COMMISSION REGULATION (EC) No 901/2009

of 28 September 2009

concerning a coordinated multiannual Community control programme for 2010, 2011 and 2012 to ensure compliance with maximum levels of and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 thereof,

Whereas:

(1) By Commission Regulation (EC) No 1213/2008 [2] a first coordinated multiannual Community programme, covering the years 2009, 2010 and 2011, was established.

(2) Thirty foodstuffs constitute the major components of the diet in the Community. Since pesticide uses show significant changes over a period of three years, pesticides should be monitored in those 30 foodstuffs over a series of three-year cycles to allow consumer exposure and the application of Community legislation to be assessed.

(3) On the basis of a binomial probability distribution, it can be calculated that examination of 642 samples allows, with a certainty of more than 99 %, the detection of a sample containing pesticide residues above the limit of determination (LOD), provided that not less than 1 % of the products contain residues above that limit. Collection of these samples should be apportioned among Member States according to population numbers, with a minimum of 12 samples per product and per year.

(4) Where the residue definition of a pesticide includes other active substances, metabolites or breakdown products, those metabolites should be reported separately.

(5) Guidance concerning 'Method validation and quality control procedures for pesticide residue analysis in food and feed' is published on the Commission website [3].

(6) For the sampling procedures Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC [4] which incorporates the sampling methods and procedures recommended by the Codex Alimentarius Commission should apply.

(7) It is also necessary to assess whether maximum residue levels for baby food provided for in Article 10 of Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae [5] and Article 7 of Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children [6] are respected.

(8) It is necessary to assess possible aggregate, cumulative and synergistic effects of pesticides. This assessment should start with some organophosphates, carbamates, triazoles and pyrethroides, as set out in Annex I.

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

(10) In order to avoid any confusion due to an overlap between consecutive multiannual programmes, Regulation (EC) No 1213/2008 should be repealed in the interest of legal certainty. It should, however, continue to apply to samples tested in 2009.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall, during the years 2010, 2011 and 2012 take and analyse samples for the product/pesticide residue combinations, as set out in Annex I.

The number of samples of each product shall be as set out in Annex II.

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[1] OJ L 70, 16.3.2005, p. 1.
[2] OJ L 328, 6.12.2008, p. 9.
[3] Document SANCO/3131/2007, 31 October 2007 http://ec.europa.eu/food/plant/protection/resources/qualcontrol_en.pdf
[4] OJ L 187, 16.7.2002, p. 30.
[5] OJ L 401, 30.12.2006, p. 1.
[6] OJ L 339, 6.12.2006, p. 16.

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.

2. The samples taken and analysed shall include at least:

(a) 10 samples of baby food;

(b) one sample, where available, from products originating from organic farming that reflects the market share of organic products in each Member State.

Article 3

1. Member States shall submit the results of the analysis of samples tested in 2010, 2011 and 2012 by 31 August 2011, 2012 and 2013 respectively.

In addition to those results, Member States shall provide the following information:

(a) the analytical methods used and reporting levels achieved, in accordance with the guidance on Method validation and quality control procedures for pesticide residue analysis in food and feed;

(b) limit of determination applied in the national and Community control programmes;

(c) details of the accreditation status of the analytical laboratories involved in the control;

(d) where permitted by national legislation, details of enforcement measures taken;

(e) where maximum residue levels (MRLs) are exceeded, a statement of the possible reasons thereof, together with any appropriate observations regarding risk management options.

2. Where the residue definition of a pesticide includes active substances, metabolites and/or breakdown or reaction products, Member States shall report the analysis results in accordance with the legal residue definition. Where relevant, the results of each of the main isomers or metabolites mentioned in the residue definition shall be submitted separately.

Article 4

Regulation (EC) No 1213/2008 is repealed.

However, it shall continue to apply to samples tested in 2009.

Article 5

This Regulation shall enter into force on 1 January 2010.

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

Done at Brussels, 28 September 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX I

Pesticide/product combinations to be monitored

	2010	2011	2012
2,4-D (sum of 2,4-D and its esters expressed as 2,4-D) (*)	(c)	(a)	(b)
4,4′-Methoxychlor	(e)	(f)	(d)
Abamectin (sum of avermectin B1a, avermectin B1b and delta-8,9 isomer of avermectin B1a)	(c)	(a), (f)	(b) (d)
Acephate	(c)	(a)	(b)
Acetamiprid	(c)	(a)	(b)
Acrinathrin (*)	(c)	(a)	(b)
Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb)	(c)	(a)	(b)
Amitraz (amitraz including the metabolites containing the 2,4-dimethylaniline moity expressed as amitraz)	(Pears)	(a)	(b)
Amitrole (*)	(c)	(a)	(b)
Azinphos-ethyl (*)	(e)	(f)	(d)
Azinphos-methyl	(c)	(a)	(b)
Azoxystrobin	(c)	(a)	(b)
Benfuracarb (*)	(c)	(a)	(b)
Bifenthrin	(c) (e)	(a), (f)	(b) (d)
Bitertanol	(c)	(a)	(b)
Boscalid	(c)	(a)	(b)
Bromide ion (*) (see remark below)	(c)	(a)	(b)
Bromopropylate	(c)	(a)	(b)
Bromuconazole (sum of diasteroisomers) (*)	(c)	(a)	(b)
Bupirimate	(c)	(a)	(b)
Buprofezin	(c)	(a)	(b)
Cadusafos (*)	(c)	(a)	(b)
Camphechlor (sum of parlar Nos 26, 50 and 62) (*)	(e)	(f)	(d)
Captan	(c)	(a)	(b)
Carbaryl	(c)	(a)	(b)
Carbendazim (sum of Benomyl and carbendazim expressed as carbendazim)	(c)	(a)	(b)
Carbofuran (sum of Carbofuran and 3-Hydroxycarbofuran expressed as Carbofuran)	(c)	(a)	(b)
Carbosulfan (*)	(c)	(a)	(b)
Chlordane (sum of cis- and trans-isomers and oxychlordane expressed as chlordane)	(e)	(f)	(d)
Chlorfenapyr	(c)	(a)	(b)
Chlorfenvinphos	(c)	(a)	(b)
Chlormequat (**)	(c)	(a)	(b)
Chlorobenzilate (*)	(e)	(f)	(d)

	2010	2011	2012
Chlorothalonil	(c)	(a)	(b)
Chlorpropham (Chlorpropham and 3-Chloroaniline expressed as Chlorpropham (see remark below))	(c)	(a)	(b)
Chlorpyriphos	(c) (e)	(a), (f)	(b) (d)
Chlorpyriphos-methyl	(c) (e)	(a), (f)	(b) (d)
clofentezin (sum of all compounds containing the 2-Chlorbenzoyl-moiety expressed as Clofentezin)	(c)	(a)	(b)
Clothianidin	(c)	(a)	(b)
Cyfluthrin (Cyfluthrin incl. other mixtures of constituent isomers (sum of isomers))	(c) (e)	(a), (f)	(b) (d)
Cypermethrin (Cypermethrin incl. other mixtures of constituent isomers (sum of isomers))	(c) (e)	(a), (f)	(b) (d)
cyproconazole (*)	(c)	(a)	(b)
Cyprodinil	(c)	(a)	(b)
DDT (sum of p,p′-DDT, o,p′-DDT, p-p′-DDE and p,p′-DDD (TDE) expressed as DDT)	(e)	(f)	(d)
Deltamethrin (cis-deltamethrin)	(c) (e)	(a), (f)	(b) (d)
Diazinon	(c) (e)	(a), (f)	(b)
Dichlofluanid	(c)	(a)	(b)
Dichlorvos	(c)	(a)	(b)
Dicloran	(c)	(a)	(b)
Dicofol (sum of p,p′ and o,p′ isomers)	(c)	(a)	(b)
Dieldrin (Aldrin and dieldrin combined expressed as dieldrin)	(e)	(f)	(d)
Difenoconazole	(c)	(a)	(b)
Dimethoate (sum of Dimethoate and Omethoate expressed as dimethoate)	(c)	(a)	(b)
Dimethoate	(c)	(a)	(b)
Omethoate	(c)	(a)	(b)
Dimethomorph	(c)	(a)	(b)
Dinocap (sum of dinocap isomers and their corresponding phenols expressed as dinocap) (*)	(c)	(a)	(b)
Diphenylamine	(c)	(a)	(b)
Endosulfan (sum of alpha- and beta-isomers and Endosulfan-sulphate expressed as Endosulfan)	(c) (e)	(a), (f)	(b) (d)
Endrin	(e)	(f)	(d)
Epoxiconazole	(c)	(a)	(b)
Ethephon (*)	(c)	(a)	(b)
Ethion	(c)	(a)	(b)
Etofenprox (F) (*)	(c)	(a)	(b)

	2010	2011	2012
Ethoprophos (*)	(c)	(a)	(b)
Fenamiphos (sum of fenamiphos and its sulphoxide and sulphone expressed as fenamiphos) (*)	(c)	(a)	(b)
fenarimol	(c)	(a)	(b)
Fenazaquin	(c)	(a)	(b)
Fenbutatin oxide (F) (*)	(c)	(a)	(b)
Fenbuconazole (*)	(c)	(a)	(b)
Fenhexamid	(c)	(a)	(b)
Fenitrothion	(c)	(a)	(b)
Fenoxycarb	(c)	(a)	(b)
Fenpropathrin (*)	(c)	(a)	(b)
Fenpropimorph	(c)	(a)	(b)
Fenthion (sum of fenthion and its oxigen analogue, their sulfoxides and sulfone expressed as parent)	(c) (e)	(a), (f)	(d)
Fenvalerate/Esfenvalerate (sum) (sum of RS/SR and RR/SS isomers)	(c) (e)	(a), (f)	(d)
Fipronil (sum Fipronil + sulfone metabolite (MB46136) expressed as Fipronil)	(c)	(a)	(b)
Fluazifop (Fluazifop-P-butyl (fluazifop acid (free and conjugate))) (*)	(c)	(a)	(b)
Fludioxonil	(c)	(a)	(b)
Flufenoxuron	(c)	(a)	(b)
Fluquinconazole (*)	(c)	(a)	(b)
flusilazole	(c)	(a)	(b)
Flutriafol (*)	(c)	(a)	(b)
Folpet	(c)	(a)	(b)
Formetanate (sum of Formetanate and its salts expressed as Formetanate hydrochloride)	(c)	(a)	(b)
Fosthiazate (*)	(c)	(a)	(b)
Glyphosate (***)	(c)	(a)	(b)
Haloxyfop including haloxyfop-R (Haloxyfop-R methyl ester, haloxyfop-R and conjugates of haloxyfop-R expressed as haloxyfop-R) (F) (R) (*)	(c)	(a)	(b)
HCB	(e)	(f)	(d)
Heptachlor (sum of heptachlor and heptachlor epoxide expressed as heptachlor)	(e)	(f)	(d)
Hexachlorcyclohexan (HCH), Alpha-isomer	(e)	(f)	(d)
Hexachlorcyclohexan (HCH), Beta-isomer	(e)	(f)	(d)
Hexachlorocyclohexane (HCH) (Gamma-isomer) (Lindane)	(e)	(f)	(d)
Hexaconazole	(c)	(a)	(b)
Hexythiazox	(c)	(a)	(b)

	2010	2011	2012
Imazalil	(c)	(a)	(b)
Imidacloprid	(c)	(a)	(b)
Indoxacarb (Indoxacarb as sum of the isomers S and R)	(c)	(a)	(b)
Iprodione	(c)	(a)	(b)
Iprovalicarb	(c)	(a)	(b)
Kresoxim-methyl	(c)	(a)	(b)
Lambda-cyhalothrin (Lambda-cyhalothrin, incl. other mixtures of constituent isomers (sum of isomers))	(c)	(a)	(b)
Linuron	(c)	(a)	(b)
Lufenuron	(c)	(a)	
Malathion (sum of Malathion and Malaoxon expressed as Malathion)	(c)	(a)	(b)
Maneb group (sum expressed as CS2: Maneb, Mancozeb, Metiram, Propineb, Thiram, Ziram)	(c)	(a)	(b)
Mepanipyrim and its metabolite (2-anilino-4-(2-hydroxypropyl)-6-methylpyrimidine) expressed as mepanipyrim)	(c)	(a)	(b)
Mepiquat (**)	(c)	(a)	(b)
Metalaxyl (Metalaxyl incl. mixtures of constituent isomers incl. Metalaxyl-M (sum of isomers))	(c)	(a)	(b)
Metconazole (*)	(c)	(a)	(b)
Methamidophos	(c)	(a)	(b)
Methidathion	(c) (e)	(a), (f)	(b) (d)
Methiocarb (sum of Methiocarb and Methiocarb-Sulfoxide and Sulfone, expressed as Methiocarb)	(c)	(a)	(b)
Methomyl (sum of Methomyl and Thiodicarb expressed as Methomyl)	(c)	(a)	(b)
Methoxyfenozide	(c)	(a)	(b)
Monocrotophos	(c)	(a)	(b)
Myclobutanil	(c)	(a)	(b)
Oxadixyl	(c)	(a)	(b)
Oxamyl	(c)	(a)	(b)
Oxydemeton-methyl (sum of Oxydemeton-Methyl and Demeton-S-Methylsulfone expressed as Oxydemeton-Methyl)	(c)	(a)	(b)
Paclobutrazole (*)	(c)	(a)	(b)
Parathion	(c) (e)	(a), (f)	(b) (d)
Parathion-Methyl (sum of Parathion-Methyl and Paraoxon-Methyl expressed as Parathion-Methyl)	(c) (e)	(a), (f)	(b) (d)
Pencycuron	(c)	(a)	(b)
Penconazole	(c)	(a)	(b)

	2010	2011	2012
Pendimethalin	(c)	(a)	(b)
Permethrin (sum of cis- and trans-permethrin)	(e)	(f)	(d)
Phenthoate (*)	(c)	(a)	(b)
Phosalone	(c)	(a)	(b)
Phosmet (Phosmet and Phosmet oxon expressed as Phosmet)	(c)	(a)	(b)
Phoxim (*)	(c)	(a)	(b)
Pyraclostrobin (F)	(c)	(a)	(b)
Pirimicarb (sum of Pirimicarb and Desmethylpirimicarb expressed as Pirimicarb)	(c)	(a)	(b)
Pirimiphos-methyl	(c) (e)	(a), (f)	(b) (d)
Prochloraz (sum of Prochloraz + its metabolites cont. the 2,4,6-Trichlorophenol moiety expressed as Prochloraz)	(c)	(a)	(b)
Procymidone	(c)	(a)	(b)
Profenofos	(c) (e)	(a), (f)	(b) (d)
Propamocarb (sum of Propamocarb and its salts expressed as Propamocarb) (*)	(c)	(a)	(b)
Propargite	(c)	(a)	(b)
Propiconazole	(c)	(a)	(b)
Propyzamide	(c)	(a)	(b)
Prothioconazole (Prothioconazole-desthio) (*)	(c)	(a)	(b)
Pyrazophos	(e)	(f)	(d)
Pyrethrins (*)	(c)	(a)	(b)
Pyridaben	(c)	(a)	(b)
Pyrimethanil	(c)	(a)	(b)
Pyriproxyfen	(c)	(a)	(b)
Quinoxyfen	(c)	(a)	(b)
Quintozene (sum of Quintozen und Pentachloraniline, expressed as Quintozene) (*)	(e)	(f)	(e)
Resmethrin (sum of isomers) (*)	(e)	(f)	(d)
Spinosad (sum of Spinosyn A and Spinosyn D, expressed as Spinosad)	(c)	(a)	(b)
Spiroxamine	(c)	(a)	(b)
Taufluvalinate	(c)	(a)	(b)
Tebuconazole	(c)	(a)	(b)
Tebufenozide	(c)	(a)	(b)
Tebufenpyrad	(c)	(a)	(b)
Tecnazene (*)	(e)	(f)	(d)
Teflubenzuron	(c)	(a)	(b)
Tefluthrin (*)	(c)	(a)	(b)

	2010	2011	2012
Tetraconazole	(c)	(a)	(b)
Tetradifon	(c)	(a)	(b)
Thiabendazole	(c)	(a)	(b)
Thiamethoxam (sum of Thiamethoxam and Clothianidin expressed as Thiamethoxam)	(c)	(a)	(b)
Thiacloprid	(c)	(a)	(b)
Thiophanate-methyl	(c)	(a)	(b)
Tolcloflos-methyl	(c)	(a)	(b)
Tolylfluanid (sum of Tolylfluanid and Dimethylaminosulfotoluidide expressed as Tolylfluanid)	(c)	(a)	(b)
Triadimefon and triadimenol (sum of triadimefon and triadimenol)	(c)	(a)	(b)
Triazophos	(c) (e)	(a), (f)	(b) (d)
Trichlorfon (*)	(c)	(a)	(b)
trifloxystrobin	(c)	(a)	(b)
Triflumuron (F) (*)	(c)	(a)	(b)
Trifluralin	(c)	(a)	(b)
Triticonazole (*)	(c)	(a)	(b)
Vinclozolin (sum of Vinclozolin and all metabolites cont. the 3,5-dichloraniniline moiety, expressed as Vinclozolin)	(c)	(a)	(b)
Zoxamide (*)	(c)	(a)	(b)

(a) Beans (fresh or frozen, without pod), carrots, cucumbers, oranges or mandarins, pears, potatoes, rice and spinach (fresh or frozen).
(b) Aubergines, bananas, cauliflower, table grapes, orange juice ([1]), peas (fresh/frozen, without pod), peppers (sweet) and wheat.
(c) Apples, head cabbage, leek, lettuce, tomatoes, peaches including nectarines and similar hybrids; rye or oats and strawberries.
(d) Butter, eggs.
(e) Milk, swinemeat.
(f) Poultrymeat, liver (bovine and other ruminants, swine and poultry).
(F) Fat soluble.
(*) To be analysed on voluntary basis in 2010. The decision for not analysing shall be justified with a risk/benefit Member State evaluation.
Bromide ion remark: bromide ion shall be analysed obligatory on lettuce and tomatoes in 2010, rice and spinach in 2011 and sweet pepper in 2012; and on voluntary basis in the rest of commodities foreseen for each year. The decision for not analysing any of the commodities foreseen shall be justified with a risk/benefit Member State evaluation.
Amitraz shall be analysed only in pears in 2010.
Chlorpropham residue definition for potatoes (chlorpropham only) has to be taken into account in 2011.
(**) Chlormequat and mepiquat shall be analysed in cereals (excluding rice), and pears.
(***) Only cereals.

([1]) For orange juice, Member States shall specify the source (concentrates or fresh fruits).

ANNEX II

Number of samples of each product to be taken and analysed by each Member State.

Member State	Samples
BE	12 (*) 15 (**)
BG	12 (*) 15 (**)
CZ	12 (*) 15 (**)
DK	12 (*) 15 (**)
DE	93
EE	12 (*) 15 (**)
EL	12 (*) 15 (**)
ES	45
FR	66
IE	12 (*) 15 (**)
IT	65
CY	12 (*) 15 (**)
LV	12 (*) 15 (**)
LT	12 (*) 15 (**)
LU	12 (*) 15 (**)
HU	12 (*) 15 (**)
MT	12 (*) 15 (**)
NL	17
AT	12 (*) 15 (**)
PL	45
PT	12 (*) 15 (**)
RO	17
SI	12 (*) 15 (**)
SK	12 (*) 15 (**)
FI	12 (*) 15 (**)
SE	12 (*) 15 (**)
UK	66

(*) Minimum number of samples for each single residue method applied.
(**) Minimum number of samples for each multi-residue method applied.

TOTAL MINIMUM NUMBER OF SAMPLES: 642