Commission Implementing Regulation (EU) 2019/533 of 28 March 2019 concerning a coordinated multiannual control programme of the Union for 2020, 2021 and 2022 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/533

of 28 March 2019

concerning a coordinated multiannual control programme of the Union for 2020, 2021 and 2022 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC[(1)], in particular Article 29(2) thereof,

Whereas:

(1) By Commission Regulation (EC) No 1213/2008[(2)] a first coordinated multiannual Community control programme, covering the years 2009, 2010 and 2011, was established. That programme continued under consecutive Commission Regulations. The latest one was Commission Implementing Regulation (EU) 2018/555[(3)].

(2) Thirty to forty foodstuffs constitute the major components of the diet in the Union. Since pesticide uses show significant changes over a period of three years, pesticides should be monitored in those foodstuffs over a series of three-year cycles to allow consumer exposure and the application of Union legislation to be assessed.

(3) The European Food Safety Authority ('the Authority'), submitted a scientific report on a design assessment of the pesticide monitoring programme. It concluded that an MRL exceedance rate above 1 % could be estimated with a margin of error of 0,75 % by selecting 683 sample units for a minimum of 32 different food items[(4)]. Collection of those samples should be apportioned among Member States according to population numbers, with a minimum of 12 samples per product and per year.

(4) Analytical results from the previous official control programmes of the Union have been taken into account to ensure that the range of pesticides covered by the control programme is representative for the pesticides used.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/533. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Guidance concerning 'Analytical quality control and validation procedures for pesticide residues analysis in food and feed' is published on the Commission website[(5)].

(6) Where the residue definition of a pesticide includes other active substances, metabolites and/or breakdown or reaction products, those compounds should be reported separately as far as they are measured individually[(6)].

(7) Implementing measures, such as the Standard Sample Description (SSD) for submitting results of pesticide residues analysis, relating to the submission of information by Member States have been agreed by Member States, the Commission and the Authority.

(8) For the sampling procedures, Commission Directive 2002/63/EC[(7)], which incorporates the sampling methods and procedures recommended by the Codex Alimentarius Commission, should apply.

(9) It is necessary to assess whether maximum residue levels for food for infants and young children provided for in Article 10 of Commission Directive 2006/141/EC[(8)] and Article 7 of Commission Directive 2006/125/EC[(9)] are respected, taking into account only the residue definitions as they are set out in Regulation (EC) No 396/2005.

(10) As regards single residue methods, Member States may be able to meet their obligations of analysis by having recourse to official laboratories already having the validated methods required.

(11) Member States should submit by 31 August of each year the information concerning the previous calendar year.

(12) In order to avoid any confusion due to an overlap between consecutive multiannual programmes, Implementing Regulation (EU) 2018/555 should be repealed in the interest of legal certainty. It should, however, continue to apply to samples tested in 2019.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall, during the years 2020, 2021 and 2022, take and analyse samples for the pesticide/product combinations, as set out in Annex I.

The number of samples of each product, including foods for infants and young children and products originating from organic farming, shall be as set out in Annex II.

Article 2

1 The lot to be sampled shall be chosen randomly.

The sampling procedure, including the number of units, shall comply with Directive 2002/63/EC.

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2 All samples, including those of foods intended for infants and young children and products originating from organic farming, shall be analysed for the pesticides set out in Annex I in accordance with the residue definitions set out in Regulation (EC) No 396/2005.

3 For foods intended for infants and young children, samples shall be evaluated on the products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers, taking into account the MRLs set out in Directives 2006/125/EC and 2006/141/EC. Where such foods can be consumed both as sold and as reconstituted, the results shall be reported on the non-reconstituted product as sold.

Article 3

Member States shall submit the results of the analysis of samples tested in 2020, 2021 and 2022 by 31 August 2021, 2022 and 2023 respectively. Those results shall be submitted in the electronic reporting format as set out by EFSA.

Where the residue definition of a pesticide includes more than one compound (active substance and/or metabolite or breakdown or reaction product), Member States shall report the analysis results in accordance with the full residue definition. In addition, the results of all analytes that are part of the residue definition shall be submitted separately, as far as they are measured individually.

Article 4

Implementing Regulation (EU) 2018/555 is repealed.

However, as regards samples tested in 2019, it shall continue to apply until 1 September 2020.

Article 5

This Regulation shall enter into force on 1 January 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 March 2019.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/533. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX I

PART A: PRODUCTS OF PLANT ORIGIN[0]TO BE SAMPLED IN 2020, 2021 AND 2022.

2020	**2021**	**2022**
(a)	**(b)**	**(c)**
Oranges[b]	Table grapes[b]	Apples[b]
Pears[b]	Bananas[b]	Strawberries[b]
Kiwi fruits[b]	Grapefruits[b]	Peaches, including nectarines and similar hybrids[b]
Cauliflowers[b]	Aubergines[b]	Wine (red or white) made from grapes. (If no specific processing factors for wine are available, Member States are requested to report the wine processing factors used in the 'National Summary report')
Onions[b]	Broccoli[b]	Lettuces[b]
Carrots[b]	Melons[b]	Head cabbages[b]
Potatoes[b]	Cultivated fungi[b]	Tomatoes[b]
Beans (dried)[b]	Sweet peppers/bell peppers[b]	Spinaches[b]
Rye grain[c]	Wheat grain[c]	Oat grain[cd]
Brown rice (husked rice), defined as rice after the removal of the hull from paddy rice[e]	Virgin olive oil (If no specific oil processing factor is available, Member States are requested to report the processing factors used in the 'National Summary report')	Barley grain[cf]

a For the raw commodities to be analysed, the parts of the products to which MRLs apply shall be analysed for the main product of the group or subgroup as listed in Part A of Annex I to Regulation (EC) No 396/2005 unless stated otherwise.

b Unprocessed products shall be analysed. In case of products sampled in frozen state, a processing factor shall be reported, if applicable.

c If no sufficient samples of rye, wheat, oat or barley grains are available, also rye, wheat, oat or barley whole grain flour can be analysed and a processing factor shall be reported.

d If no sufficient samples of oat grains are available, the part of the required sample number for oat grains that could not be taken, can be added to the sample number for barley grains, resulting in a reduced sample number for oat grains and a proportionately increased sample number for barley grains.

e Where appropriate, also polished rice grain can be analysed. It shall be reported to EFSA whether polished or husked rice was analysed. If polished rice was analysed, a processing factor shall be reported.

f If no sufficient samples of barley grains are available, the part of the required sample number for barley grains that could not be taken, can be added to the sample number for oat grains, resulting in a reduced sample number for barley grains and a proportionately increased sample number for oat grains.

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PART B: PRODUCTS OF ANIMAL ORIGIN ([1]) TO BE SAMPLED IN 2020, 2021 AND 2022.

2020	**2021**	**2022**
(f)	**(d)**	**(e)**
Poultry fat ([2])[a]	Bovine fat ([2]) ([7])	Cow's milk[b]
Bovine Liver ([2])	Chicken eggs ([2])[c]	Swine fat ([2]) ([7])

a Meat may also be sampled according to Table 3 of the Annex to Directive 2002/63/EC.

b Fresh (unprocessed) milk shall be analysed, including frozen, pasteurised, heated, sterilised or filtrated milk.

c Whole eggs without the shell shall be analysed.

PART C: PESTICIDE/PRODUCT COMBINATIONS TO BE MONITORED IN/ON PRODUCTS OF PLANT ORIGIN

	2020	**2021**	**2022**	**Remarks**
2,4-D	(a)	(b)	(c)	It shall only be analysed in and on oranges, cauliflowers, brown rice and dried beans in 2020; in and on grapefruits, table grapes, aubergines and broccoli in 2021; in and on lettuces, spinaches and tomatoes in 2022.
2-Phenylphenol	(a)	(b)	(c)	
Abamectin	(a)	(b)	(c)	
Acephate	(a)	(b)	(c)	
Acetamiprid	(a)	(b)	(c)	
Acrinathrin	(a)	(b)	(c)	
Aldicarb	(a)	(b)	(c)	
Aldrin and dieldrin	(a)	(b)	(c)	
Ametoctradin	(a)	(b)	(c)	
Azinphos-methyl	(a)	(b)	(c)	
Azoxystrobin	(a)	(b)	(c)	
Bifenthrin	(a)	(b)	(c)	