EUROPEAN COMMISSION

Health and Food Safety Directorate General

sante.ddg2.g.5(2019)3216599

Standing Committee on Plants, Animals, Food and Feed
Section *Phytopharmaceuticals – Pesticide Residues*
(subsection of Plant Health Committee meeting)
26 April 2019

CIRCABC Link: *https://circabc.europa.eu/w/browse/986ebdea-4e79-4be5-8cde-be52f4ae1f59*

SUMMARY REPORT

A.01 Information on the request of France.

A discussion took place on the emergency measure published by France on 20 April 2019 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 on 03 April 2019.

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 similar emergency measures also in 2016, 2017 and 2018.

France explained the rationale for taking an emergency measure on cherries. It stated that the concerns identified during the previous years regarding the toxicity of dimethoate and its metabolites, both for consumers and workers, still remain. In the absence of measures taken at EU level, France decided to take national measures under the provisions of Articles 53 and 54 of Regulation (EC) 178/2002.

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. It added that the peer review published by EFSA in October 2018 confirmed France's strong concerns.

The Commission commented that it closely assessed the reasoning presented by France and the EFSA peer review of October 2018 and acknowledged the health concerns. For this reason, a draft measure for the possible non-renewal of the substance is already under discussion with Member States and will be tabled for vote after the finalisation of the WTO-TBT notification procedure. The Commission proposed to wait for the outcome of the renewal process and subsequently review the MRLs for dimethoate with priority taking into account possible grace periods, the length of which would need to be carefully considered. Furthermore, the Commission

reminded that in 2017 MRLs for dimethoate had already been lowered and that the residue definition was split acknowledging the higher toxicity of omethoate compared to the toxicity of dimethoate. Following the possible non-renewal of the approval of the substance the Commission will prioritise the review of the MRLs.

No objections against the Commission's measure were raised. A Member State commented that it considered the French measure not sufficiently justified, as it would be disproportionate and may cause trade disruptions. It acknowledged the health concerns, but felt that those should be discussed within the renewal process and discouraged France to take initiative before its finalisation. Two Member States supported the Commission's view and emphasised that a decision on non-renewal should be taken as quickly as possible with short grace periods and a quick MRL review thereafter. One of the Member States mentioned that, when reviewing the MRL, no transition period for the existing MRL on cherries should apply.

The Commission recalled that authorisations for the use of dimethoate on cherries had already been withdrawn by most of the Member States apart from two Member States, one of which was in the process of withdrawing its authorisations. As the situation was not clear for a further two Member States, the Commission invited them to provide an update after the meeting.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) No …/… amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlormequat in certain products

The Commission presented the draft and outlined its contents.

Mushroom growers submitted to the Commission recent monitoring data specifically on oyster mushrooms showing that residues occur in those products at higher levels than the current temporary MRL set for cultivated fungi. Those residues result from a cross-contamination of cultivated fungi with straw lawfully treated with chlormequat. Several Member States submitted additional monitoring data from official controls performed specifically on oyster mushrooms, which confirmed those findings.

The Evaluating Member State had compiled and evaluated an application for modification of the existing MRL in accordance with Article 6(3) of Regulation (EC) No 396/2005. Based on the monitoring data provided, it had proposed two options for setting a temporary MRL for oyster mushrooms: an MRL of 6 mg/kg when considering the 95th percentile of all sample results (including non-quantified values), or an MRL of 7 mg/kg when considering the 95th percentile of positive findings only.

The Commission had asked EFSA to deliver a Scientific Statement with an updated exposure assessment and not a Reasoned Opinion in view of the short timeframe to address the issue and given that a full Reasoned Opinion for the review of chlormequat MRLs under Article 12 of Regulation (EC) No 396/2005 had been issued in 2016. EFSA had confirmed that both values would not pose a risk to consumers. The Commission proposed a value of 6 mg/kg for oyster mushrooms as it considered that consideration of all numerical values (including non-quantified values) would be more appropriate and in line with the ALARA (as low as reasonably achievebale) principle.

A Member State announced to vote against the draft measure as in its view EFSA should have delivered a Reasoned Opinion instead of a Scientific Statement.

Another Member State indicated that its preferred option would have been setting the MRL at 7 mg/kg. However, the Member State still supported the draft measure as it was presented.

Vote taken: Favourable opinion.