

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (80) 14 final

Brussels, 24 January 1980

Proposal for a
COUNCIL DIRECTIVE
on the fixing of maximum levels for pesticide residues in and on cereals
intended for human consumption

Proposal for a
COUNCIL DIRECTIVE
on the fixing of maximum levels for pesticide residues in and on foodstuffs
of animal origin

(submitted to the Council by the Commission)

COM (80) 14 final

Explanatory memorandum

Although the use of pesticides is essential in modern agriculture for the protection of crops against the damage caused by harmful organisms and weeds and thereby enables agricultural productivity to be substantially increased, the residues which may remain in products of vegetable and animal origin are not without risks for human health. The need to control these residues by fixing permissible limits was formally recognized by the Council in its Resolution of 22 July 1974 on the veterinary, plant health and animal feedingstuffs sectors⁽¹⁾ and by the adoption of Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables⁽²⁾. Furthermore, the exclusion of particularly dangerous active substances was provided for in Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances⁽³⁾.

Community rules on pesticide residues in cereals intended for human consumption are justified by the need to protect the consumer adequately from the risks which can arise from the presence of such residues and to harmonize the national provisions already adopted in this field, the disparities in which are likely to hinder the free movement of the products concerned.

It seemed advisable, in an initial stage, to fix maximum levels for residues of only the most harmful and persistent pesticides and of other pesticides commonly used in the treatment of cereals. These are essentially organo-chlorine and organophosphorus compounds applied to standing cereals and products used for fumigating cereals in storage.

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- (1) OJ No C 92, 6/8/1974, p. 2
(2) OJ No L 340, 9/12/1976, p. 26
(3) OJ No L 33, 8/2/1979, p. 36

The proposed maximum levels have been set as low as possible, in view of the harmful effects of the compounds in question, the degree to which they remain in the finished products and the possibility that they might accumulate in the human body.

These provisions must apply to the products concerned as soon as they are put into circulation in the Community for human consumption. It appeared advisable, however, to allow Member States to permit, in the case of the so-called liquid fumigants and cereals not intended for immediate consumption, higher residue levels than those laid down, provided that a suitable check is made to ensure that these products are not placed at the disposal of the final consumer until the residue levels no longer exceed the maximum permissible levels. Furthermore, in view of the possible existence of different rules in non-member countries, it seemed justifiable to exclude from the field of application of the Directive cereals for export to those countries.

In order to guarantee observance of the provisions of the Directive, there is a provision that Member States shall be required to carry out suitable control measures. To this end, Community methods of sampling and analysis will be duly worked out and, in view of the essentially technical and scientific nature of such provisions, they will be adopted by a procedure which will establish close cooperation between the Member States and the Commission within the Standing Committee on Plant Health.

Furthermore, in view of the need rapidly to adjust the content of the Annexes of the Directive to the development of scientific knowledge and given their essentially technical and scientific nature, the same procedure is provided for amending the Annexes.

Consultation of the circles concerned

This proposal for a Directive has been drawn up with the assistance of government experts on agriculture, public health and the environment after consultation of the circles concerned with the field covered by this proposal and also the Scientific Committee for Pesticides.

In preparing it, account has also been taken of existing international recommendations in this field.

Consultation of the European Parliament and the Economic and Social Committee

Since the proposal is based on Article 43 of the Treaty, consultation of the European Parliament is obligatory.

In view of the nature of the proposal, it would also seem desirable that the Economic and Social Committee should be consulted.

II

(Preparatory Acts)

COMMISSION

Proposal for Council Directives

- I. on the fixing of maximum levels for pesticide residues in and on cereals intended for human consumption**
- II. on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin**

(Submitted by the Commission to the Council on 30 January 1980)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community, and in particular
Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European
Parliament,

Having regard to the opinion of the Economic and
Social Committee,

Whereas crop production plays a very important role
in the European Economic Community;

Whereas the yield from that production is continually
affected by harmful organisms and weeds;

Whereas it is absolutely essential to protect plants and
plant products against these organisms, not only to
prevent a reduction in yield or damage to the

products harvested but also to increase agricultural
productivity;

Whereas one of the most important methods of
protecting plants and plant products from the effect
of these harmful organisms is the use of chemical
pesticides;

Whereas, however, these pesticides do not have only
a favourable effect on plant production, since they are
generally toxic substances or preparations with
dangerous side effects;

Whereas a large number of these pesticides and of
their metabolites or breakdown products may have
harmful effects on consumers of plant products;

Whereas these pesticides and the contaminants which
may accompany them can present dangers for the
environment;

Whereas, where these effects are particularly harmful,
Council Directive 79/117/EEC of 21 December 1978
prohibiting the placing on the market and use of plant

Average prices and representative prices for table wines at the various marketing centres

(Established on 4 March 1980 for the application of Article 4 (1) of Regulation (EEC) No 337/79)

Type of wine and the various marketing centres	ECU per % vol/hl	Type of wine and the various marketing centres	ECU per % vol/hl
R I		A I	
Bastia	no quotation	Bordeaux	no quotation
Béziers	2.217	Nantes	no quotation
Montpellier	2.209	Bari	1.622
Narbonne	2.191	Cagliari	no quotation
Nîmes	2.191	Chieti	no quotation
Perpignan	2.407	Ravenna (Lugo, Faenza)	2.088
Asti	2.687	Trapani (Alcamo)	1.744
Firenze	1.980	Treviso	no quotation
Lecce	no quotation	Representative price	1.793
Pescara	1.744		
Reggio Emilia	2.498		
Treviso	no quotation		ECU/hl
Verona (for local wines)	no quotation		
Representative price	2.168		
		A II	
		Rheinfalz (Oberhaardt)	48.52
		Rheinhessen (Hügelland)	52.09
		The wine-growing region of the Luxembourg Moselle	no quotation ⁽¹⁾
		Representative price	49.13
R II			
Bastia	2.103		
Brignoles	no quotation		
Bari	2.192		
Barletta	2.215		
Cagliari	no quotation	A III	
Lecce	no quotation	Mosel-Rheingau	77.15
Taranto	no quotation	The wine-growing region of the Luxembourg Moselle	no quotation ⁽¹⁾
Representative price	2.115	Representative price	77.15
	ECU/hl		
R III			
Rheinfalz-Rheinhessen (Hügelland)	no quotation		

⁽¹⁾ Quotation not taken into account in accordance with Article 10 of Regulation (EEC) No 2682/77.

protection products containing certain active substances⁽¹⁾ already almost totally prohibits the use of plant protection products containing certain mercury compounds and persistent organochlorine compounds;

Whereas, however, even after this Directive has been implemented in all the Member States, these compounds still constitute a danger to man and the environment for a long period, owing to their persistence; whereas this danger is all the more serious in that the prohibition is limited to the European Economic Community and few similar measures have been taken in other countries;

Whereas other pesticides should similarly not be used in a manner which could endanger human health;

Whereas, in order to deal with these dangers, several Member States have already fixed maximum levels for certain pesticide residues in and on cereals intended for human consumption;

Whereas differences between Member States as regards the maximum permissible levels for pesticide residues may help to create barriers to trade and thus hinder the free movement of goods within the Community;

Whereas, for this reason, in an initial stage maximum levels should be fixed for certain active substances in cereals intended for human consumption, to be observed when these products are put into circulation;

Whereas, moreover, observance of the maximum levels will ensure that the cereals can circulate freely and that the health of consumers is properly protected;

Whereas, in special cases, Member States should be authorized to permit for cereals not intended for immediate consumption higher maximum levels than those laid down, provided that a suitable check is made to ensure that these products are not placed at the disposal of the final consumer until the residue content thereof no longer exceeds the maximum permissible levels;

Whereas it is not necessary to apply the provisions of this Directive to products intended for export to non-member countries;

Whereas, however, it seems desirable, if new factors should lead to it being established that pesticide residues at the maximum levels laid down endanger

human health, to provide for a procedure to deal with this danger;

Whereas close cooperation between Member States and the Commission should therefore be established within the Standing Committee on Plant Health and any necessary amendment to the Annexes should, in view of its basically technical nature, be made easier by an accelerated procedure;

Whereas, in order to guarantee compliance with this Directive when the products in question are put into circulation, the Member States must provide for suitable control measures;

Whereas, in that case, the official checks should be made by using Community methods of sampling and analysis;

Whereas the fixing of methods of sampling and analysis is a technical and scientific implementing measure; whereas, in order to facilitate the adoption thereof, the rules relating to those samples and analyses should be laid down by means of a procedure establishing close cooperation between the Member States and the Commission within the Standing Committee on Plant Health;

Whereas any amendment to the Annexes should, in view of their basically technical nature, be made easier by following the same procedure,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive concerns cereals intended for human consumption listed under the Common Customs Tariff headings set out in Annex I, in so far as these products contain pesticide residues listed in Annex II.

Article 2

1. For the purposes of this Directive 'pesticide residues' means residues of the pesticides as well as of their possible toxic metabolites and breakdown products listed in Annex II, which are present in or on the products referred to in Article 1.

2. For the purposes of this Directive 'putting into circulation' means any delivery, whether or not for a consideration, of the products referred to in Article 1.

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 36.

Article 3

1. Member States shall prescribe that the products referred to in Article 1 may not contain, from the time they are put into circulation for human consumption, levels of pesticide residues greater than those laid down in Annex II.

2. Member States may not prohibit or impede the putting into circulation within their territories of the products referred to in Article 1 on the ground that they contain pesticide residues if the quantity of these residues does not exceed the maximum levels laid down in Annex II.

3. Member States may, however, authorize the presence in and on the products referred to in Article 1 of the pesticide residues listed in Part B of Annex II in greater quantities than those laid down therein, provided that these products are not intended for immediate consumption and an appropriate control system ensures that they cannot be made available to the final consumer until the residues no longer exceed the maximum levels laid down in Part E. They shall inform the other Member States and the Commission of the measures taken. These measures shall be applicable to all products covered by them irrespective of the origin of the products.

Article 4

1. Where a Member State considers that a maximum level fixed in Annex II endangers human health, that Member State may temporarily reduce the level in its own territory. In that case it shall immediately notify the other Member States and the Commission of the measures, attaching a statement of the reasons therefor.

2. If the situation envisaged in paragraph 1 arises, it shall be decided in accordance with the procedure laid down in Article 8 whether the maximum levels laid down in Annex II should be varied. Until such time as a decision is taken by the Council or the Commission in accordance with the abovementioned procedure, the Member State may maintain the measures which it has implemented.

Article 5

Amendments to the Annexes as a result of developments in scientific or technical knowledge shall be adopted in accordance with the procedure laid down in Article 7.

Article 6

1. Member States shall take all necessary measures, at least by carrying out check sampling, to ensure compliance with the maximum levels laid down in accordance with this Directive.

2. Member States shall take all necessary measures to ensure that, where the products referred to in Article 1 are checked in accordance with paragraph 1, the sampling and the qualitative and quantitative analyses of pesticide residues shall be carried out according to the methods established in accordance with the procedure provided for in Article 7.

Article 7

1. Where the procedure laid down in this Article is to be followed, the matters shall be referred without delay to the Standing Committee on Plant Health, hereinafter called 'the Committee', by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within a time limit set by the chairman having regard to the urgency of the matters to be examined. Opinions shall be delivered by a majority of 41 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. Where the measures are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within three months following the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures.

Article 8

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Committee by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within two days. Opinions shall be delivered by a majority of 41 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. Where they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within 15 days of the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures.

Article 9

This Directive shall not apply to the products referred to in Article 1 where it can be established by appropriate evidence that they are intended for export to non-member countries.

Article 10

The Member States shall bring into force on 1 July 1981 the laws, regulations and administrative provisions necessary to comply with this Directive and shall forthwith inform the Commission thereof.

Member States shall furthermore ensure that the texts of the most important national provisions which they adopt in the field governed by this Directive are transmitted to the Commission.

Article 11

This Directive is addressed to the Member States.

ANNEX I

List of products referred to in Article 1

CCT heading No	Description
ex 10.01	Wheat and meslin
ex 10.02	Rye
ex 10.03	Barley
ex 10.04	Oats
ex 10.05	Maize
ex 10.06	Paddy rice
ex 10.07	Buckwheat, millet, grain sorghum

intended for human consumption

ANNEX II

List of pesticide residues and maximum residual levels

PART A

Pesticide residues	Maximum levels in mg/kg (ppm)
1. Hydrogen cyanide; cyanides expressed as hydrogen cyanide	50
2. Aldrin	} singly or combined, expressed as dieldrin (HEOD)
3. Dieldrin (HEOD)	
4. Total inorganic-bromide, expressed as Br-ions	50
5. Piperonyl butoxide	20
6. Carbaryl	1: rice 0.5: other cereals
7. Chlordane (sum of cis- and trans-isomers and of oxychlordane, expressed as chlordane)	0.05
8. DDT (sum of DDT-, TDE- and DDE-isomers, expressed as DDT)	0.05
9. Diazinon	0.1
10. Dichlorvos	2
11. Endosulfan (sum of alpha- and beta-isomers and of endosulfan sulphate, expressed as endosulfan)	0.2: maize 0.1: other cereals
12. Endrin (sum of endrin and delta-keto-endrin, expressed as endrin)	0.02
13. Heptachlor (sum of heptachlor and heptachlor epoxide, expressed as heptachlor)	0.02
14. Hexachlorobenzene (HCB)	0.01
15. Hexachlorocyclohexane (HCH)	
15.1 alpha-isomer	0.1
15.2 beta-isomer	0.02
15.3 gamma-isomer (lindane)	0.5
16. Hydrogen phosphide; phosphides expressed as hydrogen phosphide	0.1
17. Malathion (sum of malathion and malaoxon, expressed as malathion)	8
18. Methoxychlor	2
19. Phosphamidon	0.1
20. Pyrethrins (sum of pyrethrins I and II, cinerins I and II, jasmolins I and II)	3
21. Trichlorfon	0.1

PART B

Pesticide residues for which higher levels may be authorized in accordance with Article 3 (3)

Pesticide residues	Maximum levels in mg/kg (ppm)
1. Bromomethane (methyl bromide)	0.5
2. 1,2-Dibromoethane (ethylene dibromide)	0.01
3. 1,2-Dichloroethane (ethylene dichloride)	1
4. Carbon disulphide	0.1
5. Carbon tetrachloride	0.1

II

Proposal for a Council Directive on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas crop and animal production play an important role in the agriculture of the European Economic Community;

Whereas the yield from that production is continually affected by harmful organisms and weeds;

Whereas it is absolutely essential to protect plants, plant products and livestock against these organisms, not only to prevent a reduction in yield but also to increase agricultural productivity;

Whereas one of the most important methods of protecting plants, plant products and livestock from the effects of these organisms is the use of chemical pesticides;

Whereas, however, these pesticides do not have only a favourable effect on plant and animal production, since they are generally toxic substances or preparations with dangerous side effects;

Whereas a large number of these pesticides and of their metabolites or breakdown products may have harmful effects on consumers of plant and animal products;

Whereas these pesticides and the contaminants which may accompany them can present dangers for the environment and indirectly affect man through animal products;

Whereas, where these effects are particularly harmful, Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances (*) already almost totally prohibits the use of

(*) OJ No L 33, 8. 2. 1979, p. 36.

plant protection products containing certain mercury and persistent organochlorine compounds;

Whereas, however, even after this Directive has been implemented in all the Member States, these compounds still constitute a danger to man and the environment for a long period, owing to their persistence; whereas this danger is all the more serious in that the prohibition is limited to the European Economic Community and few similar measures have been taken in other countries;

Whereas other pesticides should similarly not be used in a manner which could endanger human health;

Whereas, in order to deal with these dangers, several Member States have already fixed maximum levels for certain pesticide residues in foodstuffs of animal origin;

Whereas the differences which exist between Member States with regard to the maximum permissible levels for pesticide residues can help to create barriers to trade and thus hinder the free movement of goods within the Community;

Whereas, for this reason, in an initial stage maximum levels should be fixed for certain organochlorine compounds in meat and meat products, milk and milk products and eggs, which must be observed when these products are put into circulation;

Whereas, moreover, observance of the maximum levels will ensure that the goods can circulate freely and that the health of consumers is properly protected;

Whereas, in special cases, Member States should be authorized to permit for certain animal products, intended solely for processing or blending, higher maximum levels than those laid down, provided that a suitable check is made to ensure that the resulting preparations and mixtures meet the requirement of the Directive and provided that the products in question bear an indication preventing their use for any other purpose;

Whereas it is not necessary to apply this Directive to products for export to non-member countries;

Whereas, however, it seems desirable, if new factors should lead to it being established that pesticide residues at the maximum levels laid down endanger human health, to provide for a procedure to deal with this danger.

Whereas close cooperation between the Member States and the Commission should therefore be established within the Standing Committee on Plant Health and any necessary amendment to the Annexes should, in view of its basically technical nature, be made easier by an accelerated procedure;

Whereas, in order to guarantee compliance with this Directive when the foodstuffs in question are put into circulation, the Member States must provide for suitable control measures;

Whereas, in that case, the official checks should be made by using Community methods of sampling and analysis;

Whereas the fixing of methods of sampling and analysis is a technical and scientific implementing measure; whereas, in order to facilitate the adoption thereof, the rules relating to those methods of sampling and analysis should be laid down by means of a procedure establishing close cooperation between the Member States and the Commission within the Standing Committee on Plant Health;

Whereas any amendment to the Annexes should, in view of their basically technical nature, be made easier by following the same procedure;

Whereas Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries^(*) provides *inter alia* for the fixing of permitted limits for pesticides with regard to fresh meat imported from non-member countries and for the laying down of the required methods of analysis; whereas it is necessary to exclude from the field of application of that Directive the provisions dealt with in a wider context by the present Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1.

This Directive concerns foodstuffs of animal origin listed under the Common Customs Tariff headings set out in Annex I in so far as these foodstuffs contain residues of pesticides listed in Annex II.

^(*) OJ No L 302, 31. 12. 1972, p. 28.

Article 2

1. For the purposes of this Directive 'pesticide residues' means residues of the pesticides as well as of their possible toxic metabolites and breakdown products listed in Annex II, which are present in or on the foodstuffs referred to in Article 1.

2. For the purposes of this Directive 'putting into circulation' means any delivery, whether or not for a consideration, of the foodstuffs referred to in Article 1.

Article 3

1. Member States shall prescribe that the foodstuffs referred to in Article 1 may not contain, from the time they are put into circulation, levels of residues of pesticides greater than those laid down in Annex II.

2. Member States may not prohibit or impede the putting into circulation within their territories of the foodstuffs referred to in Article 1 on the ground that they contain residues of pesticides if the quantity of these residues does not exceed the maximum levels laid down in Annex II.

3. Member States may, however, authorize the presence of residues of pesticides in greater quantities than those laid down in Annex II

— in the case of the foodstuffs referred to in Annex I No ex 02.01, 02.02, 02.03, ex 02.04, ex 02.05 and 02.06 where these are solely intended for the manufacture of the preparations referred to in Annex I No 16.01 and 16.02 and only in so far as these preparations comply with the provisions of Annex II,

— in the case of the foodstuffs referred to in Annex I No 04.01 and 04.02 where these are solely intended to be mixed with foodstuffs of the same nature and only in so far as the mixtures derived therefrom comply with the provisions of Annex II,

provided that any use other than those mentioned above is excluded by appropriate labelling.

4. Member States shall inform the other Member States and the Commission of any measure taken pursuant to the provisions of paragraph 3. These measures shall be applicable to all foodstuffs covered by them irrespective of the origin of the foodstuffs.

Article 4

1. Where a Member State considers that a maximum level fixed in Annex II endangers human health, that Member State may temporarily reduce the level in its own territory. In that case it shall immediately notify the other Member States and the Commission of the measures taken, attaching a statement of the reasons therefor.

2. If the situation envisaged in paragraph 1 arises, it shall be decided in accordance with the procedure laid down in Article 8 whether the maximum levels laid down in Annex II are to be varied. Until such time as a decision is taken by the Council or the Commission in accordance with the abovementioned procedure, the Member State may maintain the measures which it has implemented.

Article 5

Amendments to the Annexes as a result of developments in scientific or technical knowledge shall be adopted in accordance with the procedure laid down in Article 7.

Article 6

1. Member States shall take all necessary measures, at least by carrying out check sampling, to ensure compliance with the maximum levels laid down in accordance with this Directive.

2. Member States shall take all necessary measures to ensure that, where the foodstuffs referred to in Article 1 are checked in accordance with paragraph 1, the methods of sampling and of qualitative and quantitative analysis of residues of pesticides established in accordance with the procedure provided for in Article 7 shall be used.

3. Paragraphs 1 and 2 shall apply without prejudice to the provisions of Community veterinary inspection measures, including rules relating to the frequency and the standards for sampling, for the control of residues of pesticides in foodstuffs of animal origin, in particular those adopted pursuant to Directive 72/462/EEC.

Article 7

1. Where the procedure laid down in this Article is to be followed, the matters shall be referred without delay to the Standing Committee on Plant Health, hereinafter called 'the Committee', by its chairman,

either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within a time limit set by the chairman having regard to the urgency of the matters to be examined. Opinions shall be delivered by a majority of 41 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. Where the measures are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within three months following the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures.

Article 8

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Committee by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within two days. Opinions shall be delivered by a majority of 41 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. Where they are not in accordance with the opinion of

the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within 15 days of the date on which the matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures.

Article 9

This Directive shall not apply to the foodstuffs referred to in Article 1 where it can be established by appropriate evidence that they are intended for export to non-member countries.

Article 10

Directive 72/462/EEC is amended as follows:

The following Article is inserted after Article 31:

Article 31a

This Directive shall apply without prejudice to the provisions relating to the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin.'

Article 11

Member States shall bring into force on 1 July 1981 the laws, regulations and administrative provisions necessary to comply with this Directive and shall forthwith inform the Commission thereof.

Member States shall furthermore ensure that the texts of the most important national provisions which they adopt in the field governed by this Directive are transmitted to the Commission.

Article 12

This Directive is addressed to the Member States.

ANNEX I

List of foodstuffs referred to in Article 1

CCT heading No	Description
ex 02.01	Meat and edible offals of horses, asses, mules and hinnies, bovine animals, swine, sheep and goats, fresh, chilled or frozen
02.02	Dead poultry and edible offals thereof (except liver), fresh, chilled or frozen
02.03	Poultry liver, fresh, chilled, frozen, salted or in brine
ex 02.04	Other meat and edible meat offals, chilled or frozen of domestic pigeons, domestic rabbits and game
ex 02.05	Pig fat and poultry fat, fresh, chilled, frozen, salted, in brine, dried or smoked
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked
16.01	Sausages and the like, of meat, meat offals or animal blood
16.02	Other prepared or preserved meat or meat offal
04.01	Milk and cream, fresh, not concentrated or sweetened
04.02	Milk and cream, preserved, concentrated or sweetened
04.03	Butter
04.04	Cheese and curd
04.05	Birds' eggs and egg yolks, fresh, dried or otherwise preserved, sweetened or not, except eggs for hatching as well as eggs and egg yolks intended for purposes other than nutrition

ANNEX II

Residues of pesticides	Maximum levels		
	in mg/kg (ppm) of fat for meat, edible offals and preparations of meat listed in Annex I under No ex 02.01, 02.02, 02.03, ex 02.04, ex 02.05, 02.06, 16.01, 16.02	in mg/kg (ppm) of fat for milk and dairy products listed in Annex I under No 04.01, 04.02, 04.03, 04.04	in mg/kg (ppm) of fresh eggs, without shells, for birds' eggs and egg yolks listed in Annex I under No ex 04.05 (*)
1. Aldrin } singly or combined expressed as dieldrin (HEOD)	0.2	0.15	0.1
2. Dieldrin (HEOD)			
3. Chlordane (sum of cis- and trans-isomers and of oxychlordane, expressed as chlordane)	0.05	0.05	0.02
4. DDT (sum of DDT-, TDE- and DDE-isomers, expressed as DDT)	1	1	0.5
5. Endrin (sum of endrin and deltaketo-endrin, expressed as endrin)	0.02	0.02	0.02
6. Heptachlor (sum of heptachlor and heptachlor epoxide, expressed as heptachlor)	0.2	0.15	0.05
7. Hexachloro-benzene (HCB)	0.1	0.1	0.1
8. Hexachlorocyclohexane (HCH)			
8.1 alpha-isomer	0.5	0.2	0.1
8.2 beta-isomer	0.1	0.02	0.02
8.3 gamma-isomer (lindane)	0.7		
	products No 02.02 and 02.03, poultry fat and preparations of poultry meat and offals		
	2: other products	0.2	0.1

(*) For eggs and egg yolks, dried or otherwise preserved, sweetened or not, as well as for fresh egg yolks, the maximum level indicated refers to the weight of fresh eggs, without shell, from which these products are derived.