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from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

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monitoring plans in the Member States in 2010 (Council Directive 96/23/EC)

Delegations will find attached Commission document SWD(2012) 67 final Part I.

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Part I/III

COMMISSION STAFF WORKING DOCUMENT

**ON THE IMPLEMENTATION OF NATIONAL RESIDUE MONITORING PLANS IN
THE MEMBER STATES IN 2010
(Council Directive 96/23/EC)**

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**ON THE IMPLEMENTATION OF NATIONAL RESIDUE MONITORING PLANS IN
THE MEMBER STATES IN 2010
(Council Directive 96/23/EC)**

This document is a European Commission staff working document for information purposes. It does not represent an official position of the Commission on this issue, nor does it anticipate such a position.

The aim of this document is to summarise the actions taken in the Member States as a consequence of the non-compliant results found in food of animal origin through the implementation of *Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products* during 2010.

A summary report, including a compilation and analysis of data prepared by EFSA of the results obtained in the Member States in 2010, broken by food commodities (bovines, pigs, sheep and goats, horses, poultry, aquaculture, milk, eggs, rabbit meat, farmed game, wild game and honey) and groups of substances (hormones, corticosteroids, beta-agonists, prohibited substances, antibacterials, other veterinary medicinal products, “other” substances and contaminants) is attached to this document (*“Report for 2010 on the results of residue monitoring in food of animal origin in the Member States”*).

(1) Introduction

Council Directive 96/23/EC¹ on measures to monitor certain substances and residues thereof in live animals and animal products requires Member States to adopt and implement a national residue monitoring plan for specific groups of residues. Member States must assign the task of co-ordinating the implementation of the controls to a central public department or body. This department is responsible for drawing up the national plan, co-ordinating the activities of the central and regional departments responsible for monitoring the various residues, collecting the data and sending the results of the surveys undertaken to the Commission each year.

The Directive lays down specific sampling levels and frequencies, as well as the groups of substances to be monitored for each food commodity. Commission Decision 97/747/EC² lays down additional rules for milk, eggs, honey, rabbits and game.

National monitoring plans should be targeted: samples should be taken with the aim of detecting illegal treatment or controlling compliance with the maximum residue limits (MRLs) for veterinary medicinal products set out in Table I in the Annex to Commission Regulation (EU) No 37/2010³, the maximum levels for pesticides set out in Regulation (EC) No 396/2005⁴ or the maximum levels laid down in relevant legislation on contaminants. This means that in the national plan the Member States target the groups of animals/gender/age combinations where the probability of finding residues is the highest. This approach is different from random sampling, where the objective is to gather statistically significant data, for instance to evaluate consumer exposure to a specific substance.

Member States must forward annually to the Commission the national monitoring plans, together with the results of their residue monitoring for the previous year, by 31 March at the latest. The Directive lays down a procedure by which the plans are approved on a yearly basis. This procedure involves the Member States.

As laid down in Article 8 of Directive 96/23/EC, the Commission has to report to the Member States, within the Standing Committee on the Food Chain and Animal

¹ OJ L 125, 29.4.1996, p. 10-24.

² OJ L 303, 6.11.1997, p. 12-15.

³ OJ L 15, 20.1.2010, p. 1.

⁴ OJ L 70, 16.3.2005, p. 1-16.

Health, the outcome of the checks carried out, in particular on the implementation of the national plans and on the development of the situation in the various regions of the Community. To this end, the Commission has summarised the results of the national residue monitoring plans for the year 2010. Trends within the European Union are also indicated by comparison with previous reports.

The results of the national monitoring plans for 2010 are summarised into the annual report in Part II.

(2) Actions taken as a consequence of non-compliant results

In accordance with Article 8 of Directive 96/23/EC, the Member States were requested, as a follow-up, to provide information on actions taken at regional and national level. The objective is to provide an overview of actions taken as a consequence of non-compliant⁵ results for residues of non-authorized substances or when the maximum residue limits (MRLs) established in EU legislation are exceeded.

In order to collect information on actions taken as a consequence of non-compliant results, the Commission sent a questionnaire to the Member States. These actions could be divided into the following three groups: sampling as suspect, modifications of the national plans for 2009 and other actions.

(a) Sampling as suspect

Suspect samples are defined as:

- (1) samples taken as a consequence of non-compliant results on samples taken in accordance with the monitoring plan (Article 5 of Directive 96/23/EC);
- (2) samples taken as a consequence of possession or presence of prohibited substances at any point during manufacture, storage, distribution or sale throughout the food and feed production chain (Article 11 of Directive 96/23/EC);
- (3) samples taken where the veterinarian suspects or has evidence of illegal treatment or non-compliance with the withdrawal period for an authorised veterinary medicinal product (Article 24 of Directive 96/23/EC).

In summary, this means that the term “suspect sample” applies to a sample taken as a consequence of:

- non-compliant results and/or
- suspicion of an illegal treatment at any stage of the food chain and/or
- suspicion of non-compliance with the withdrawal period for an authorised veterinary medicinal product.

⁵ Non-compliant results correspond to the presence of a prohibited substance or to the presence of an authorised substance above the maximum level allowed in the legislation.

(b) Modifications of the national plan for 2010

The national residue monitoring plan aims at detecting illegal treatment of food-producing animals, controlling compliance with the maximum residue limits for veterinary medicinal products, the maximum residue levels for pesticides and the maximum levels for contaminants. Non-compliant results for a specific substance/group of substances or a specific food commodity should result in intensified controls for this substance/group or food commodity in the plan for the following year.

(c) Other actions taken as a consequence of non-compliant results

Article 16 and Articles 22-28 of Directive 96/23/EC prescribe a series of actions (other than modifications of the residue monitoring plan) to be taken in the case of non-compliant results or infringements:

- To carry out investigations in the farm of origin, such as verification of records and additional sampling
- To hold animals in the farm as a consequence of positive findings
- To slaughter animals in case of confirmation of illegal treatment and to send them to a high risk processing plant
- To intensify the controls in the farms where non-compliant results were found
- To impound carcasses at the slaughterhouse when non-compliant results have been found
- To declare the carcasses or products of animal origin unfit for human consumption.

The changes introduced by some Member States for the 2010 plan together with the responses of the Member States in relation to this type of actions are summarised in Part III to this document. This information is incorporated under the form it is transmitted by the Member States.