COMMISSION REGULATION (EU) No 915/2010

of 12 October 2010

concerning a coordinated multiannual control programme of the Union for 2011, 2012 and 2013 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 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 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. That programme continued under 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 ([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 3 years, pesticides should be monitored in those foodstuffs over a series of 3-year cycles to allow consumer exposure and the application of European Union 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 where relevant.

(5) Guidance concerning 'Method Validation and Quality Control Procedures for Pesticide Residue Analysis in food and feed' is published on the Commission website ([4]). Member States should be allowed, under certain conditions, to use qualitative screening methods.

(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 ([5]) which incorporates the sampling methods and procedures recommended by the Codex Alimentarius Commission should apply.

(7) It is 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 and amending Directive 1999/21/EC ([6]) 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 ([7]) are respected, taking into account only the residue definitions as they are set out in Regulation (EC) No 396/2005.

(8) It is also 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.

([1]) OJ L 70, 16.3.2005, p. 1.
([2]) OJ L 328, 6.12.2008, p. 9.
([3]) OJ L 256, 29.9.2009, p. 14.
([4]) Document No SANCO/10684/2009, Implemented by 1.1.2010. http://ec.europa.eu/food/plant/protection/resources/qualcontrol_en.pdf
([5]) OJ L 187, 16.7.2002, p. 30.
([6]) OJ L 401, 30.12.2006, p. 1.
([7]) OJ L 339, 6.12.2006, p. 16.

(10) In order to avoid any confusion due to an overlap between consecutive multiannual programmes, Regulation (EC) No 901/2009 should be repealed in the interest of legal certainty. It should, however, continue to apply to samples tested in 2010.

(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 2011, 2012 and 2013 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.

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. Samples shall be analysed in accordance with the residue definitions set out in Regulation (EC) No 396/2005.

Article 3

1. Member States shall submit the results of the analysis of samples tested in 2011, 2012 and 2013 by 31 August 2012, 2013 and 2014 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; where qualitative screening is employed, results below the screening reporting level should be reported as not detected;

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

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

(d) 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 901/2009 is repealed.

However, it shall continue to apply to samples tested in 2010.

Article 5

This Regulation shall enter into force on 1 January 2011.

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

Done at Brussels, 12 October 2010.

For the Commission
The President
José Manuel BARROSO

ANNEX I

Pesticide/product combinations to be monitored

	2011	2012	2013
2,4-D (sum of 2,4-D and its esters expressed as 2,4-D) (***)	(a)	(b)	(c)
4,4'-Methoxychlor	(f)	(d)	(e)
Abamectin (sum of avermectin B1a, avermectinB1b and delta-8,9 isomer of avermectin B1a)	(a)	(b), (d)	(c)
Acephate	(a)	(b)	(c)
Acetamiprid	(a)	(b)	(c)
Acrinathrin	(a)	(b)	(c)
Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb)	(a)	(b)	(c)
Amitraz (amitraz including the metabolites containing the 2,4 -dimethyl-aniline moity expressed as amitraz) (***)	(a)	(b)	(c)
Amitrole (***)	(a)	(b)	(c)
Azinphos-ethyl (***)	(f)	(d)	(e)
Azinphos-methyl	(a)	(b)	(c)
Azoxystrobin	(a)	(b)	(c)
Benfuracarb	(a)	(b)	(c)
Bifenthrin	(a), (f)	(b), (d)	(c), (e)
Bitertanol	(a)	(b)	(c)
Boscalid	(a)	(b)	(c)
Bromide ion (***) (see remark below)	(a)	(b)	(c)
Bromopropylate	(a)	(b)	(c)
Bromuconazole (sum of diasteroisomers)	(a)	(b)	(c)
Bupirimate	(a)	(b)	(c)
Buprofezin	(a)	(b)	(c)
Captan	(a)	(b)	(c)
Carbaryl	(a)	(b)	(c)
Carbendazim (sum of benomyl and carbendazim expressed as carbendazim)	(a)	(b)	(c)

	2011	2012	2013
Carbofuran (sum of carbofuran and 3-hydroxycarbofuran expressed as carbofuran)	[a]	[b]	[c]
Carbosulfan	[a]	[b]	[c]
Chlordane (sum of cis- and trans-isomers and oxychlordane expressed as chlordane)	[f]	[d]	[e]
Chlorfenapyr	[a]	[b]	[c]
Chlorfenvinphos	[a]	[b]	[c]
Chlormequat (*)	[a]	[b]	[c]
Chlorobenzilate (***)	[f]	[d]	[e]
Chlorothalonil	[a]	[b]	[c]
Chlorpropham (chlorpropham and 3-chloroaniline expressed as chlorpropham (see remark below))	[a]	[b]	[c]
Chlorpyriphos	[a], [f]	[b], [d]	[c], [e]
Chlorpyriphos-methyl	[a], [f]	[b], [d]	[c], [e]
Clofentezine (sum of all compounds containing the 2-chlorbenzoyl-moiety expressed as clofentezin) (the residue definition is parent compound only for all commodities except cereals)	[a]	[b]	[c]
Clothianidin	[a]	[b]	[c]
Cyfluthrin (cyfluthrin incl. other mixtures of constituent isomers (sum of isomers))	[a], [f]	[b], [d]	[c], [e]
Cypermethrin (cypermethrin incl. other mixtures of constituent isomers (sum of isomers))	[a], [f]	[b], [d]	[c], [e]
Cyproconazole	[a]	[b]	[c]
Cyprodinil	[a]	[b]	[c]
DDT (sum of p,p′-DDT, o,p′-DDT, p-p′-DDE and p,p′-DDD (TDE) expressed as DDT)	[f]	[d]	[e]
Deltamethrin (cis-deltamethrin)	[a], [f]	[b], [d]	[c], [e]
Diazinon	[a], [f]	[b]	[c], [e]
Dichlofluanid	[a]	[b]	[c]
Dichlorvos	[a]	[b]	[c]
Dicloran	[a]	[b]	[c]
Dicofol (sum of p, p′ and o,p′ isomers)	[a]	[b]	[c]

	2011	2012	2013
Dicrotophos (residue definition is parent compound only)	beans	(b)	(c)
Dieldrin (aldrin and dieldrin combined expressed as dieldrin)	(f)	(d)	(e)
Difenoconazole	(a)	(b)	(c)
Dimethoate (sum of dimethoate and omethoate expressed as dimethoate)	(a)	(b)	(c)
Dimethoate	(a)	(b)	(c)
Omethoate	(a)	(b)	(c)
Dimethomorph	(a)	(b)	(c)
Dinocap (sum of dinocap isomers and their corresponding phenols expressed as dinocap) (***)	(a)	(b)	(c)
Diphenylamine	(a)	(b)	(c)
Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan)	(a), (f)	(b), (d)	(c), (e)
Endrin	(f)	(d)	(e)
EPN	(a)	(b)	(c)
Epoxiconazole	(a)	(b)	(c)
Ethephon (***)	(a)	(b)	(c)
Ethion	(a)	(b)	(c)
Etofenprox (F) (***)	(a)	(b)	(c)
Ethoprophos (***)	(a)	(b)	(c)
Fenamiphos (sum of fenamiphos and its sulphoxide and sulphone expressed as fenamiphos)	(a)	(b)	(c)
fenarimol	(a)	(b)	(c)
Fenazaquin	(a)	(b)	(c)
Fenbutatin oxide (F) (***)	(a)	(b)	(c)
Fenbuconazole	(a)	(b)	(c)
Fenhexamid	(a)	(b)	(c)
Fenitrothion	(a)	(b)	(c)
Fenoxycarb	(a)	(b)	(c)
Fenpropathrin	(a)	(b)	(c)

	2011	2012	2013
Fenpropimorph	[a]	[b]	[c]
Fenthion (sum of fenthion and its oxigen analogue, their sulfoxides and sulfone expressed as parent)	[a], [f]	[d]	[c], [e]
Fenvalerate/Esfenvalerate (sum) (sum of RS/SR and RR/SS isomers)	[a], [f]	[d]	[c], [e]
Fipronil (sum of fipronil + sulfone metabolite (MB46136) expressed as fipronil)	[a]	[b]	[c]
Fluazifop (fluazifop-P-butyl (fluazifop acid (free and conjugate))) (***)	[a]	[b]	[c]
Fludioxonil	[a]	[b]	[c]
Flufenoxuron	[a]	[b]	[c]
Fluquinconazole	[a]	[b]	[c]
Flusilazole	[a]	[b]	[c]
Flutriafol	[a]	[b]	[c]
Folpet	[a]	[b]	[c]
Formetanate (sum of formetanate and its salts expressed as formetanate hydrochloride)	[a]	[b]	[c]
Fosthiazate	[a]	[b]	[c]
Glyphosate (**)	[a]	[b]	[c]
Haloxyfop including haloxyfop-R (haloxyfop-R methyl ester, haloxyfop-R and conjugates of haloxyfop-R expressed as haloxyfop-R) (F) (R) (***)	[a]	[b]	[c]
HCB	[f]	[d]	[e]
Heptachlor (sum of heptachlor and heptachlor epoxide expressed as heptachlor)	[f]	[d]	[e]
Hexachlorcyclohexan (HCH), alpha-isomer	[f]	[d]	[e]
Hexachlorcyclohexan (HCH), beta-isomer	[f]	[d]	[e]
Hexachlorocyclohexane (HCH) (gamma-isomer) (lindane)	[f]	[d]	[e]
Hexaconazole	[a]	[b]	[c]
Hexythiazox	[a]	[b]	[c]
Imazalil	[a]	[b]	[c]
Imidacloprid	[a]	[b]	[c]
Indoxacarb (indoxacarb as sum of the isomers S and R)	[a]	[b]	[c]

	2011	2012	2013
Iprodione	[a]	[b]	[c]
Iprovalicarb	[a]	[b]	[c]
Kresoxim-methyl	[a]	[b]	[c]
Lambda-cyhalothrin (lambda-cyhalothrin, incl. other mixed isomeric consituents (sum of isomers))	[a]	[b]	[c]
Linuron	[a]	[b]	[c]
Lufenuron	[a]	[b]	[c]
Malathion (sum of malathion and malaoxon expressed as malathion)	[a]	[b]	[c]
Maneb group (sum expressed as CS2: maneb, mancozeb, metiram, propineb, thiram, ziram)	[a]	[b]	[c]
Mepanipyrim and its metabolite (2-anilino-4-(2-hydroxypropyl)-6-methylpyrimidine) expressed as mepanipyrim)	[a]	[b]	[c]
Mepiquat (*)	[a]	[b]	[c]
Metalaxyl (metalaxyl incl. mixtures of constituent isomers incl. metalaxyl-M (sum of isomers))	[a]	[b]	[c]
Metconazole	[a]	[b]	[c]
Methamidophos	[a]	[b]	[c]
Methidathion	[a], [f]	[b], [d]	[c], [e]
Methiocarb (sum of methiocarb and methiocarb-sulfoxide and sulfone, expressed as methiocarb)	[a]	[b]	[c]
Methomyl (sum of methomyl and thiodicarb expressed as methomyl)	[a]	[b]	[c]
Methoxyfenozide	[a]	[b]	[c]
Monocrotophos	[a]	[b]	[c]
Myclobutanil	[a]	[b]	[c]
Nitempyram (***)	beans	[b]	[c]
Oxadixyl	[a]	[b]	[c]
Oxamyl	[a]	[b]	[c]
Oxydemeton-methyl (sum of oxydemeton-methyl and demeton-S-methylsulfone expressed as oxydemeton-methyl)	[a]	[b]	[c]
Paclobutrazole	[a]	[b]	[c]

	2011	2012	2013
Parathion	[a], [f]	[b], [d]	[c], [e]
Parathion-methyl (sum of parathion-methyl and paraoxon-methyl expressed as parathion-methyl)	[a], [f]	[b], [d]	[c], [e]
Pencycuron	[a]	[b]	[c]
Penconazole	[a]	[b]	[c]
Pendimethalin	[a]	[b]	[c]
Permethrin (sum of cis- and trans-permethrin)	[f]	[d]	[e]
Phenthoate	[a]	[b]	[c]
Phosalone	[a]	[b]	[c]
Phosmet (phosmet and phosmet oxon expressed as phosmet)	[a]	[b]	[c]
phoxim	[a]	[b]	[c]
Pyraclostrobin (F)	[a]	[b]	[c]
Pirimicarb (sum of pirimicarb and desmethylpirimicarb expressed as pirimicarb)	[a]	[b]	[c]
Pirimiphos-methyl	[a], [f]	[b], [d]	[c], [e]
Prochloraz (sum of prochloraz + its metabolites cont. the 2,4,6-trichlorophenol moiety expressed as Prochloraz) (****)	[a]	[b]	[c]
Procymidone	[a]	[b]	[c]
Profenofos	[a], [f]	[b], [d]	[c], [e]
Propamocarb (sum of propamocarb and its salt expressed as propamocarb) (***)	[a]	[b]	[c]
Propargite	[a]	[b]	[c]
Propiconazole	[a]	[b]	[c]
Propyzamide	[a]	[b]	[c]
Prothioconazole (prothioconazole-desthio) (***)	[a]	[b]	[c]
Pyrazophos	[f]	[d]	[e]
Pyrethrins	[a]	[b]	[c]
Pyridaben	[a]	[b]	[c]
Pyrimethanil	[a]	[b]	[c]

	2011	2012	2013
Pyriproxyfen	[a]	[b]	[c]
Quinoxyfen	[a]	[b]	[c]
Quintozene (sum of quintozen and pentachloraniline, expressed as quintozene)	[f]	[e]	[e]
Resmethrin (sum of isomers) (***)	[f]	[d]	[e]
Spinosad (sum of spinosyn A and spinosyn D, expressed as spinosad)	[a]	[b]	[c]
Spiroxamine	[a]	[b]	[c]
Taufluvalinate	[a]	[b]	[c]
Tebuconazole	[a]	[b]	[c]
Tebufenozide	[a]	[b]	[c]
Tebufenpyrad	[a]	[b]	[c]
Tecnazene	[f]	[d]	[e]
Teflubenzuron	[a]	[b]	[c]
Tefluthrin	[a]	[b]	[c]
Tetraconazole	[a]	[b]	[c]
Tetradifon	[a]	[b]	[c]
Thiabendazole	[a]	[b]	[c]
Thiamethoxam (sum of thiamethoxam and clothianidin expressed as thiamethoxam)	[a]	[b]	[c]
Thiacloprid	[a]	[b]	[c]
Thiodicarb	[a]	[b]	[c]
Thiophanate-methyl	[a]	[b]	[c]
Tolcloflos-methyl	[a]	[b]	[c]
Tolylfluanid (sum of tolylfluanid and dimethylaminosulfotoluidide expressed as tolylfluanid)	[a]	[b]	[c]
Triadimefon and triadimenol (sum of triadimefon and triadimenol)	[a]	[b]	[c]
Triadimenol	[a]	[b]	[c]
Triadimefon	[a]	[b]	[c]
Triazole acetic acid (***) except for perennial crops	[a]	[b]	[c]

	2011	2012	2013
Triazole lactic acid (***) except for perennial crops	[a]	[b]	[c]
Triazole alanin (***)	[a]	[b]	[c]
Triazophos	[a], [f]	[b], [d]	[c], [e]
Trichlorfon	[a]	[b]	[c]
trifloxystrobin	[a]	[b]	[c]
Triflumuron (F)	[a]	[b]	[c]
Trifluralin	[a]	[b]	[c]
Triticonazole	[a]	[b]	[c]
Vinclozolin (sum of vinclozolin and all metabolites cont. the 3,5-dichloraniniline moiety, expressed as vinclozolin) (****)	[a]	[b]	[c]
Zoxamide	[a]	[b]	[c]

[a] Beans with pod (fresh or frozen), carrots, cucumbers, oranges or mandarins, pears, potatoes, rice, spinach (fresh or frozen)) and wheat flour.
[b] Aubergines, bananas, cauliflower, table grapes, orange juice (Member States shall specify the source (concentrates or fresh fruits)), peas without pod (fresh or frozen), peppers (sweet) wheat and olive oil.
[c] Apples, head cabbage, leek, lettuce, tomatoes, peaches including nectarines and similar hybrids; rye or oats strawberries and wine grapes (red or white).
[d] Butter, chicken egg.
[e] Cows milk, swine meat.
[f] Poultry meat, liver (bovine and other ruminants, swine and poultry).
(*) Chlormequat and mepiquat shall be analysed in cereals (excluding rice), table grapes and pears.
(**) Only cereals.
(***) To be analysed on voluntary basis in 2011. 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.
Chlorpropham residue definition for potatoes (chlorpropham only) has to be taken into account in 2011.
(****) Metabolites on voluntary basis only.

ANNEX II

Number of samples referred to in Article 1

1. The number of samples to be taken and analysed by each Member State is set out in the table in point 5.

2. In addition to the samples required in accordance with the table in point 5, in 2011 each Member State shall take and analyse 10 samples of processed cereal-based baby food.

   In addition to the samples required in accordance with that table, in 2012 each Member State shall take and analyse 10 samples in total of food for infants and for young children.

   In addition to the samples required in accordance with that table, in 2013 each Member State shall take and analyse 10 samples in total of infant formulae and follow-on formulae.

3. One sample per commodity to be taken and analysed in accordance with the table in point 5 shall be, where available, from products originating from organic farming.

4. Member States using multi-residue methods may use qualitative screening methods on up to 15 % of the samples to be taken and analysed in accordance with the table in point 5. Where a Member State uses qualitative screening methods, it shall analyse the remaining number of samples by multi-residue methods.

   Where the results of qualitative screening are positive, Member States shall use a usual target method to quantify the findings.

5. Number of samples per Member State.

Member State	Samples	Member State	Samples
BE	12 (*) 15 (**)	LU	12 (*) 15 (**)
BG	12 (*) 15 (**)	HU	12 (*) 15 (**)
CZ	12 (*) 15 (**)	MT	12 (*) 15 (**)
DK	12 (*) 15 (**)	NL	17
DE	93	AT	12 (*) 15 (**)
EE	12 (*) 15 (**)	PL	45
EL	12 (*) 15 (**)	PT	12 (*) 15 (**)
ES	45	RO	17
FR	66	SI	12 (*) 15 (**)
IE	12 (*) 15 (**)	SK	12 (*) 15 (**)
IT	65	FI	12 (*) 15 (**)
CY	12 (*) 15 (**)	SE	12 (*) 15 (**)
LV	12 (*) 15 (**)	UK	66
LT	12 (*) 15 (**)		
TOTAL MINIMUM NUMBER OF SAMPLES: 642			

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