


Procedure file

| Basic information | |
|---|---------------------------------------|
| CNS - Consultation procedure Directive | 1995/0154(CNS) Procedure completed |
| Maximum levels for pesticide residues (amend. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/462/EEC) | |
| Subject 3.10.09.02 Plant health legislation | |

| Key players | | | |
|---------------------|--|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | ENVI Environment, Public Health and Consumer Protection | V BREYER Hiltrud | 26/07/1995 |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| | AGRI Agriculture and Rural Development | PPE REDONDO JIMÉNEZ Encarnación | 19/07/1995 |
| | JURI Legal Affairs, Citizens' Rights | UPE SCHAFFNER Anne-Marie | 24/01/1996 |
| | Council of the European Union | Council configuration | Meeting |
| | Agriculture and Fisheries | 2018 | 25/06/1997 |
| | Agriculture and Fisheries | 2006 | 20/05/1997 |
| | Agriculture and Fisheries | 1889 | 29/11/1995 |

| Key events | | | |
|------------|---|---|---------|
| 07/10/1994 | Additional information | | Summary |
| 19/06/1995 | Legislative proposal published | COM(1995)0272 | Summary |
| 14/07/1995 | Committee referral announced in Parliament | | |
| 29/11/1995 | Debate in Council | 1889 | Summary |
| 15/07/1996 | Vote in committee | | Summary |
| 15/07/1996 | Committee report tabled for plenary, 1st reading/single reading | A4-0251/1996 | |
| 17/09/1996 | Debate in Parliament |  | |

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| 18/09/1996 | Decision by Parliament | T4-0461/1996 | Summary |
| 31/01/1997 | Modified legislative proposal published | COM(1997)0021 | Summary |
| 20/05/1997 | Debate in Council | 2006 | |
| 25/06/1997 | Act adopted by Council after consultation of Parliament | | |
| 25/06/1997 | End of procedure in Parliament | | |
| 12/07/1997 | Final act published in Official Journal | | |

Technical information

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| Procedure reference | 1995/0154(CNS) |
| Procedure type | CNS - Consultation procedure |
| Procedure subtype | Legislation |
| Legislative instrument | Directive |
| Legal basis | EC before Amsterdam E 043 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | ENVI/4/06919 |

Documentation gateway

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|---|---|------------|-----|---------|
| Legislative proposal | COM(1995)0272 OJ C 201 05.08.1995, p. 0008 | 19/06/1995 | EC | Summary |
| Economic and Social Committee: opinion, report | CES1447/1995 OJ C 082 19.03.1996, p. 0001 | 20/12/1995 | ESC | Summary |
| Committee report tabled for plenary, 1st reading/single reading | A4-0251/1996 OJ C 277 23.09.1996, p. 0004 | 15/07/1996 | EP | |
| Text adopted by Parliament, 1st reading/single reading | T4-0461/1996 OJ C 320 28.10.1996, p. 0066-0086 | 18/09/1996 | EP | Summary |
| Modified legislative proposal | COM(1997)0021 OJ C 103 02.04.1997, p. 0020 | 31/01/1997 | EC | Summary |

Additional information

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| European Commission | EUR-Lex |
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Final act

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| Directive 1997/41 OJ L 184 12.07.1997, p. 0033-0049 Summary |
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Maximum levels for pesticide residues (amend. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/462/EEC)

PREVIOUS COMMUNITY LEGISLATION: Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables. Amended by 89/186/EEC to cover maleic hydrazide. Annexe modified by 88/298/EEC and 93/57/EEC. Directive 86/362/EEC relating to the fixing of maximum levels for pesticide residues in and on cereals. Annexe modified by 88/298/EEC and 93/57/EEC. Directive 90/642/EEC relating to the fixing of maximum levels for pesticide residues on and in certain products of plant origin including fruits and vegetables. Annexe modified by 93/58/EEC. PREVIOUS POSITION OF EP: the EP called for inspection procedures to ensure compliance in all Member States and for 3rd country imports to be subject to the same regulations. The EP also expressed concern about the possible

cumulative effects of the interaction of different pesticide residues. Resolution of the EP on the maximum levels for pesticide residues on and in fruits and vegetables (OJ C97 1969). Resolution of the EP on the proposal of the Commission for a Directive on the fixing of maximum levels for pesticide residues in and on cereals intended for human consumption (OJ C28 1981) SITUATION IN THE MEMBER STATES: all Member States have transposed the directives into national law.

Maximum levels for pesticide residues (amend. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/462/EEC)

The proposal for a directive aimed to improve the current conditions for fixing the maximum levels for pesticide residues laid down in Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC, with a view to increase the ability of the Community to deal with the increased tasks it would face in the future. The Commission proposed including the following amendments in its current legislation: - Extension of the scope of the directive to include dried and/or processed single agricultural products and processed products; - Introduction of appropriate arrangements for establishing maximum residue levels throughout the Community in accordance with Directive 91/414/EEC: this Directive stipulated that the Commission should fix the maximum levels for residues - within three months of notification by a Member State - taking into account good agricultural practice followed in only one or several Member States and the toxicological data available for the assessment of the active substance with a view to including it in Annex I to Directive 91/414/EEC; - Introduction of procedures to be followed in cases where barriers to intra-Community trade were detected or had appeared due to the absence of harmonised maximum residue levels for certain pesticide/product combinations; - Greater harmonisation of measures to monitor pesticides in and on foodstuffs; - Alignment of the three main directives by updating the provisions concerning exemptions and exports to third countries, the safeguard clauses, and the regulatory committee procedure; - Introduction of a regulatory committee procedure for decisions on certain measures such as the adoption of amendments to the annexes, the adoption of temporary maximum residue levels, and the establishment of dilution or concentration factors relating to certain drying or processing operations; - Measures guaranteeing rapid transposition by the Member States of the amendments to the annexes; - Compatibility of the action proposed with the principle of subsidiarity. ?

Maximum levels for pesticide residues (amend. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/462/EEC)

Pending delivery of the European Parliament's opinion, the Council took note of the proceedings on the proposal for a directive amending present Community legislation fixing the maximum levels for pesticide residues in numerous categories of foodstuffs (fruit and vegetables, cereals, foodstuffs of animal origin, etc.). It noted that the Permanent Representatives Committee had made significant progress on the basis of a compromise drawn up by the Presidency and it instructed Coreper to continue its proceedings so that the Directive could be adopted at the earliest opportunity.

Maximum levels for pesticide residues (amend. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/462/EEC)

The Council's procedure for adopting maximum residue levels is highly inflexible and clearly hinders the application of the Directives on the fixing of maximum pesticide residue levels. Crop diversification is indirectly being held back. The largest crops, or the most widespread throughout the EU, have MRLs for virtually all the pesticides covered, while smaller-scale crops, which might in the future provide an answer to the problems of farming in small districts, may well be left without means of controlling pests, since there is no private research into the appropriate pesticides. The ESC endorses the Commission's amendments to the Directives in question, but would make a number of comments: - In the ESC's view, the Commission's extension of the Directive to dried, processed and composite products is of benefit to consumers. - The application of MRLs to products for export to third countries is also a positive step. The Committee considers it would be most appropriate for Community MRLs to be set under a III-b type Regulatory Committee procedure, thereby ensuring an adequate degree of control over Commission action. The Commission should be urged to prepare, as soon as possible, correcting mechanisms for the calculation of MRLs for processed and composite products. Similarly, such products must be covered by procedures for the resolution of conflicts (protecting Treaty Articles 30 to 36) and for monitoring. An international pesticide information exchange office should be set up.?

Maximum levels for pesticide residues (amend. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/462/EEC)

In adopting the Breyer report(Gr,G), the Environment committee rejected this method and plumped for an across-the-board approach for all pesticides based on precautionary principle, ie opting for the lowest detectable quantity of pesticide residue as the maximum limit in order to be on the safe side. Accordingly, the committee decided that the maximum permissible level of residues of any individual pesticide in and on foodstuffs should be limited to 0.01 mg/kg. The sum of the residues of all the pesticides in foodstuffs must not exceed 0.05 mg/kg. Rejecting the Commission's view that the proposed directive was primarily an agricultural matter, the committee decided that its legal base should be article 100a of the EC Treaty rather than article 43 as proposed by the Commission. Article 43 covers only agricultural matters and provides simply for consultation of Parliament, whereas Article 100a includes environmental and consumer protection and gives Parliament power of co-decision with the Council.?

Maximum levels for pesticide residues (amend. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/462/EEC)

Parliament adopted the report by Mrs Hiltrud BREYER (Greens, D) on the proposal for a Council Directive amending four existing directives relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables, cereals, foodstuffs of animal origin, and certain products of plant origin. In its amendments Parliament asked for the legal basis of the proposal to be Article 100a of the EC Treaty and not Article 43, as proposed by the Commission. It also hoped that, in the case of foodstuffs, the maximum level of pesticide residues would not exceed 0.05 mg/kg. ?

Maximum levels for pesticide residues (amend. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/462/EEC)

The Commission's amended proposal incorporated, in whole or in part, 15 amendments adopted by the European Parliament. ?

Maximum levels for pesticide residues (amend. direct. 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/462/EEC)

OBJECTIVE: to improve current conditions for fixing the maximum levels for pesticide residues on and in fruit and vegetables, cereals, foodstuffs of animal origin and certain products of plant origin, including fruits and vegetables. COMMUNITY MEASURE: Council Directive 97/41/EC amending directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC. CONTENT: the Council, acting by a qualified majority, with the German delegation voting against, adopted the directive amending current Community legislation relating to the fixing of maximum levels for pesticide residues in numerous categories of foodstuffs. The directive seeks to: - extend the field of application of current regulations to dried, processed products etc.; - introduce a fast-track procedure for solving conflicts in the event of difficulties in intra-Community trade due a lack of harmonized maximum levels of residues; - introduce a coordinated Community monitoring programme; - introduce recourse to the regulatory committee rather than the Council procedure in order to fix harmonized maximum levels. DEADLINE FOR TRANSPOSITION: 31 December 1998. -?