



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

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Summary Report
on a consultation of the Standing Committee on Plants, Animals, Food and Feed, section
Phytopharmaceuticals - Pesticides Residues
on the follow up to the 2020 French emergency measure on cherries treated with
dimethoate

On 31 March 2020, the French competent authorities informed the Commission of their intention to issue a national measure banning the import and placing on the market of cherries originating from third countries where the use of phytosanitary products containing the active substance dimethoate is authorised for the treatment of cherry trees, with the exception of cherries from organic production in accordance with the provisions of Council Regulation (EC) No 834/2007. France took similar emergency measures also in 2016, 2017, 2018 and 2019.

In the letter to the Commission, 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, which were confirmed in 2018 by the European Food Safety Authority (EFSA), still remain. While acknowledging that the Commission had already taken action on the lowering of the MRLs under Regulation (EC) No 396/2005, the new values for cherries will only become applicable in the second half of 2020. France decided to take national measures under the provisions of Articles 53 and 54 of Regulation (EC) 178/2002, pending the effective application of the future EU MRLs for cherries set at the limit of determination.

As required by Article 54 of Regulation (EC) 178/2002, the text of the French decree was made available to Member States on 21 April 2020 to agree on the appropriate follow up, namely to confirm, amend, revoke or extend the application of the measure to the whole EU. The final published version is available at:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041820378&categorieLien=id>.

The Commission recalled that a draft Regulation lowering the MRLs for both dimethoate and omethoate to the limit of quantification of 0,01* mg/kg received a favourable opinion at the Standing Committee for Plants, Animals, Food and Feed (SCPAFF), section Phytopharmaceuticals – Pesticides Residues on 17-18 February 2020. The Committee explicitly agreed to allow the deferral of the application date by six months for food business operators and third countries to prepare themselves to meet the new requirements before the Regulation becomes applicable. No further transitional measures for products already on the market were granted in view of the health concerns identified by EFSA.

In view of the above, the Commission considered that it had already taken appropriate action in proposing to lower the MRLs for dimethoate and omethoate and that there was no need to

take an additional EU wide safeguard measure or any further action on this matter. The Commission, by letter of 7 April 2020, invited the Member States to submit their position on this proposed course of action by 24 April 2020, 12:00 (Brussels time) in writing (due to the COVID-19 situation) and clarified that no reaction by the deadline meant tacit agreement.

Overall, the Commission received feedback from 18 Member States. 16 Member States explicitly supported the Commission's proposal, 9 Member States tacitly agreed. Two Member States, including France, believed that the Commission should take immediate action at EU level in accordance with Article 53 of Regulation (EC) No 178/2002 to bridge the time before the lowered MRLs will become applicable.

Some Member States further stressed that by voting in favour of the Commission's draft Regulation lowering the MRLs for dimethoate/omethoate in cherries in February 2020, Member States had agreed on the way forward, including the timeline foreseen for food business operators to adapt to the new requirements and that the French emergency measure was not in line with this. One Member State stated that sufficient action was taken on cherries, but urged the Commission to take rapid action on the lowering of the existing MRLs for dimethoate and omethoate in other crops than cherries.

The Commission concluded that since there was large support for its proposal, no further action for dimethoate/omethoate on cherries will be taken.

As regards omethoate/dimethoate in other crops, a draft measure lowering the existing MRLs is already being prepared and will be presented to the Member States at the next meeting of the Committee in June 2020. A two-step procedure for lowering the MRLs for cherries and other crops is necessary as different grace periods apply that Member States may grant for the safe disposal of remaining stocks of plant protection products containing dimethoate. While grace periods for cherries already expired, for other crops than cherries grace periods will expire only on 30 June 2020.