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Health and Food Safety Directorate General

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**Standing Committee on Plants, Animals, Food and Feed**

**Section *Phytopharmaceuticals – Residues***

***(part of the PAFF Committee on Plant Health)***

**27 April 2018**

**SUMMARY REPORT**

**CIRCABC Link:** <https://circabc.europa.eu/w/browse/971c91c4-8079-4b6a-9812-9a04a0fe8f74>

- A.01 a) Information on the request of France**
- **to take emergency measures under Article 70 of Regulation (EC) No 1107/2009 to ban the use of dimethoate containing plant protection products on cherry trees.**
  - **to ban the placing on the EU market of fresh cherries from cherry trees, treated with dimethoate, originating from EU Member States or Third countries in the whole EU according to Article 53 of Regulation (EC) No 178/2002.**
- b) Discussion with a view to the extension, amendment or abrogation of an emergency measure notified by France according to Article 54 of Regulation (EC) No 178/2002 on the ban of the import and placing on the market of cherries originating from EU Member States or Third countries where the use of phytosanitary products containing the active substance dimethoate is authorised for the treatment of cherry trees.**

A discussion took place on the emergency measure published by France on 10 April 2018 banning the import and placing on the market of cherries originating from EU Member States or Third countries where the use of phytosanitary products containing the active substance dimethoate is authorised for the treatment of cherry trees. France took this measure after having notified their intention to issue such a measure on cherries, as well as a ban for the use of dimethoate containing products on cherry trees, to the Commission by letter of 29 March 2018.

As required by Article 54 of Regulation (EC) 178/2002 the purpose of this extraordinary Standing Committee meeting was to bring the French emergency measure to the attention of the Member States and to confirm, amend, revoke or extend its application to the whole EU. Member States were reminded that France took the same emergency measure also in 2016 and 2017.

France explained the rationale for taking an emergency measure on cherries. It stated that the concerns identified in 2016 and 2017 regarding the toxicity of dimethoate and its metabolites still remain. In 2018, the draft renewal assessment report has been submitted to the European Food Safety Authority (EFSA) by the Rapporteur Member State and is currently under discussion by experts. Discussions on potential issues with genotoxicity, toxicological reference values for dimethoate and its metabolites and their storage stability have not yet been finalised. In the absence of evidence that would alleviate those concerns, France had asked the Commission to take EU wide safeguard measures. France explained that cherries had been identified as the commodity on which the toxicological threshold had been frequently exceeded, thus a ban specifically for cherries was needed. Finally, France noted the provisional nature of its measure and informed that the next step would be to take into account the forthcoming EFSA conclusions on the peer review within the renewal of approval procedure (expected in July 2018).

The Commission explained that the two most recent EFSA reports on maximum residue levels (MRLs) that it had requested following the first emergency measure taken by France in 2016 (statement of April 2016<sup>1</sup> and prioritised review of MRLs of November 2016<sup>2</sup>) did not give sufficient evidence for the presence of a serious health risk to consumers. The Commission therefore considered that the conditions for an EU wide safeguard measure are not fulfilled. The Commission fully agreed with France that the open issues on metabolites and toxicological reference values need to be fully elucidated, but considered that the French emergency measure was not the right way forward in this case. Taking into account that in almost all Member States products containing dimethoate are no longer authorised for use on cherries, the emergency measure issued by France is mainly disruptive for international trade. The Commission stressed that a full ban based on the authorisation status of a substance in a country is disproportionate and considers that a measure based on residue findings on cherries would have been more appropriate to fulfil the same purpose. This would have given the opportunity to each producer to decide whether or not to use a given plant protection product. With Regulation (EU) 2017/1135<sup>3</sup> (applicable since 17 January 2018), the Commission had already reviewed the existing MRLs for dimethoate and, as recommended by EFSA, included a specific MRL for the more toxic metabolite omethoate.

The Commission proposed to wait for the outcome of the procedure for the renewal of approval of dimethoate, as this procedure will ensure a complete and thorough review of the substance taking into account all new scientific information. If, following this review, evidence is provided that there is a need for a revision of the current MRLs, the Commission can and will act on them with priority.

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<sup>1</sup> Assessment of the risk to human health through the pesticide active substance dimethoate and its metabolites in food; EFSA Journal 2016; 14(4):4461

<sup>2</sup> Prioritised review of the existing maximum residue levels for dimethoate and omethoate according to Article 43 of Regulation (EC) No 396/2005; EFSA Journal 2016; 14(11):4647

<sup>3</sup> Commission Regulation (EU) 2017/1135 of 23 June 2017 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for dimethoate and omethoate in or on certain products; OJ L 164/28, 27.6.2017

The Commission asked the Member States for their feedback on the proposed way forward and about possible changes in product authorisations for dimethoate/cherries since last year. 18 Member States took the floor, one submitted a written statement. Out of these 19 Member States:

- 15 Member States indicated that the French emergency measure was not justified and supported the conclusions and way forward proposed by the Commission.
- 4 Member States had some sympathy for the French measure or supported it, did however not object to the Commission's proposed way forward.
- According to the information received in previous years and updated in this meeting, the vast majority of Member States have no longer any authorisations for plant protection products containing dimethoate on cherries in place. However, one Member State informed that it had recently granted an emergency authorisation in accordance with Article 53 or Regulation (EC) No 1107/2009 for one such product.

The Commission concluded that there was large support of the Member States for the proposed way forward which is to wait for the finalisation of the outcome of the process for renewal of approval of dimethoate and not to take an EU wide safeguard measure at this point in time. If new evidence becomes available that would require a review of the current MRLs, the Commission will act accordingly.