



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.1.2005
COM(2005) 22 final

2003/0052 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**REGULATION 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 and amending Council Directive 91/414/EEC
(COM (2003) 117 Final – 2003/0052 (COD))**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1- BACKGROUND

The proposal for a European Parliament and Council Regulation on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (COM (2003) 117 Final) was adopted by the Commission on 14 March 2003.

The Economic and Social Committee gave its Opinion on 16 July 2003.

The Committee of Regions decided not to issue an Opinion on the proposal.

The European Parliament gave its Opinion (First Reading) on 20 April 2004.

The Commission adopted the amended proposal on 26 April 2004.

The Council's Common Position was transmitted to the European Parliament on 8 September 2004.

The European Parliament gave its Opinion (Second Reading) on 15 December 2004.

The opinion sets out the Commission's position on the amendments adopted by the European Parliament on 15 December 2004 in accordance with Article 251 (2)(c) of the EC Treaty.

2- AIM OF THE COMMISSION'S PROPOSAL

1. The aim of the proposed draft Regulation is to replace, codify and simplify the four existing Council Directives on Maximum Residue Levels (MRLs) for plant protection products (Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC), to harmonise all MRLs at EU level and to define the roles of the Member States, the Commission, the European Food Safety Authority (EFSA) and other parties in the process of setting MRLs.

2. The Regulation provides for MRLs to be directly applicable and enforceable in the Member States, underpinned by publicly available consumer risk assessments for which EFSA has overall responsibility. Where plant protection products are not authorised for use in the Community, where uses outside the Community are unacceptable in terms of consumer intake of residues, or where data are insufficient to complete a risk assessment, a default value of 0.01 mg/kg shall apply.
3. The Regulation defines the obligations of the Member States with regard to control and enforcement of MRLs and reporting data concerning control and enforcement to EFSA and the publication of these data in an annual report by EFSA.

3. COMMISSION'S OPINION ON THE AMENDMENTS PROPOSED BY THE PARLIAMENT

3.1. Summary of the Commission's position

The European Parliament has adopted 35 amendments. All amendments can be accepted by the Commission without reservation.

3.2. Parliament's amendments on second reading

The amendments adopted are the result of a compromise between European Parliament, Council and Commission reached in negotiations during the second reading of the Codecision procedure. The resulting text is a satisfactory compromise for the Commission. Some amendments on setting maximum levels for pesticide residues (MRLs) reflect already existing working practice, and make these explicit in the legislation. Other amendments provide for the development and application of new methodology. The Commission is in favour of all amendments and made this clear during the negotiations. The amendments are in line with the original proposal and an improvement relative to the existing legislation.

4. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.