The implementation of the EU legislation on pesticide residues
- Regulation (EC) 396/2005 -
- Issues related to Cocoa

Bas Drukker

European Commission
Health and Consumers Directorate General
Unit E3 - Chemicals, Contaminants and Pesticides

International Workshop on the safe use of pesticides in Cocoa and harmonized legislation for food safety
25-27 January 2011 Kuala Lumpur
Food can circulate freely on the EU market

Guarantee a high level of protection for all EU consumers

Pesticide Maximum Residue Levels (MRLs) established at EU level
Regulation (EC) No 396/2005

on maximum residue levels of pesticides in or on food and feed of plant and animal origin

Main objective: high and consistent level of consumer protection across Europe

Setting of harmonised EU-MRLs

It replaces 4 previous Directives

Applicable since 1 September 2008
Harmonisation of pesticide MRLs

<table>
<thead>
<tr>
<th></th>
<th>Old Directives</th>
<th>Reg. No 396/2005</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EU-MRLs</strong></td>
<td>± 250 pesticides</td>
<td>± 530 pesticides</td>
</tr>
<tr>
<td><strong>National MRLs</strong></td>
<td>± 850 pesticides</td>
<td>None, except for feed/fish</td>
</tr>
<tr>
<td><strong>Default MRLs</strong></td>
<td>None</td>
<td>0.01 mg/kg</td>
</tr>
</tbody>
</table>
Harmonisation = Simplification

National MRLs: 500,000

EU-harmonised MRLs: 100,000
Reg. (EC) No 396/2005
What has changed in practice

- Harmonised risk assessment (EFSA’s role)
- EU-MRLs = Pre-condition for national authorisations
- New MRLs setting procedure
- Public database on EU-MRLs
- New provisions for monitoring of pesticide residues
Reg. (EC) 396/2005
MRLs setting procedure

Applicant → Application for MRL (Annex II, III or IV)

Member State → Evaluation report

EFSA → Reasoned opinion

Commission → Proposal for a Regulation/Decision + SPS notification

Standing Committee → Opinion

Parliament and Council → Right of scrutiny \( \Delta t = 2 \) months

Commission → Adoption and publication

\( \Delta t = 1 \) year
Consultation with trading partners and import tolerances

- EU trading partners are consulted about MRLs proposed (SPS notification)
- Their observations and data submitted are taken into account before MRLs are adopted
- MRLs set at the international level by the Codex Alimentarius Commission are also considered
- Import tolerances can be set provided that data are submitted and that the risk to EU consumers is acceptable
ANNEX I: List of Commodities

Regulation (EC) N. 178/2006

- 315 commodities – 10 main groups.
- 190 existing entries from current Directives.
- 125 new entries.
  - Here: cocoa
  - MRLs cocoa also apply to chocolate, after correction by processing factor (see previous slide)
- Fish and plants used in animal feed listed, but for the time being exempted from EU-MRL setting.
ANNEX III: temporary EU-MRLs

- **Part A**
  - MRLs Harmonisation for 226 pesticides
  - ± 70000 MRLs for 217 entries

- **Part B**
  - combinations new crops/245 pesticides in Annex II
    - ± 30000 MRLs for 229 entries

- **So for cocoa there are MRLs for 471 pesticides**
Compliance with MRLs

616 Pesticides not covered by any of the Annexes

Default MRL
0,01 mg/kg

So for 616 pesticides, the MRL for cocoa is 0,01 mg/kg
Cocoa MRLs

- 471 explicit MRLs for Cocoa
  - Lowest: 0.005ppm fipronil; Highest 70ppm Bromide ion
- 27 > LOD
- For 616 pesticides the default MRL applies
- For 52 substances no Cocoa MRL needed
Pesticides found on cocoa by official control

- So far few findings on cocoa/chocolate because not frequently tested

Examples:
- In 2007 Methylbromide in Rapid Alert system on Food and Feed
- In 1997 Lindane in UK

- So far Cocoa not much affected by « private standards »
Thank you for your attention!