

# COMMISSION

## COMMISSION RECOMMENDATION

of 2 December 1996

**concerning a coordinated programme of inspections in 1997 to ensure compliance with maximum levels of pesticide residues in and on certain products of plant origin, including fruit and vegetables**

(Text with EEA relevance)

(96/738/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables<sup>(1)</sup>, as last amended by Directive 96/32/EC<sup>(2)</sup>, and in particular Article 4 (3) thereof,

After consulting the Standing Committee on Plant Health,

Whereas Article 4 (3) of Directive 90/642/EEC requires the Commission to forward to the Member States by 1 November each year a recommendation concerning a coordinated programme of inspections for the following year to ensure compliance with maximum levels of pesticide residues set out in Annex II to the said Directive;

Whereas Article 4 of Directive 90/642/EEC required the Member States to send to the Commission by 1 August 1996 all necessary information on the implementation during 1995 of their national programmes of inspection and to draw up forward programmes laying down the nature and frequency of their national inspections to be carried out; whereas Commission Recommendation 96/199/EC of 1 March 1996, concerning a coordinated programme of inspections in 1996 to ensure compliance with maximum levels of pesticide residues in and on certain products of plant origin, including fruit and vegetables<sup>(3)</sup>, recommended the Member States to send to the Commission by 1 September 1996 their intended national monitoring programmes for 1997; whereas, nevertheless,

it has not been possible for all Member States to submit their national reports and forward plans by these dates;

Whereas Annex II of Directive 90/642/EEC has been completed by lists of maximum residue levels for certain pesticides by Council Directive 93/58/EEC<sup>(4)</sup>, by Council Directive 94/30/EC<sup>(5)</sup>, by Council Directive 95/38/EC<sup>(6)</sup> and by Council Directive 96/32/EC, to be implemented by the Member States not later than 30 April 1997, and has been amended by Council Directive 95/61/EC<sup>(7)</sup>; whereas the harmonized maximum levels of pesticide residues set out in Annex II should therefore be subject to the national and coordinated programmes of inspections in 1997;

Whereas the amount of information made available to the Commission has not been sufficient to permit a complete overview of the Member States' pesticide residues monitoring activities during 1995 or to allow a comprehensive evaluation of the Member States' monitoring intentions for 1997; whereas, nevertheless, sufficient information is available to coordinate a programme of monitoring of specific pesticides/product combinations at Community level; whereas this is the second such specific coordinated programme to be recommended and indications as to the products to be included in future annual specific coordinated programmes are important for the planning of the competent authorities of the Member States; whereas products will not normally be repeated in specific coordinated programmes within an interval of three years;

Whereas examination of a systematic statistical approach to numbers of samples to be taken in the specific coordinated exercise has not been completed; whereas, however, examination within the Community of more samples of a product than were to be taken in 1996 will

<sup>(1)</sup> OJ No L 350, 14. 12. 1990, p. 71.

<sup>(2)</sup> OJ No L 144, 18. 6. 1996, p. 12.

<sup>(3)</sup> OJ No L 64, 14. 3. 1996, p. 18.

<sup>(4)</sup> OJ No L 211, 23. 8. 1993, p. 6.

<sup>(5)</sup> OJ No L 189, 23. 7. 1994, p. 70.

<sup>(6)</sup> OJ No L 197, 22. 8. 1995, p. 14.

<sup>(7)</sup> OJ No L 292, 17. 12. 1995, p. 27.

permit conclusions about the pesticide residues detected in or on the product to be drawn with a higher level of confidence; whereas for the specific exercise for 1997 at least Member States should set a target number of 50 samples of products in their own markets;

Whereas Article 4 (2) of Directive 90/642/EEC requires Member States to specify the criteria applied in drawing up their national inspection programmes when sending to the Commission information on their implementation during the previous year; whereas such information should include the criteria applied in determining the numbers of samples to be taken and analyses to be carried out, the reporting levels applied and the criteria by which these have been fixed and the criteria applied for the establishment of quality assurance measures in sampling and quality assurance of laboratories carrying out analyses where these are not yet accredited under Council Directive 93/99/EC of 29 October on the subject of additional measures concerning the official control of foodstuffs<sup>(1)</sup>;

Whereas it would also be helpful for the establishment of future recommendations for the Commission to be informed in advance about the Member States' intended forward monitoring programmes for 1998 and following years, in draft or in outline if appropriate;

Whereas information on the results of monitoring programmes and details of intended national monitoring programmes are particularly appropriate for treatment, storage and transmission by electronic/informatic methods; whereas formats have been developed for supply in diskette form to the Member States by the Commission; whereas Member States should therefore be able to send their reports for 1996 and intended national monitoring programmes for 1998 to the Commission in the standard format; whereas the further development of such a standard format is most effectively undertaken by the development of guidelines by the Commission;

Whereas the inspections and check sampling by Member States to ensure compliance with the maximum levels of pesticide residue set out in the list referred to in Article 1 (1) of Directive 90/642/EEC should be carried out in accordance with the requirements of Commission Directive 79/700/EEC of 24 July 1979 establishing methods of sampling for the official control of pesticide residues in

and on fruit and vegetables<sup>(2)</sup>, Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption<sup>(3)</sup>, Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs<sup>(4)</sup> and Council Directive 93/99/EEC,

HEREBY RECOMMENDS THE MEMBER STATES TO:

1. as a specific exercise for 1997, sample and analyse for the product/pesticide residue combinations set out in Annex I, on the basis of a target number of 50 samples of each product, reflecting as appropriate national, Community and third-country shares of the Member State's market and report the results, including analytical methods used, reporting levels achieved and quality assurance measures, at the latest by 1 August 1998;
2. by 1 August 1997, send to the Commission all the information as required by Article 4 (2) of Directive 90/642/EEC concerning the 1996 monitoring exercise to ensure, at least by check sampling, compliance with maximum pesticide residue levels and, in particular:
  - 2.1. the results of the specific exercise for 1996, as set out in point 5 of Commission Recommendation 96/199/EC concerning a coordinated programme of inspections in 1996;
  - 2.2. the results of their national programmes concerning pesticides listed in Annex II of Directive 90/642/EEC, in relation to harmonized levels and, where these have not yet been fixed at Community level, in relation to the national levels in force;
  - 2.3. the criteria applied when drawing up their national programmes concerning the numbers of samples taken and the analyses carried out;
  - 2.4. the criteria applied when defining and fixing reporting levels;

<sup>(2)</sup> OJ No L 207, 15. 8. 1979, p. 26.

<sup>(3)</sup> OJ No L 372, 31. 12. 1985, p. 50.

<sup>(4)</sup> OJ No L 186, 30. 6. 1989, p. 23.

<sup>(1)</sup> OJ No L 290, 24. 11. 1993, p. 14.

- 2.5. the quality assurance measures applied to sampling of products or changes in those measures reported in previous years;
- 2.6. details of accreditation, in accordance with the provisions of Article 3 of Directive 93/99/EC, of the laboratories carrying out the analyses and, where such accreditation has not yet been accorded, the criteria applied in establishing quality assurance measures in those laboratories;
3. by 1 June 1997, send to the Commission their intended national programme for monitoring

maximum pesticide residue levels fixed by Directive 90/642/EEC for the year 1998 and, as far as possible, for following years.

This Recommendation is addressed to the Member States.

Done at Brussels, 2 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

**Maximum Residue Levels (MRLs) to be monitored in the specific exercise for 1997 set out in point 1 of the Recommendation**

(mg/kg)

Pesticide residue to be analysed	Products to which MRLs apply				
	1. Mandarins	2. Pears	3. Bananas	4. Beans (fresh including frozen)	5. Potatoes
Carbendazim (*)	5	2	1	—	—
Thiabendazole	6	5	3	—	5
Acephate	1	—	0,02 (*)	—	0,02 (*)
Chlorothalonil	0,01 (*)	—	0,01 (*)	—	0,01 (*)
Chlorpyrifos	0,3	0,5	—	—	0,05 (*)
DDT	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)
Diazinon	0,5	0,5	0,5	0,5	—
Endosulfan	1	1	0,05 (*)	1	—
Iprodione	0,02 (*)	10	—	—	0,02 (*)
Metalaxyl	—	1	0,05 (*)	0,05 (*)	0,05 (*)
Methamidophos	0,2	—	0,01 (*)	—	0,01 (*)
Methidathion	2	0,3	0,02 (*)	0,02 (*)	0,02 (*)
Triazophos	—	—	0,02 (*)	—	—

(\*) Benomyl, Carbendazim, Thiophanate-Methyl (sum of residues expressed as Carbendazim).

(\*) Indicates lower limit of analytical determination.