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EU Pesticide MRLs Harmonized Shortly

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Report Highlights:

Current EU and Member State legislation on pesticide Maximum Residue Levels (MRLs) is being replaced in the course of 2005. This change, along with other developments in pesticide legislation in the EU, could have trade implications if the future EU harmonized MRL list does not include MRLs evaluated and authorized in the U.S. and therefore possibly found on exported U.S. agricultural commodities.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
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[E3]

MRLs are the upper legal levels of a pesticide residue to be found on a food or feed commodity. For each approved active ingredient, these maximum levels are set for a list of various fruits, vegetables, cereals and animal products. A MRL is not a toxicological limit and a violation is not necessarily a cause of concern for public or animal health. For pesticides authorized for agricultural use, the MRLs are set at the maximum safe level that one would expect if the pesticide is used according to the rules and restrictions of the authorization (the Good Agricultural Practice approach). EU MRLs do not take into account GAPs in third countries. These GAPs may be different because of third countries' climatic or disease situations. In such cases import tolerances may have to be established to allow trade.

The authorization of active ingredients used in plant protection products within the European Union is covered by separate legislation. MRL's on non-authorized substances are set at levels that reflect the prohibition of these substances.

Current Maximum Residue Legislation

So far, Maximum Residue Levels (MRLs) for pesticide residues are only set at Community level for about 150 plant protection products.

EU harmonized MRLs can be found in the following directives:

- [Council Directive 86/362/EEC](#), as amended, establishes MRLs for pesticides in cereals and cereal products
- [Council Directive 86/363/EEC](#), as amended, establishes MRLs for pesticides in products of animal origin
- [Council Directive 90/642/EEC](#), as amended, establishes MRLs for pesticides in products of plant origin, including fruits and vegetables

The complete list of EU MRLs in force is also available from the European Commission's website: [EU MRLs sorted by pesticide](#)  (1265KB) [EXCEL](#) (4200KB) updated 04/11/2004. Unharmonized products are covered by Member State legislation. Links to Member State specific information is provided on http://europa.eu.int/comm/food/plant/protection/evaluation/contact_dec.xls

If there is no EU legislation in place but there is a national MRL for a specific pesticide/commodity combination in the importing Member State and the product being imported into that country conforms with it, then the product can be marketed in that country. Where the importer wishes to market the product in other Community Member States, it might face problems.

If there is no EC legislation in place and there is no national MRL in force in the importing Member State, then the exporter needs to obtain an "import tolerance".

New EU Maximum Residue Legislation

EU legislators have reached agreement on the contents of the new EU maximum residue legislation. Publication of the text in the Official Journal is anticipated in the spring of 2005.

The new EU regulation foresees that all MRL's, including import tolerances, will apply EU wide, removing the trade problems that were the result of the current situation whereby Member States can set their own national MRL's in the absence of Community MRL's.

The new regulation provides for the creation of two categories of EU MRLs. 'Definitive' tolerances (listed in Annex II of the new Regulation) which would have been considered at EU level and 'temporary' tolerances (listed in Annex III of the new Regulation). The temporary MRLs would relate to tolerances which have not yet been considered at EU level. They would be a mix of MRLs set by member States or those required to facilitate the import of treated produce from outside the Community. Consumer safety implications would be

assessed before a temporary MRL would be included in the Regulation. Temporary MRLs would gradually be reviewed and, where appropriate, transferred to the 'definitive' list.

The new regulation is a framework regulation and implementing measures need to be developed to transfer the existing EU MRLs and the national MRLs to the new legislation. Also, a list needs to be compiled of pesticides for which it is not necessary to set MRLs. This work is expected to take until mid 2006, after which the Regulation can become fully applicable.

Review of Active Substances/Link to MRL Legislation

In an ambitious work programme launched in 1992, the European Commission started a Community-wide review process for all active ingredients used in plant protection products within the European Union. In a review process based on scientific assessments set out in directive 91/414/EEC, each applicant had to prove that a substance could be used safely regarding human health, the environment, ecotoxicology and residues in the food chain. This program will be completed by 2008. When a substance is reviewed, a decision is taken to either include or not include this substance to the positive list in the annex to Directive 91/414/EEC. Since the program is not finalized yet, there are currently substances that have been included, substances that have not been included and substances that have not been evaluated yet. A status list of all active substances on the EU market is available from the European Commission's website.

[Status of active substances under EU review \(doc. 3010\)](#)  (240KB) updated 04-11-2004

Substances that are not included in the annex to 91/414/EEC have to be withdrawn from the EU market. Subsequently, the MRLs for these substances are set at a level that reflects the ban. In the new EU legislation, MRLs for prohibited substances and for products for which no specific MRL is established will be set by default at 0.01 mg/kg. For substances that are included in the annex, companies have to provide product specific data for the establishment of product specific MRLs. MRLs for substances that have not been reviewed yet, will be reviewed in conjunction with the review of the active substance.

Import Tolerances

Import tolerances are MRLs set for imported products where the use of the active substance in a plant protection product on a given food or feed is not authorized in EU countries or where the existing MRL is not sufficient to reflect the GAP in the supplying third countries. Detailed information on how to apply for an import tolerance can be found at the website of the UK Pesticide Safety Directorate
http://www.pesticides.gov.uk/applicant_guide.asp?id=1239

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