


Procedure file

| Basic information | |
|---|---------------------------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure) Regulation | 2006/0294(COD) Procedure completed |
| Maximum residue levels of pesticides in or on food and feed of plant and animal origin: implementing powers conferred on the Commission | |
| Amending Regulation (EC) No 396/2005 | 2003/0052(COD) |
| Subject | |
| 3.10.10 Foodstuffs, foodstuffs legislation | |
| 4.60.04.04 Food safety | |

| Key players | | | |
|-------------------------------|--|----------------------|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | ENVI Environment, Public Health and Food Safety | | 27/02/2007 |
| Council of the European Union | Council configuration | Meeting | Date |
| | Environment | 2856 | 03/03/2008 |
| European Commission | Commission DG | Commissioner | |
| | Environment | DIMAS Stavros | |

| Key events | | | |
|------------|---|---|---------|
| 22/12/2006 | Legislative proposal published | COM(2006)0908 | Summary |
| 17/01/2007 | Committee referral announced in Parliament, 1st reading | | |
| 12/09/2007 | Vote in committee, 1st reading | | Summary |
| 24/09/2007 | Committee report tabled for plenary, 1st reading | A6-0342/2007 | |
| 29/11/2007 | Results of vote in Parliament |  | |
| 29/11/2007 | Decision by Parliament, 1st reading | T6-0563/2007 | Summary |
| 03/03/2008 | Act adopted by Council after Parliament's 1st reading | | |
| 11/03/2008 | Final act signed | | |
| 11/03/2008 | End of procedure in Parliament | | |
| 09/04/2008 | Final act published in Official Journal | | |

| Technical information | |
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| Procedure reference | 2006/0294(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |

| | |
|----------------------------|--|
| Legislative instrument | Regulation |
| | Amending Regulation (EC) No 396/2005 2003/0052(COD) |
| Legal basis | EC Treaty (after Amsterdam) EC 152-p4b; EC Treaty (after Amsterdam) EC 037 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | ENVI/6/44484 |

Documentation gateway

| | | | | |
|---|--------------------------------|------------|-----|---------|
| Legislative proposal | COM(2006)0908 | 22/12/2006 | EC | Summary |
| Committee draft report | PE388.627 | 19/07/2007 | EP | |
| Committee report tabled for plenary, 1st reading/single reading | A6-0342/2007 | 24/09/2007 | EP | |
| Text adopted by Parliament, 1st reading/single reading | T6-0563/2007 | 29/11/2007 | EP | Summary |
| Commission response to text adopted in plenary | SP(2007)6527 | 18/12/2007 | EC | |
| Draft final act | 03694/2007/LEX | 11/03/2008 | CSL | |

Additional information

| | |
|----------------------|-------------------------|
| National parliaments | IPEX |
| European Commission | EUR-Lex |

Final act

[Regulation 2008/299](#)
[OJ L 097 09.04.2008, p. 0067](#) Summary

Maximum residue levels of pesticides in or on food and feed of plant and animal origin: implementing powers conferred on the Commission

PURPOSE: to amend Regulation 396/2005/EC on maximum residue levels of pesticides in or on food and feed by introducing a reference to the new regulatory procedure with scrutiny (comitology).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that the draft exceeds the implementing powers provided for in the basic instrument, or that the draft is incompatible with the aim or the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

Lastly, in accordance with the abovementioned statement, the Commission is proposing to repeal any provisions of these instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

Maximum residue levels of pesticides in or on food and feed of plant and animal origin: implementing powers conferred on the Commission

The Committee on the Environment, Public Health and Food Safety adopted a report drawn up by Robert STURDY (EPP-ED, UK), and made some amendments, in the context of the first reading of the co-decision procedure to the proposal for a regulation amending Regulation (EC) No 396/2005 on maximum residue levels of pesticides in or on food and feed as regards the implementing powers conferred on the Commission.

The main amendments were as follows:

- Annex I shall include all products for which MRLs are set, as well as the other products for which it is appropriate to apply harmonised MRLs in particular in view of their relevance in the diet of consumers or in trade. Products shall be grouped in such a way that MRLs may as far as possible be set for a group of similar or related products.
- The Committee felt that the references to the regulatory procedure with scrutiny should be clear and not entail any curtailing of time limits compared to the standard time limits of the regulatory procedure with scrutiny. It deleted some provisions enabling the Commission to make use of the urgency procedure.
- Members stated that guidelines for analysis and quality control procedures for methods of analysis are of a general nature. Therefore, such guidelines should be adopted according to the regulatory procedure with scrutiny. They provided therefore that technical guidelines dealing with the specific validation criteria and quality control procedures in relation to methods of analysis for the determination of pesticide residues may be adopted in accordance with the regulatory procedure with scrutiny.

Maximum residue levels of pesticides in or on food and feed of plant and animal origin: implementing powers conferred on the Commission

The European Parliament adopted a report drawn up by Robert STURDY (EPP-ED, UK), and made some amendments to the proposal for a regulation amending Regulation (EC) No 396/2005 on maximum residue levels of pesticides in or on food and feed as regards the implementing powers conferred on the Commission.

The main amendments were as follows:

- the products, product groups and/or parts of products referred to in Article 2(1) to which harmonised MRLs shall apply shall be defined in and covered by Annex I. Those measures designed to amend non-essential elements of the Regulation shall be adopted in accordance with the regulatory procedure with scrutiny. Annex I shall include all products for which MRLs are set, as well as the other products for which it is appropriate to apply harmonised MRLs in particular in view of their relevance in the diet of consumers or in trade. Products shall be grouped in such a way that MRLs may as far as possible be set for a group of similar or related products;
- in certain paragraphs, where the regulatory procedure with scrutiny applies, Parliament stated that on imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 45(5) in order to ensure a high level of consumer protection;
- Parliament will have the normal scrutiny period without curtailment on the grounds of urgency for the first establishment of Annexes II and III;
- Parliament did not make any amendments regarding the application of the regulatory procedure with scrutiny to any individual decisions.

Maximum residue levels of pesticides in or on food and feed of plant and animal origin: implementing powers conferred on the Commission

PURPOSE: to amend Regulation 396/2005/EC on maximum residue levels of pesticides in or on food and feed by introducing a reference to the new regulatory procedure with scrutiny (comitology).

LEGISLATIVE ACT: Regulation (EC) No 299/2008 of the European Parliament and of the Council amending Regulation (EC) No 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin, as regards the implementing powers conferred on the Commission.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new regulatory procedure with scrutiny to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

Accordingly, this Decision provides that the regulatory procedure with scrutiny is applicable when the Commission defines the scope of Regulation (EC) No 396/2005 and the criteria necessary for the establishment of certain maximum residue levels (MRLs) of pesticides in or on food and feed of plant and animal origin listed in its relevant annexes.

Furthermore, on grounds of efficiency and in order to guarantee economic operators a rapid decision-making process, whilst ensuring a high level of consumer protection, the normal time limits for the regulatory procedure with scrutiny should be curtailed for the adoption of measures setting, including, implementing, modifying or deleting MRLs and establishing a list of active substances for which no MRLs are required, as well as a list of active substance/product combinations where active substances are used as fumigant for post-harvest treatment.

ENTRY INTO FORCE: 10/04/2008.