

COMMISSION DIRECTIVE 2002/76/EC**of 6 September 2002****amending the Annexes to Council Directives 86/362/EEC and 90/642/EEC as regards the fixing of maximum levels for pesticide residues (metsulfuron methyl) in and on cereals and certain products of plant origin, including fruit and vegetables****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽¹⁾, as last amended by Commission Directive 2002/71/EC ⁽²⁾, 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 ⁽³⁾, as last amended by Directive 2002/71/EC, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁴⁾, as last amended by Commission Directive 2002/64/EC ⁽⁵⁾, and in particular Article 4(1)(f) thereof,

Whereas:

- (1) The existing active substance metsulfuron methyl, was included in Annex I to Directive 91/414/EEC by Commission Directives 2000/49/EC ⁽⁶⁾, for use as herbicides, but without specifying particular conditions having an impact on crops which may be treated with plant protection products containing this active substance.
- (2) The inclusion in Annex I to Directive 91/414/EEC of the active substance 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.
- (3) Where no Community MRL or provisional MRL exists, Member States are to establish a national provisional MRL in accordance with Article 4(1)(f) of Directive 91/

414/EEC before plant protection products containing this active substance may be authorised.

- (4) With respect to the inclusion in Annex I to Directive 91/414/EEC of the active substance concerned, the related technical and scientific evaluations were finalised in the form of Commission review report. The report was finalised on 16 June 2000. The report fixed the Acceptable Daily Intake (ADI) for metsulfuron methyl at 0,22 mg/kg bw/day. The lifetime 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 ⁽⁷⁾ and the opinion of the Scientific Committee for Plants ⁽⁸⁾ on the methodology employed. It is concluded that MRLs proposed will not lead to those ADIs being exceeded. No acute toxic effects requiring the setting of an Acute Reference Dose were noted during the evaluation and discussion preceding the inclusion of metsulfuron methyl in Annex I to Directive 91/414/EEC.

- (5) In order to ensure that the consumer is adequately protected from exposure to residues in or on products for which no authorisations have been granted, it is prudent to set provisional MRLs at the lower limit of analytical determination for all such products covered by Directives 86/362/EEC and 90/642/EEC.
- (6) The setting at Community level of such provisional MRLs does not prevent the Member States from establishing provisional maximum residue levels for metsulfuron methyl 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.
- (7) The Annexes to Directives 86/362/EEC and 90/642/EEC should therefore be amended accordingly.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37.

⁽²⁾ OJ L 225, 22.8.2002, p. 21.

⁽³⁾ OJ L 350, 14.12.1990, p. 71.

⁽⁴⁾ OJ L 230, 19.8.1991, p. 1.

⁽⁵⁾ OJ L 189, 18.7.2002, p. 27.

⁽⁶⁾ OJ L 197, 3.8.2000, p. 32.

⁽⁷⁾ 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).

⁽⁸⁾ 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).

- (8) The Commission notified this Directive in draft form to the World Trade Organisation and the comments received have been considered in finalising the Directive. The possibility of fixing import tolerance MRLs for specific pesticide/crop combinations will be examined by the Commission on the basis of the acceptable data submitted.
- (9) This Directive is in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Pesticide residue	Maximum level in mg/kg
Metsulfuron-methyl	0,05 (*) (p) Cereals

(*) indicates lower limit of analytical determination.

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

Article 2

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

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2002 at the latest. They shall forthwith inform the Commission thereof.

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

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

Article 4

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 6 September 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX

'Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)
	Metsulfuron methyl
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,05 (*) (P)
(i) CITRUS FRUIT Grapefruit Lemons Limes Mandarins (including clementines and other hybrids) Oranges Pomelos Others	
(ii) TREE NUTS (shelled or unshelled) Almonds Brazil nuts Cashew nuts Chestnuts Coconuts Hazelnuts Macadamia Pecans Pine nuts Pistachios Walnuts Others	
(iii) POME FRUIT Apples Pears Quinces Others	
(iv) STONE FRUIT Apricots Cherries Peaches (including nectarines and similar hybrids) Plums Others	
(v) BERRIES AND SMALL FRUIT (a) Table and 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 Cranberries	

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)
	Metsulfuron methyl
Currants (red, black and white) Gooseberries Others (e) Wild berries and wild fruit (vi) MISCELLANEOUS Avocados Bananas Dates Figs Kiwi Kumquats Litchis Mangoes Olives Passion fruit Pineapples Pomegranate Others	
2. Vegetables, fresh or uncooked, frozen or dry	0,05 (*) (P)
(i) ROOT AND TUBER VEGETABLES Beetroot Carrots Celeriac Horseradish Jerusalem artichokes Parsnips Parsley root Radishes Salsify Sweet potatoes Swedes Turnips Yam Others	
(ii) BULB VEGETABLES Garlic Onions Shallots Spring onions Others	
(iii) FRUITING VEGETABLES (a) Solanacea Tomatoes Peppers Aubergines Others (b) Cucurbits — edible peel Cucumbers Gherkins Courgettes Others	

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)
	Metsulfuron methyl
(c) Cucurbits — inedible peel	
Melons	
Squashes	
Watermelons	
Others	
(d) Sweet corn	
(iv) BRASSICA VEGETABLES	
(a) Flowering brassica	
Broccoli	
Cauliflower	
Others	
(b) Head brassica	
Brussels sprouts	
Head cabbage	
Others	
(c) Leafy brassica	
Chinese cabbage	
Kale	
Others	
(d) Kohlrabi	
(v) LEAF VEGETABLES AND FRESH HERBS	
(a) Lettuce and similar	
Cress	
Lamb's lettuce	
Lettuce	
Scarole	
Others	
(b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
(c) Watercress	
(d) Witloof	
(e) Herbs	
Chervil	
Chives	
Parsley	
Celery leaves	
Others	
(vi) LEGUME VEGETABLES (fresh)	
Beans (with pods)	
Beans (without pods)	
Peas (with pods)	
Peas (without pods)	
Others	
(vii) STEM VEGETABLES (fresh)	
Asparagus	
Cardoons	
Celery	
Fennel	

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)
	Metsulfuron methyl
Globe artichokes	
Leek	
Rhubarb	
Others	
(viii) FUNGI	
(a) Cultivated mushrooms	
(b) Wild mushrooms	
3. Pulses	0,05 (*) (P)
Beans	
Lentils	
Peas	
Others	
4. Oil seeds	0,1 (*) (P)
Linseed	
Peanuts	
Poppy seeds	
Sesame seeds	
Sunflower seed	
Rape seed	
Soya bean	
Mustard seed	
Cotton seed	
Others	
5. Potatoes	0,05 (*) (P)
Early potatoes	
Ware potatoes	
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (*) (P)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*) (P)

(*) Indicates lower limit of analytical determination

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