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***II
RECOMMENDATION FOR SECOND READING

on the Council common position for adopting 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
(9262/1/2004 – C6-0110/2004 – 2003/0052(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Robert William Sturdy

Symbols for procedures

*	Consultation procedure *majority of the votes cast*
**I	Cooperation procedure (first reading) *majority of the votes cast*
**II	Cooperation procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***	Assent procedure *majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
***I	Codecision procedure (first reading) *majority of the votes cast*
***II	Codecision procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***III	Codecision procedure (third reading) *majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting 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 (9262/1/2004 – C6-0110/2004 – 2003/0052(COD))

(Codecision procedure: second reading)

The European Parliament,

– having regard to the Council common position (9262/1/2004 – C6-0110/2004),

– having regard to its position at first reading[1] on the Commission proposal to Parliament and the Council (COM(2003)0117)[2],

– having regard to the amended proposal (COM(2004)0587)[3],

– having regard to Article 251(2) of the EC Treaty,

– having regard to Rule 62 of its Rules of Procedure,

– having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A6-0049/2004),

1. Approves the common position as amended;

2. Instructs its President to forward its position to the Council and Commission.

Council common position	Amendments by Parliament
	Amendment 1 RECITAL 2
(2) Differences in national maximum residue levels for pesticides can pose barriers to trade in products included in Annex I to the Treaty and products derived therefrom between Member States and trade between third countries and the Community. Accordingly, in the interest of free movement of goods, equal competition conditions among the Member	(2) ***This Regulation directly concerns how the public view their health and is relevant to the functioning of the internal market.*** Differences in national maximum residue levels for pesticides can pose barriers to trade in products included in Annex I to the Treaty and products derived therefrom between Member States and trade between third countries and the

[1] Texts Adopted, P5_TA(2004)0299.
[2] Not yet published in OJ.
[3] Not yet published in OJ.

States, as well as consumer protection, it is appropriate that maximum residue levels (MRLs) for products of plant and animal origin be set at Community level.

Community ***and create differences in public health protection.*** Accordingly, in the interest of free movement of goods, equal competition conditions among the Member States, as well as ***equal*** consumer protection ***among all consumers***, it is appropriate that maximum residue levels (MRLs) for products of plant and animal origin be set at Community level***, but taking account of the variations in climate conditions and on the basis of the best available agricultural practices (integrated pest control)***.

Justification

Partial reinstatement of recital 2 from Commission's original proposal. The Commission's original document mentioned public health, which is missing from the Council's adopted position, and it is important to keep some mention of it in.

Amendment 2
RECITAL 4

(4) The production and consumption of plant and animal products play a very important role in the Community. The yield from plant production is continually being affected by harmful organisms. It is essential to protect plants and plant products against such organisms, not only to prevent a reduction in yield or damage to them but also in order to ensure the quality of the products harvested, to ***increase*** agricultural productivity, and to protect the natural environment by limiting the surface area needed for agricultural production.

(4) The production and consumption of plant and animal products play a very important role in the Community. The yield from plant production is continually being affected by harmful organisms. It is essential to protect plants and plant products against such organisms, not only to prevent a reduction in yield or damage to them but also in order to ensure the quality of the products harvested, to ***ensure high*** agricultural productivity and to protect the natural environment by limiting the surface area needed for agricultural production. ***To this end, different methods are available: non-chemical methods, practices such as using resistant varieties, crop rotation, mechanical weeding, biological control and chemical methods such as the use of plant protection products or pesticides.***

Justification

Reinstatement of Amendment 2 adopted at 1st reading.

Amendment 3
RECITAL 5

(5) One of the most methods of protecting plants and plant products from the effects of harmful organisms is the use of active substances in plant protection products. However, a possible consequence of their use may be the presence of residues in the treated products, in animals feeding on those products and in honey produced by bees exposed to those substances. ***It*** is necessary to ensure that such residues should not be present at levels presenting an unacceptable risk to humans and, where relevant, to animals.	(5) One of the most ***common*** methods of protecting plants and plant products from the effects of harmful organisms is the use of active substances in plant protection products. However, a possible consequence of their use may be the presence of residues in the treated products, in animals feeding on those products and in honey produced by bees exposed to those substances. ***According to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market[1], public health should be given priority over the interests of crop protection, thus it*** is necessary to ensure that such residues should not be present at levels presenting an unacceptable risk to humans and, where relevant, to animals. ***MRLs should be set at the lowest reasonably achievable level for each pesticide with a view to protecting vulnerable groups such as children and the unborn, and in order to minimise possible combined effects of multiple residues.***
	1 OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/99/EC (OJ L 309, 6.10.2004, p. 6).

Justification

Partial reinstatement of amendment carried at first reading. It is important to acknowledge that public health requirements are always met and exceeded when MRLs are set.

Amendment 4
RECITAL 5 A (new)

	(5a) It is also important to carry out further work to develop a methodology to take into account cumulative and synergistic effects.

	In view of human exposure to combinations of active substances and their cumulative and possible synergistic effects on human health, aggregate MRLs should be set after consultation of the European Food Safety Authority, who will submit proposals for the calculation of aggregate MRLs.

Justification

There is great public concern about the cumulative and synergistic effects of pesticides. While we have no methodology for evaluating this at the moment, it is important to continue working towards one in order to allay legitimate public concern.

Amendment 5
RECITAL 6

(6) Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market provides that Member States, when issuing authorisations, are to prescribe that plant protection products be used properly. Proper use includes the application of the principles of good ***plant protection***practiceas well as the principles of integrated control. Where the MRLs arising from an authorised use of a pesticide under Directive 91/414/EEC present a risk to the consumer such use should be revised to decrease the levels of pesticide residues. The Community should encourage the use of methods or products favouring a reduction in risk, and ***a reduction in the*** amounts of pesticides ***used to*** levels consistent with efficient pest control.	(6) Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market provides that Member States, when issuing authorisations, are to prescribe that plant protection products be used properly. Proper use includes the application of the principles of good ***agricultural*** practice as well as the principles of integrated control. Where the MRLs arising from an authorised use of a pesticide under Directive 91/414/EEC present a risk to the consumer such use should be revised to decrease the levels of pesticide residues. The Community should encourage the use of methods or products favouring a reduction in risk, and ***the use of*** amounts of pesticides ***at*** levels consistent with efficient pest control.

Justification

It is sensible to reduce the risk of Plant Protection Products, but research suggests that reducing the level used does not do this. Therefore we need to find an optimum level.

Amendment 6

RECITAL 12 A (new)

(12a) Whilst considering MRLs of pesticides, it should also be recognised that few consumers are aware of the risks arising from pesticides. It would be valuable to see the Authority embark on a project to fully explain such risks to the public.

Justification

Reinstatement of amendment 5 carried at first reading.

Amendment 7
RECITAL 12 B (new)

(12b) Member States should look into the possibility of publishing the names of companies whose products contain higher pesticide residues than the maximum permitted levels.

Justification

Reinstatement of amendment 15 carried at first reading. This process would enable consumers to be fully aware of any companies who had exceeded maximum pesticide residue levels

Amendment 8
RECITAL 14

(14) It is necessary to define at Community level certain terms used for the setting and control of MRLs for products of plant and animal origin.	(14) It is necessary to define at Community level certain terms used for the setting and control ***and reporting*** of MRLs for products of plant and animal origin ***and guidelines for the sanctioning of producers or traders.***

Justification

Partial reinstatement of amendment 7 carried at first reading. It is logical for reporting standards of MRLs to be set at Community level, or else confusion will arise.

Amendment 9
Recital 20

(20) For food and feed produced outside the Community, different agricultural practices as regards the use of plant protection products may be legally applied, sometimes resulting in pesticide residues differing from those resulting from uses legally applied in the Community. It is therefore appropriate that MRLs be fixed for imported products that take these uses and the resulting residues into account provided that the safety of the products can be demonstrated using the same criteria as for domestic produce.	***deleted***

Justification

Reinstatement of Amendment 9 adopted at first reading. The same rules should apply to imported foodstuffs and feed as to foodstuffs and feed produced within the EU.

Amendment 10
RECITAL 23

(23) Through the World Trade Organisation, the Community's trading partners should be consulted about the MRLs proposed, and their observations should be taken into account before the MRLs are adopted. MRLs set at the international level by the Codex Alimentarius Commission should also be considered when Community MRLs are being set.	(23) Through the World Trade Organization, the Community's trading partners should be consulted about the MRLs proposed, and their observations should be taken into account before the MRLs are adopted. MRLs set at the international level by the Codex Alimentarius Commission should also be considered when Community MRLs are being set***, but only if the principles of integrated pest control are respected and climate conditions and good agricultural practice are taken into account***.

Justification

This amendments reaffirms the EP´s position in amendment 11 in first reading.

Amendment 11
RECITAL 23 A (new)

	(23a) For food and feed produced outside the Community, different agricultural

	practices as regards the use of plant protection products may be legally applied, resulting in pesticide residues differing from those resulting from uses legally applied in the Community. It is therefore appropriate that MRLs be fixed for imported products that take these uses and the resulting residues into account provided that the safety of the products can be demonstrated using the same criteria as for domestic produce.

Amendment 12
RECITAL 24

(24) It is necessary that the Authority assess MRL applications and evaluation reports prepared by the Member States with a view to determining the associated risks to consumers and, where relevant, to animals.	(24) It is necessary that the Authority assess MRL applications and evaluation reports prepared by the Member States with a view to determining the associated risks to consumers and, where relevant, to animals. ***Therefore it is necessary to ensure that the Authority is granted sufficient resources to enable it to perform these tasks.The European Food Safety Authority should take into account all scientific peer-reviewed literature on the toxicological effects of the plant protection product in question when evaluating the risk for consumers. Immunotoxicity, endocrine disruption, developmental toxicity and low-dose effects are among those that should be considered in particular.***

Justification

Reinstatement of amendment 13 carried at first reading. The importance of the European Food Safety Authority's role in assessing risk should be supported by it having the necessary resources it needs.

Amendment 13
RECITAL 30 A (new)

	(30a) To ensure that consumers are kept adequately informed, Member States should publish the results of national monitoring of residues every three months

	on the internet, providing all individual data, including the place of collection and the names of retailers, traders and/or producers.

Justification

Reinstatement of amendment 59 carried at first reading. Transparency for consumers is important. They should be given the possibility to make a reasoned choice for a product, also based on the presence of residues and the compliance with the Regulation. This quarterly publication of residues is already being practised in the UK.

Amendment 14
ARTICLE 1

Subject matter	Subject matter ***and aim***
This Regulation establishes, in accordance with the general principles laid down in Regulation (EC) No 178/2002, harmonized Community provisions relating to maximum levels of pesticide residues in or on food and feed of plant and animal origin.	***The aim of this Regulation is to set harmonised maximum residue levels (MRLs) for pesticides in products of plant and animal origin in order to protect all European consumers against possible health effects. MRLs should therefore be set at the lowest reasonably achievable level with the aim of ensuring the best possible consumer protection.***

Justification

Reinstatement of Amendment 16 adopted at 1st reading. Emphasis needs to be placed on protecting public health, not only on guaranteeing the free movement of products.

Amendment 15
ARTICLE 3, PARAGRAPH 2, POINT (A)

(a) "good agricultural practice" (GAP): means the nationally recommended, authorised or registered safe use of plant protection products under actual conditions at any stage of production, storage, transport, distribution and processing of food and feed;	(a) "good agricultural practice" (GAP): means the nationally recommended, authorised or registered safe use of plant protection products under actual conditions at any stage of production, storage, transport, distribution and processing of food and feed. ***It also implies the application of the principles of integrated pest control in a given climate zone, as well as using the minimum quantity of pesticides and setting MRLs/temporary MRLs at the lowest level which allows the desired effect to be***

	obtained;

Justification

As stated in the first reading, integrated pest control is part of the definition of good agricultural practice as stated in 91/414/EEC.

Amendment 16
ARTICLE 3, PARAGRAPH 2, POINT (D)

(d) "Maximum Residue Level" (MRL): means the upper legal level of concentration for a pesticide residue in or on food or feed;	(d) "Maximum Residue Level" (MRL): means the upper legal level of concentration for a pesticide residue in or on food or feed ***based on the best available agricultural methods of crop protection, i.e. integrated pest control in a given climate zone, and the lowest consumer exposure necessary to protect all vulnerable consumers;***

Justification

Retabled amendment 21 from first reading.

Amendment 17
ARTICLE 3, PARAGRAPH 2, POINT G

(g) "import tolerance": means an MRL set for imported products where:	(g) "import tolerance": means an MRL set for imported products where:
– the use of the active substance in a plant protection product on a given product is not authorised in the Community; or	– the use of the active substance in a plant protection product on a given product is not authorised in the Community ***for reasons other than public health reasons for the specific product and specific use;*** or
– an existing Community MRL is not sufficient to meet the needs of international trade;	***– a different level is appropriate because the existing Community MRL was set for reasons other than public health reasons for the specific product and specific use;***

Justification

The Parliament's original text adapted the text to ensure that concerns over international trade overriding public health were addressed. The Council has reverted back to the original text. This is suggested as a compromise.

Amendment 18
ARTICLE 3, PARAGRAPH 2, POINT (I)

(i) "acute reference dose": means the estimate of the amount of substance in food, expressed on a body weight basis, that can be ingested over a short period of time, usually during one meal or one day, without appreciable health risk to the consumer on the basis of ***all known facts at the time of evaluation***;	(i) "acute reference dose": means the estimate of the amount of substance in food, expressed on a body weight basis, that can be ingested over a short period of time, usually during one meal or one day, without appreciable health risk to the consumer on the basis of ***the data produced by appropriate studies, and taking into account the known cumulative and synergistic effects of the different plant protection products, as well as the higher vulnerability of children and the unborn***;

Amendment 19
ARTICLE 3, PARAGRAPH 2, POINT (J)

(j) "acceptable daily intake": means the estimate of the amount of substance in food expressed on a body weight basis, that can be ingested daily over a lifetime, without appreciable ***health*** risk to ***the*** consumer on the basis of all known facts at the time of evaluation.	(j) "acceptable daily intake: means the estimate of the amount of substance in food***,*** expressed on a body weight basis, that can be ingested daily over a lifetime, without appreciable risk to ***any*** consumer on the basis of all known facts at the time of evaluation***, including known cumulative and synergistic effects of the different plant protection products, and taking into account the higher vulnerability of children and the unborn***.

Amendment 20
ARTICLE 6, PARAGRAPH 2

2. ***Parties demonstrating, through adequate evidence,*** a legitimate interest, including manufacturers, growers and producers of products covered by Annex I may also submit an application to a Member State in accordance with Article 7.	2. ***All parties with*** a legitimate interest ***in health and environment***, including ***civil society organisations as well as commercially interested parties such as*** manufacturers, growers***, importers*** and producers of products covered by Annex I may also submit an application to a Member State in accordance with Article 7.

Amendment 21
ARTICLE 7, PARAGRAPH 1, POINT (C)

(c) where appropriate, scientifically substantiated reasons for concern;	***(c) a complete overview of any concern raised in the scientific literature as well as an overview of the last ten years of scientific peer-reviewed literature about the plant protection product and/or its residue;***

Justification

Reinstatement of amendment 33 adopted at first reading, slightly modified in order to take into account Council's concerns about the capacities of EFSA.. If a concern is present for the plant protection product and/or its residue in the scientific literature the applicant for an MRL has to make a complete overview of the concerns raised. It should be the task of the applicant, not of EFSA, to provide the relevant scientific literature on the product. If the applicant fails to do so, this should be a reason for a denial of the application.

Amendment 22
ARTICLE 7, PARAGRAPH 2

2. The evaluating Member State may, where appropriate, request the applicant to provide supplementary information in addition to information required under paragraph 1 within a time limit specified by the Member State.	2. The evaluating Member State may, where appropriate, request the applicant to provide supplementary information in addition to information required under paragraph 1 within a time limit specified by the Member State. ***In no event may this period exceed two years.***

Justification

Reinstatement of amendment 34 carried at first reading. A time limit specified by the Member State will lead to too much confusion and uneven standards. This time period allows producers enough time to acquire data, but protects the public in cases where the relevant authority sees a significant danger.

Amendment 23
ARTICLE 11, PARAGRAPH 2 A (new)

	2a. In exceptional cases where more detailed evaluations need to be carried out, the time limit laid down in paragraph 1

	may be extended to six months from the date of receipt of the valid application.

Justification

A time limit of three months has been accepted by the EFSA. However, when dealing with accession countries' applications the scientific research available on certain pesticides may not be enough for the EFSA to make a justified decision in the time span of three months.

Amendment 24
ARTICLE 13, PARAGRAPH 1

Any decision taken under, or failure to exercise, the powers vested in the Authority by this Regulation may be reviewed by the Commission ***on its own initiative or*** in response to a request from a Member State or from any person directly and individually concerned.	Any decision taken under, or failure to exercise, the powers vested in the Authority by this Regulation may be reviewed by the Commission in response to a request from a Member State or from any person directly and individually concerned.

Justification

Should the Authority fail in its duties, there is possibility of redress from Member State or person affected by it, it is not necessary for the Commission to be able to review procedures on its own imitative, and question the Authority's independence.

Amendment 25
ARTICLE 14, PARAGRAPH 2, POINT (B)

(b) the possible presence of pesticide residues arising from sources other than current plant protection uses of active substances;	(b) the possible presence of pesticide residues arising from sources other than current plant protection uses of active substances***, and their known cumulative and synergistic effects***;

Justification

Reinstatement of amendment 43 carried at first reading. Where scientifically proven cumulative and synergistic effects are established, these should be taken into account.

Amendment 26
ARTICLE 14, PARAGRAPH 2, POINT (C)

(c) the results of an assessment of any potential risks to ***the consumer*** and, where appropriate, to animals;	(c) the results of an assessment of any potential risks to ***consumers with the highest intake (including exposure to sources other than food) and highest vulnerability*** and, where appropriate, to animals;

Amendment 27
ARTICLE 16, PARAGRAPH 1, POINT (B)

(b) where the products concerned constitute a minor component of the diet of consumers and, where relevant, of animals; or	(b) where the products concerned constitute a minor component of the diet of consumers***, and do not constitute a major part of the diet of any subgroups,*** and, where relevant, of animals; or

Justification

Reinstatement of amendment 50 carried at first reading. It is important to ensure that all consumers have protection, including sub groups which may consume more of particular products.

Amendment 28
ARTICLE 16, PARAGRAPH 1, POINT (C)

(c) for honey; or	(c) for honey ***and herbal infusions, where pesticide residues can be set for the complete product on the basis of monitoring data and taking into account a reasoned opinion of the Authority in accordance with the procedure referred to in Article 45(2)***; or

Justification

Reinstatement of amendment 52 carried at first reading. Herbal infusions can contain as many as 200 minor ingredients, many of which are difficult to attain data for. This is why in Parliament's original report they were granted a separate category. This amendment ensures that a composite figure can be attained, to attain consumer safety and efficacy.

Amendment 29
ARTICLE 16, PARAGRAPH 1, POINT (D A) (new)

	(da) where new products, product groups and/or parts of products have been included in Annex I, and one or more Member States so request, in order to allow any scientific studies necessary for supporting an MRL to be undertaken and evaluated, provided that no unacceptable safety concerns for the consumer have been identified.

Justification

Article 4(2) of the Common Position provides for adding new commodities to Annex I, which was not present in the Commission's proposal (Article 17). The Common Position does not, however, provide adequate transitional arrangements. It is appropriate to include such arrangements in Article 16, dealing with circumstances in which temporary MRLs may be set. MRLs are based on data from specific trials, which normally take place over two growing seasons and are then evaluated by the regulatory authority. These data are unlikely to be available for products which have not previously required MRLs; instead, pesticides are authorised for use on these crops on the basis of more general safety data. If products were included in Annex I without allowing time for data from specific MRLs trials to be generated and evaluated, their MRLs would be set to the default value (effectively zero). Consequently, existing authorised uses of pesticides on them would have to be withdrawn, even though they were safe for consumers.

Amendment 30
ARTICLE 16, PARAGRAPH 2, SUBPARAGRAPH 3

The MRLs referred to in paragraph 1(d) shall be re-assessed at the expiry of the period for which the essential use was authorised.	The MRLs referred to in paragraph 1(d) shall be re-assessed at the expiry of the period for which the essential use was authorised. ***The MRLs referred to in paragraph 1(da) shall be re-assessed when the scientific studies have been completed and evaluated, but no later than four years after their inclusion in Annex III.***

Justification

Article 4(2) of the Common Position provides for adding new commodities to Annex I, which was not present in the Commission's proposal (Article 17). The Common Position does not, however, provide adequate transitional arrangements. It is appropriate to include such arrangements in Article 16, dealing with circumstances in which temporary MRLs may be set. MRLs are based on data from specific trials, which normally take place over two growing seasons and are then evaluated by the regulatory authority. These data are unlikely to be available for products which have not previously required MRLs; instead, pesticides are

authorised for use on these crops on the basis of more general safety data. If products were included in Annex I without allowing time for data from specific MRLs trials to be generated and evaluated, their MRLs would be set to the default value (effectively zero). Consequently, existing authorised uses of pesticides on them would have to be withdrawn, even though they were safe for consumers.

Amendment 31
ARTICLE 22, PARAGRAPH 2 A (new)

	2a. Temporary MRLs shall be set at the lowest level that can be achieved in all Member States on the basis of good agricultural practice and respecting the principles of integrated pest control.

Justification

Reinstatement of amendment 49 adopted at first reading. The Precautionary Principle shall be applied and temporary MRLs be set at the lowest reasonable value.

Amendment 32
ARTICLE 24, PARAGRAPH 1, INTRODUCTORY PHRASE

1. ***At the request of the Commission, the*** Authority shall provide a reasoned opinion to the Commission on potential risks to consumer health arising from:	1. ***The*** Authority shall provide a reasoned opinion to the Commission on potential risks to consumer health arising from:

Justification

The autonomy of the Authority in drawing up its opinion needs to be guaranteed. This does, however, not prejudice the Commission's right to ask it to draw up opinions.

Amendment 33
ARTICLE 25

Taking into account the opinion of the Authority, if such opinion is requested, temporary MRLs for active substances referred to in Article 23 may be set and listed in Annex III pursuant to	Taking into account the opinion of the Authority, if such opinion is requested, temporary MRLs for active substances referred to in Article 23 may be set and listed in Annex III pursuant to

Article 22(1) or, as appropriate, the active substance may be included in Annex IV pursuant to Article 5(1).	Article 22(1) or, as appropriate, the active substance may be included in Annex IV pursuant to Article 5(1). ***Temporary MRLs shall be set at the lowest level that can be achieved in all Member States on the basis of good agricultural practice.***

Justification

Reinstatement of amendment 49 carried at first reading. It is important to state that temporary MRLs shall be based on good agricultural practice.

Amendment 34
ARTICLE 26, PARAGRAPH 2

2. Such controls on pesticide residues shall, in particular, consist of sampling and subsequent analysis of the samples and identification of the pesticides present and their respective residue levels.	2. Such controls on pesticide residues shall, in particular, consist of sampling and subsequent analysis of the samples and identification of the pesticides present and their respective residue levels. ***This monitoring shall be done in particular at the point of supply to the consumer.***

Justification

Reinstatement of amendment 54 carried at first reading. It is important that residues are monitored at the point of supply to the consumer.

Amendment 35
ARTICLE 30, PARAGRAPH 3

3. Member States shall participate in the Community Control Programme as provided for in Article 29.	3. Member States shall participate in the Community Control Programme as provided for in Article 29. ***They shall, on a quarterly basis, publish all results of national residue monitoring on the internet. Where MRLs are exceeded, Member States may name the retailers, traders or producers concerned.***

Justification

Reinstatement of amendment 59 carried at first reading. Transparency for consumers is important. They should be given the possibility to make a reasoned choice for a product, also

based on the presence of residues and the compliance with the Regulation. This quarterly publication of residues is already being practised in the UK.

Amendment 36
ARTICLE 35

Articles 53 and 54 of Regulation (EC) 178/2002 shall apply where, as a result of new information or of a reassessment of existing information, pesticide residues or MRLs covered by this Regulation may endanger human or animal health requiring immediate action.	Articles 53 and 54 of Regulation (EC) *No* 178/2002 shall apply where, as a result of new information or of a reassessment of existing information, pesticide residues or MRLs covered by this Regulation may endanger human or animal health requiring immediate action. ***The time limit within which the Commission must take its decision shall be reduced to seven days in the case of fresh produce.***

Justification

Reinstatement of amendment 61 carried at first reading. It is not appropriate for one time period to be set for fresh and dried produce – fresh produce will not stay fit for consumption over ten days.

EXPLANATORY STATEMENT

It is pleasing to see the work the Council has done on the document, and it appears a far more workable document than the original Commission proposal. The proposal is better designed, and easier to follow, and it appears a workable legislative document. Particularly welcome is the simplification of the applications procedure, which defines the roles of Member States, EFSA and the Commission far more clearly. The Council also deals with the problem of temporary MRLs far more cogently. It is pleasing to note that the timetable set up for the annexes in the regulation, as adopted by Parliament in its first reading, has been taking on board in the Council's common position, as well as the consideration shown to "essential use" products.

However, the Council's position neglects public health perceptions. Whilst the legislation deals with MRLs which are trading standards, based on good agricultural practice, rather than public health standards, there is confusion over MRLs and pesticides in general, and this should be addressed in the legislation. To this end, we should especially cover situations where MRLs are exceeded, by naming and shaming. It should also be ensured that there are common standards for reporting of MRLs and monitoring at the point of supply. We should ensure that subgroups which may consume more of a certain type of product are fully protected. Also important are ensuring high standards for imports. Import tolerances are an essential part of trade, and are needed for products that are not utilised in the EU for reasons of cost efficacy. In addition to these concerns, amendments are suggested to enhance the smooth running of the legislation. These cover a maximum period of two years, when extra information is requested, a shortening of the period required for decisions on emergency procedures on fresh produce, and a sensible view on herbal infusions, which should have separate assessment due to their many component parts.

PROCEDURE

Title	Council common position for adopting 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
References	9262/1/2004 – C6-0110/2004 – 2003/0052(COD)
Legal basis	Articles 251(2) and 152(4) (b) EC
Basis in Rules of Procedure	Rule 62
Date of Parliament's first reading – P5	6.4.2004 P5_TA(2004)0299
Commission proposal	COM(2003)0117 – C5-0108/2003
Amended Commission proposal	COM(2004)0587
Date receipt of common position announced in plenary	16.9.2004
Committee responsible Date announced in plenary	Committee on the Environment, Public Health and Consumer Policy 15.9.2004
Rapporteur(s) Date appointed	Robert William Sturdy 20.9.2004
Previous rapporteur(s)	Robert William Sturdy
Discussed in committee	25.10.2004
Date adopted	24.11.2004
Result of final vote	for: 56 against: 0 abstentions: 5
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Irena Belohorská, Johannes (Hans) Blokland, John Bowis, Frederika Brepoels, Hiltrud Breyer, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Jillian Evans, Anne Ferreira, Karl-Heinz Florenz, Alessandro Foglietta, Françoise Grossetête, Satu Hassi, Gyula Hegyi, Mary Honeyball, Caroline F. Jackson, Dan Jørgensen, Christa Klaß, Holger Krahmer, Urszula Krupa, Aldis Kušķis, Peter Liese, Jules Maaten, Linda McAvan, Marios Matsakis, Roberto Musacchio, Riitta Myller, Péter Olajos, Dimitrios Papadimoulis, Adriana Poli Bortone, Vittorio Prodi, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Richard Seeber, Kathy Sinnott, Jonas Sjöstedt, María Sornosa Martínez, Thomas Ulmer, Anja Weisgerber, Åsa Westlund
Substitutes present for the final vote	Margrete Auken, María del Pilar Ayuso González, Giovanni Berlinguer, David Casa, Lena Ek, Milan Gaľa, Jutta D. Haug, Erna Hennicot-Schoepges, Miroslav Mikolášik, Ria Oomen-Ruijten, Matteo Salvini, Pál Schmitt, Bart Staes, Robert William Sturdy
Substitutes under Rule 178(2) present for the final vote	Nikolaos Vakalis
Date tabled – A6	30.11.2004 A6-0049/2004
Comments	...