SECTION 2

COMMUNITY CONTROL PROGRAMME

Article 29

Community Control Programme

1. The Commission shall prepare a coordinated multiannual Community control programme, identifying specific samples to be included in the national control programmes and taking into account problems that have been identified regarding compliance with the MRLs set out in this Regulation, with a view to assessing consumer exposure and the application of current legislation.

2. The Community control programme shall be adopted and updated every year in accordance with the procedure referred to in Article 45(2). The draft Community control programme shall be presented to the Committee referred to in Article 45(1) at least six months before the end of each calendar year.

SECTION 3

NATIONAL CONTROL PROGRAMMES

Article 30

National control programmes for pesticide residues

1. Member States shall establish multiannual national control programmes for pesticide residues. They shall update their multiannual programme every year.

Those programmes shall be risk-based and aimed in particular at assessing consumer exposure and compliance with current legislation. They shall specify at least the following:

(a) the products to be sampled;

(b) the number of samples to be taken and analyses to be carried out;

(c) the pesticides to be analysed;

(d) the criteria applied in drawing up such programmes, including:

(i) the pesticide-product combinations to be selected;

(ii) the number of samples taken for domestic and non-domestic products respectively;

(iii) consumption of the products as a share of the national diet;

(iv) the Community Control Programme, and

(v) the results of previous control programmes.

2. Member States shall submit their updated national control programmes for pesticide residues, as mentioned in paragraph 1, to the Commission and to the Authority at least three months before the end of each calendar year.

3. Member States shall participate in the Community Control Programme as provided for in Article 29.

SECTION 4

INFORMATION BY THE MEMBER STATES AND ANNUAL REPORT

Article 31

Information by the Member States

1. Member States shall submit the following information concerning the previous calendar year to the Commission, the Authority and the other Member States by 31 August each year:

(a) the results of the official controls provided for in Article 26(1);

(b) the LODs applied in the national control programmes referred to in Article 30 and under the Community Control Programme referred to in Article 29;

(c) details of the participation of the analytical laboratories in the Community proficiency tests referred to in Article 28(3) and other proficiency tests relevant to the pesticide-product combinations sampled in the national control programme;

(d) details of the accreditation status of the analytical laboratories involved in the controls referred to in point (a);

(e) where permitted by national legislation, details of enforcement measures taken.

2. Implementing measures relating to the submission of information by the Member States may be established in accordance with the procedure referred to in Article 45(2) after consultation with the Authority.

Article 32

The Annual Report on Pesticide Residues

1. On the basis of the information provided by the Member States under Article 31(1) the Authority shall draw up an Annual Report on pesticide residues.

2. The Authority shall include information on at least the following in the Annual Report:

(a) an analysis of the results of the controls provided for in Article 26(2);

(b) a statement of the possible reasons why the MRLs were exceeded, together with any appropriate observations regarding risk management options;

(c) an analysis of chronic and acute risks to the health of consumers from pesticide residues;

(d) an assessment of consumer exposure to pesticide residues based on the information provided under point (a) and any other relevant available information, including reports submitted under Directive 96/23/EC.

3. Where a Member State has not provided information in accordance with Article 31, the Authority may disregard the information relating to that Member State when compiling the Annual Report.

4. The format of the Annual Report may be decided in accordance with the procedure referred to in Article 45(2).

5. The Authority shall submit the Annual Report to the Commission by the last day of February each year.

6. The Annual Report may include an opinion on the pesticides to be covered in future programmes.

7. The Authority shall make public the Annual Report, as well as any comments by the Commission or Member States.

Article 33

Submission of the Annual Report on Pesticide Residues to the Committee

The Commission shall submit the Annual Report on Pesticide Residues to the Committee referred to in Article 45(1) without delay, for review and recommendations on any necessary measures to be taken regarding reported infringements of the MRLs set out in Annexes II and III.

SECTION 5

SANCTIONS

Article 34

Sanctions

The Member States shall lay down rules on the sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

The Member States shall notify those rules and any subsequent amendment to the Commission without delay.

CHAPTER VI
EMERGENCY MEASURES

Article 35
Emergency measures

Articles 53 and 54 of Regulation (EC) 178/2002 shall apply where, as a result of new information or of a reassessment of existing information, pesticide residues or MRLs covered by this Regulation may endanger human or animal health requiring immediate action.

CHAPTER VII
SUPPORT MEASURES RELATING TO HARMONISED PESTICIDE MRLS

Article 36
Support measures relating to harmonised pesticide MRLs

1. Support measures relating to harmonised pesticide MRLs shall be established at Community level, including:

(a) a consolidated database for Community legislation on MRLs of pesticide residues and for making such information publicly available;

(b) Community proficiency tests as referred to in Article 28(3);

(c) studies and other measures necessary for the preparation and development of legislation and of technical guidelines on pesticide residues;

(d) studies necessary for estimating the exposure of consumers and animals to pesticide residues;

(e) studies necessary to support control laboratories where analytical methods are not capable of controlling the MRLs established.

2. Any necessary implementing provisions concerning the measures referred to in paragraph 1 may be adopted in accordance with the procedure referred to in Article 45(2).

Article 37

Community contribution to the support measures for harmonised pesticide MRLs

1. The Community may make a financial contribution of up to 100% of the cost of the measures provided for in Article 36.

2. The appropriations shall be authorised each financial year as part of the budgetary procedure.

Chapter VIII

Coordination of applications for MRLs

Article 38

Designation of national authorities

Each Member State shall designate one or more national authorities to coordinate cooperation with the Commission, the Authority, other Member States, manufacturers, producers and growers for the purposes of this Regulation. Where more than one authority is designated by a Member State, it shall indicate which of the designated authorities shall act as a contact point.

The national authorities may delegate tasks to other bodies.

Each Member State shall inform the Commission and the Authority of the names and addresses of the designated national authorities.

Article 39

Coordination by the Authority of information on MRLs

The Authority shall:

(a) coordinate with the rapporteur Member State designated in accordance with Directive 91/414/EEC for an active substance;

(b) coordinate with the Member States and the Commission regarding MRLs, in particular for the purpose of fulfilling the requirements of Article 41.

Article 40

Information to be submitted by the Member States

Member States shall submit to the Authority, at its request, any available information necessary for the assessment of the safety of MRLs.

Article 41

Database of the Authority on MRLs

Without prejudice to the applicable provisions of Community and national law on access to documents, the Authority shall develop and maintain a database, accessible to the Commission and to the competent authorities of the Member States, containing the relevant scientific information and GAPs relating to the MRLs, the active substances and the processing factors set out in Annexes II, III, IV and VII. In particular it shall contain dietary intake assessments, processing factors and toxicological endpoints.

Article 42

Member States and Fees

1. Member States may recover the costs of work associated with setting, modifying or deleting MRLs, or with any other work arising from obligations under this Regulation, by means of a fee or charge.

2. Member States shall ensure that the fee or charge referred to in paragraph 1:

(a) is established in a transparent manner; and

(b) corresponds to the actual cost of the work involved.

It may include a scale of fixed charges based on average costs for the work referred to in paragraph 1.

Chapter IX

Implementation

Article 43

Scientific Opinion of the Authority

The Commission or the Member States may request the Authority for a scientific opinion on any measure related to the assessment of risks under this Regulation. The Commission may specify the time limit within which such an opinion shall be provided.

Article 44

Procedure for the adoption of the Authority's Opinions

1. When the Authority's opinions pursuant to this Regulation require only scientific or technical work involving the application of well-established scientific or technical principles they may, unless the Commission or a Member State objects, be issued by the Authority without consulting the scientific committee or the scientific panels mentioned in Article 28 of Regulation (EC) No 178/2002.

2. The implementing rules pursuant to Article 29(6)(a) of Regulation (EC) No 178/2002 shall specify the cases in which paragraph 1 above shall apply.

Article 45

Committee Procedure

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up by Article 58 of Regulation (EC) No 178/2002 (hereinafter referred to as "the Committee".)

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

Article 46

Implementing measures

In accordance with the procedure referred to in Article 45(2) and, where appropriate, taking into account the opinion of the Authority, the following shall be established or may be amended:

(a) implementing measures to ensure the uniform application of this Regulation;

(b) the dates in Article 23, Article 29(2), Article 30(2), Article 31(1) and Article 32(5);

(c) technical guidance documents to assist in the application of this Regulation;

(d) detailed rules concerning the scientific data required for the setting of MRLs.

Article 47

Report on implementation of this Regulation

Not later than 10 years after the entry into force of this Regulation, the Commission shall forward to the European Parliament and to the Council a report on its implementation and any appropriate proposals.

Chapter X

Final Provisions

Article 48

Repeal and adaptation of legislation

1. Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC are hereby repealed with effect from the date referred to in the second paragraph of Article 50.

2. Article 4(1)(f) of Directive 91/414/EEC shall be replaced by the following:

"(f) where appropriate, the MRLs for the agricultural products affected by the use referred to in the authorisation have been set or modified in accordance with Regulation (EC) No XXX/2004. *

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* OJ L .....".

Article 49

Transitional Measures

1. The requirements of Chapter III shall not apply to products lawfully produced or imported into the Community before the date referred to in the second paragraph of Article 50.

However, in order to ensure a high level of consumer protection appropriate measures concerning those products may be taken in accordance with the procedure referred to in Article 45(2).

2. Where it is necessary in order to allow for the normal marketing, processing and consumption of products, further transitional measures may be laid down for the implementation of certain MRLs provided for in Articles 15, 16, 21, 22, and 25.

Those measures, which shall be without prejudice to the obligation to ensure a high level of consumer protection, shall be adopted in accordance with the procedure referred to in Article 45(2).

Article 50

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Chapters II, III and V shall apply as from 6 months from the publication of the last of the Regulations establishing Annexes I, II, III and IV.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	For the Council
The President	The President