*		
Asparagus			
Cardoons			
Celery			
Fennel			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Mecarbam		
Globe artichokes			
Leek			
Rhubarb			
Others			
(viii) FUNGI	0.05*		
(a) Cultivated mushrooms			
(b) Wild mushrooms			
3. PULSES	0.05*		
Beans			
Lentils			
Peas			
Others			
4. OIL SEED	0.05*		
Linseed			
Peanuts			
Poppy seeds			
Sesame seeds			
Sunflower seed			
Rape seed			
Soya bean			
Mustard seed			
Cotton seed			
Others			
5. POTATOES	0.05*		
Early & ware potatoes			
6. TEA	0.05*		
(Black tea processed from the leaves of *Camellia sinensis)*			
7. HOPS (dried), including hop pellets and unconcentrated powder	0.1*		

* Indicates lower limit of analytical determination
(a)(b)(c)(d) should levels not be adopted by 31 December 1999 the following levels shall apply as indicated thereafter:
(a) 0.05*
(b) 0.02*
(c) 0.1*
(d) 0.01*

Article 4

Member States shall bring into force not later than 31 December 1996 the laws, regulations or administrative provisions necessary to comply with this Directive.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their publication. The methods of making such reference shall be laid down by the Member States.

Article 5

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

Article 6

This Directive is addressed to Member States.

Done at Brussels, For the Council

Commission Proposal for a
COUNCIL DIRECTIVE

amending the Annexes to Council 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.

Explanatory Memorandum

The present proposals represent the fourth in the series of ad hoc priority lists of pesticides to be established since the adoption of Council Directive 90/642/EEC, and for which it is considered urgent to establish for the first time harmonized maximum pesticide residues levels (MRLs). Directive 90/642/EEC in completing the range of products to include most important components of the diet, allows a more systematic approach to be taken to establishing Community MRLs than was previously possible. The basis for prioritization of pesticides is their significance in agriculture and potential for trade difficulties due to the presence of residues in treated products. Accordingly, when adopted, the proposals will facilitate Community trade in the products covered by the measures.

The proposals provide for the amendment of Annex II to Council Directive 76/895/EEC, Annex II to Council Directive 90/642/EEC and the Annexes to Council Directives 86/362/EEC and 86/363/EEC. At the time of the adoption of the framework directives, Council provided for amending the directives to progressively establish lists of pesticides and their maximum levels. The present proposals fall within the exclusive competence of the Community. A system involving uniform maximum levels is necessary in order to facilitate circulation of the concerned agricultural products and to ensure protection of consumer health. The other features of the proposals are as follows:

- To amend the maximum pesticide residue levels for glyphosate in soyabean and fenarimol in bananas in order to reflect the authorised uses in certain third countries and to facilitate international trade. The new levels provided for are acceptable from a dietary intake point of view.

- To amend the maximum pesticide residue levels for iprodione in rhubarb and for benomyl in rhubarb and courgettes. The new levels provided for are acceptable from a dietary intake point of view.

- To establish Community maximum pesticide residue levels for 13 widely used pesticides that may leave residues in agricultural products, 7 of which have not been previously covered by Community legislation. It is proposed to defer decisions for certain pesticide/product combinations due to inadequate data by current standards and not withstanding the existence of Good Agricultural Practice in certain Member States. A maximum period of four years is envisaged in such cases to allow for the generation of data and during this period maximum levels for the particular pesticide/product combinations will remain unharmonized.

The proposals will have little or no impact on small or medium-sized enterprises.

The proposals would have no impact on the budget of the European Community.

Proposal for a

COUNCIL DIRECTIVE

amending the Annexes to Council 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,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in cereals[1] as last amended by Directive 94/29/EC[2], and in particular Article 11 thereof,

Having regard to Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in foodstuffs of animal origin[3] as last amended by Directive 94/29/EC[4], and in particular Article 11 thereof,

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1 OJ No L 221, 07.08.1986, p.37.

2 OJ No L 189, 23.07.1994, p.67.

3 OJ No L 221, 07.08.1986, p.43.

4 OJ No L 189, 23.07.1994, p.67.

Having regard to the proposal from the Commission,

Whereas, the Commission has received a mandate in the framework of Council Directives 86/362/EEC and 86/363/EEC to prepare the list of pesticide residues and their maximum levels for approval by 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, 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 quantities of pesticide to achieve adequate control, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable;

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;

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 31 December 1999 at the latest; whereas, failure to provide satisfactory data shall 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;

Whereas, the maximum residue levels established in the current 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[5],

HAS ADOPTED THIS DIRECTIVE:

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[5] OJ No L 230, 19.08.1991, p.1.

Article 1

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

Pesticide residues	Maximum levels in mg/kg (ppm)
TRIFORINE	0.1 wheat, rye, triticale, barley, oats 0.05* other cereals
ENDOSULFAN Residue: sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan	0.1(a) wheat, rye, triticale, barley, oats 0.2(a) maize 0.05* others
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) maize 0.05* others
DICOFOL Residue: sum of P, P' and O , P' isomers	0.02*
CHLORMEQUAT	5 oats 2 wheat, rye, triticale, barley (a) maize 0.05* others
PROPYZAMIDE	0.02*
PROPOXUR	0.05*
DISULFOTON Residue:sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton	0.1 wheat 0.2 barley, sorghum 0.02* others
FENBUTATIN OXIDE	0.05*
TRIAZOPHOS	(b) wheat, rye, triticale, barley, oats, maize 0.02* others
DIAZINON	0.02* buckwheat, millet 0.05 (b) others
MECARBAM	0.05* cereals

* Indicates lower limit of analytical determination

(a) (b) should levels not be adopted by 31 December 1999 the following levels shall apply as indicated thereafter:
(a) 0.05*
(b) 0.02*

Article 2

1. The following pesticide residues shall be added to Part A of Annex II to Directive 86/363/EEC:

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of fat, contained in meat, preparations of meat, offals 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 (i) (iv)	for raw cow's milk and whole cream cow's milk listed in Annex I under heading No 0401: for the other foodstuffs in heading No 0401,0402, 0405 00 and 0406 in accordance with (ii) (iv)	of shelled fresh eggs, for birds' eggs and egg yolks listed in Annex I under heading Nos 0407 00 and 0408 (iii) (iv)
ENDOSULFAN Residue: sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan	(a) Poultry meat 0.1 others	0.004	(a)
FENTIN Residue: Fentin expressed as triphenyltin cation	0.05*	0.05*	0.05*
FENBUTATIN OXIDE	0.05*	0.02*	0.05*
TRIAZOPHOS	(b) poultry meat 0.01* others	0.01*	(b)
DIAZINON	(a) pig and poultry meat		(a)
DISULFOTON Residue: sum of disulfoton, disulfoton sulphone expressed as disulfoton	0.02*	0.02*	0.02*
DICOFOL Residue: sum of P, P' O, P' isomers	0.5 fat of cattle, sheep and goats 0.1 fat of poultry 0.05* others	0.02*	0.05*

(Article 2, 1. continued)
* indicates lower limit of analytical determination

(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 0.01mg/kg.

(ii) 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.

(iii) 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.

(iv) Footnotes (i), (ii) and (iii) do not apply in cases where the lower limit of analytical determination is indicated.

(v) Should levels not be adopted by 31 December 1999, the following maximum levels shall apply:
(a) 0.05*
(b) 0.01*

2. The following pesticide residues shall be added to Part B of Annex II to Directive 86/363/EEC:

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of meat, including fat, preparations of meat, offals 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 birds' eggs and egg yolks listed in Annex I under heading 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 kidne 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*
CHORMEQUAT	0.05*	0.05*	0.05*
DICOFOL Residue: 1,1-bis-(parachloro-phenol) - 2,2-dichloroethanol (PP'FW152) expressed as dicofol.	1.0 liver of cattle, sheep and goats		

* Indicates lower limit of analytical determination

Article 3

Member States shall bring into force not later than 31 December 1996 the laws, regulations or administrative provisions necessary to comply with this Directive.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their publication. The methods of making such reference 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 Member States.

Done at Brussels, For the Council

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