
STATUTORY INSTRUMENTS

2019 No. 557

**The Pesticides (Maximum Residue Levels)
(Amendment etc.) (EU Exit) Regulations 2019**

PART 2

Amendment of retained direct EU legislation relating to maximum residue levels

CHAPTER 1

Regulation (EC) No 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin

Chapter 5

7.—(1) Chapter 5 is amended as follows.

(2) In Article 26(1)—

- (a) for “Without prejudice to [Directive 96/23/EC\(1\)](#), Member States” substitute “Each competent authority”;
- (b) for “Community” substitute “retained EU”.

(3) In Article 27—

- (a) in paragraph 1, in the first sentence, for “Member State” substitute “competent authority”;
- (b) for paragraph 2 substitute—

“2. Sampling for the purposes of paragraph 1 must be carried out in accordance with the methods described in the Annex to Commission [Directive 2002/63/EC\(2\)](#).”

3. In paragraph 2, the “Annex to Commission [Directive 2002/63/EC](#)” means the Annex to Commission [Directive 2002/63/EC](#) establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin, read as if—

- (a) in Section 1, in the second paragraph, in the first sentence, for the words from “the Annexes” to “Community” there were substituted “relation to a constituent territory in accordance with Regulation (EC) No 396/2005 and, in the absence of such”;
- (b) in Section 2, in the first paragraph, “Community” were omitted;
- (c) in Section 4.3, in Tables 3, 4 and 5, for table footnote (1) there were substituted—
“(1) Classification of foods: Part 1 of the MRLs register.”.

(4) In Article 28—

- (a) in paragraph 1, for “Community” substitute “retained EU”;

(1) OJ No L 125, 23.5.1996, p 10, as last amended by Council [Directive 2013/20/EU](#) (OJ No L 158, 10.6.2013, p 234).

(2) OJ No L 187, 16.7.2002, p 30.

- (b) omit paragraph 2;
- (c) for paragraph 3 substitute—
 - “3. All laboratories analysing samples for the official controls on pesticide residues must—
 - (a) have regard to any relevant guidance issued under Article 46(1);
 - (b) participate in any proficiency tests for pesticides organised by a competent authority.”.
- (5) In the heading of Section 2, for “Community” substitute “United Kingdom”.
- (6) In Article 29—
 - (a) in the heading, for “Community” substitute “United Kingdom”;
 - (b) in paragraph 1—
 - (i) for “Commission shall” substitute “competent authorities may jointly”;
 - (ii) for “Community” substitute “United Kingdom”;
 - (iii) for “national” substitute “competent authority”;
 - (iv) for “set out in this Regulation” substitute “in relation to each constituent territory”;
 - (c) for paragraph 2 substitute—
 - “2. The competent authorities must jointly publish a United Kingdom control programme prepared in accordance with paragraph 1—
 - (a) in a manner which the competent authorities consider appropriate, and
 - (b) at least six months before the end of the calendar year before the first year covered by the control programme.”.
- (7) In the heading of Section 3, for “National” substitute “Competent authority”.
- (8) In Article 30—
 - (a) in the heading, for “National” substitute “Competent authority”;
 - (b) in paragraph 1—
 - (i) for the first subparagraph substitute—
 - “Each competent authority must establish multiannual control programmes for pesticide residues in its constituent territory, and must update its multiannual programme every year.”;
 - (ii) in the second subparagraph, in point (d)(iv) for “the Community” substitute “any United Kingdom”;
 - (c) for paragraph 2, substitute—
 - “2. A competent authority must submit its proposed updated control programme to the other competent authorities at least three months before the end of each calendar year.”;
 - (d) in paragraph 3—
 - (i) in the first sentence—
 - (aa) for “Member States” substitute “Each competent authority”;
 - (bb) for “the Community” substitute “any United Kingdom”;
 - (ii) in the second sentence—
 - (aa) for “They” substitute “Each competent authority”;
 - (bb) for “national” substitute “its”;

- (iii) in the third sentence, for “Member States” substitute “a competent authority”.
- (9) In the heading of Section 4, for “Member States” substitute “competent authorities”.
- (10) In Article 31—
 - (a) in the heading, for “Member States” substitute “competent authorities”;
 - (b) in paragraph 1—
 - (i) in the words before point (a)—
 - (aa) for “Member States” in the first place it occurs substitute “Each competent authority”;
 - (bb) for “Commission, the Authority and the other Member States” substitute “other competent authorities”;
 - (ii) in point (a), at the end insert “, and the results of the analysis of samples tested in accordance with the competent authority’s control programme and any United Kingdom control programme”;
 - (iii) in point (b)—
 - (aa) for “national control programmes” substitute “competent authority’s control programme”;
 - (bb) for “the Community” substitute “any United Kingdom”;
 - (iv) in point (c)—
 - (aa) omit “Community”;
 - (bb) for “national” substitute “competent authority’s”;
 - (c) for paragraph 2 substitute—
 - “2. The competent authorities may jointly issue guidance regarding the format and submission of information in accordance with paragraph 1.
 - 3. The competent authorities must jointly publish any guidance issued under paragraph 2 in a manner which the competent authorities consider appropriate.
 - 4. In submitting information in accordance with paragraph 1, a competent authority must have regard to any guidance issued under paragraph 2.”
- (11) In Article 32—
 - (a) in paragraph 1—
 - (i) omit “by the Member States”;
 - (ii) for “Authority shall” substitute “competent authorities must jointly”;
 - (b) in paragraph 2—
 - (i) in the words before point (a), for “Authority” substitute “competent authorities”;
 - (ii) in point (a), at the end insert “, and of the results of the analysis of samples tested in accordance with each competent authority’s control programme and any United Kingdom control programme”;
 - (iii) in point (b), for “the” in the second place it occurs substitute “any”;
 - (iv) in point (d), omit “, including reports submitted under [Directive 96/23/EC](#)”;
 - (c) after paragraph 2 insert—
 - “2A. For the purpose of the first annual report under paragraph 1, paragraph 2(a) is to be read as if for “in accordance with each competent authority’s control programme and any United Kingdom control programme” there were substituted “by the United Kingdom

as an EU member State in accordance with [Commission Implementing Regulation \(EU\) 2017/660](#) concerning a coordinated multiannual control programme of the Union for 2018, 2019 and 2020 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin⁽³⁾ as it had effect immediately before exit day”.”;

- (d) omit paragraphs 3 to 6;
- (e) for paragraph 7 substitute—

“7. The competent authorities must jointly publish the Annual Report by the 31st October of the second year following the year to which the information in the Annual Report relates.”.

- (12) Omit Article 33.
- (13) Omit Section 5.

(3) OJ No L 94, 7.4.2017, p 12, which was partially repealed by [Commission Implementing Regulation \(EU\) 2018/555](#) (OJ No L 92, 10.4.2018, p 6).