

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1355**of 12 August 2021****on multiannual national control programmes for pesticides residues to be established by Member States****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽¹⁾, and in particular Article 19(3)(b) thereof,

Whereas:

- (1) Regulation (EU) 2017/625 lays down rules for official controls and other official activities by the competent authorities of the Member States to verify compliance with Union legislation, inter alia, in the area of food safety at all stages of production, processing and distribution. It provides for specific rules on official controls in relation to substances whose use may result in residues of those substances in food and feed.
- (2) Regulation (EU) 2017/625 deletes Article 30 of Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽²⁾, which however remains applicable until 14 December 2022, unless an earlier date is set by a delegated act. That Article 30 lays down specific requirements for establishing risk based multiannual national control programmes for pesticide residues with the dual purpose of assessing consumer exposure and compliance with legislation.
- (3) Article 110 of Regulation (EU) 2017/625 provides minimum requirements for the content of the multi-annual national control plans. However, these do not take into account the specific practical arrangements needed for the preparation of multiannual national control programmes for pesticide residues.
- (4) It is therefore appropriate to set specific requirements for the preparation of multiannual national control programmes for pesticide residues, which should be a part of the multi-annual national control plans. It is in particular important to ensure that the control regime takes account of the purpose of assessing consumer exposure and compliance with Regulation (EC) No 396/2005.
- (5) As Article 30 of Regulation (EC) No 396/2005 will no longer apply from 15 December 2022, this Regulation should apply from that date.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ 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 (OJ L 70, 16.3.2005, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Multiannual national control programmes for pesticide residues

1. Member States shall establish multiannual national control programmes for pesticide residues, as part of their respective multi-annual national control plan. They shall update their multiannual programme every year.
2. Those programmes shall be risk-based and aimed at assessing consumer exposure and compliance with Regulation (EC) No 396/2005. They shall specify at least the following:
 - (a) the products to be sampled;
 - (b) the number of samples to be taken and analyses to be carried out;
 - (c) the pesticides to be analysed;
 - (d) the criteria applied in drawing up such programmes, including:
 - (i) the pesticide-product combinations to be selected;
 - (ii) the number of samples taken for domestic and non-domestic products respectively;
 - (iii) consumption of the products as a share of the national diet;
 - (iv) the control programme of the Union; and
 - (v) the results of previous multiannual national control programmes.
3. Member States shall participate in the multiannual Union control programme in accordance with Article 29 of Regulation (EC) No 396/2005.

Article 2

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 15 December 2022.

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

Done at Brussels, 12 August 2021.

For the Commission
The President
Ursula VON DER LEYEN
