



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Required Report - Public distribution

Date: 5/23/2008

GAIN Report Number: E48060

EU-27

Agricultural Situation

EU Council stalls pesticide review

2008

Approved by:

Debra Henke

U.S. Mission to the EU

Prepared by:

Tania De Belder

Report Highlights:

No political agreement was reached at the May Agricultural Council on the Draft proposal for the new Plant Protection Products (PPPs) authorization rules, which will replace the existing legislation Council Directive 91/414/EEC. Due a late change of position by France and a slightly ambiguous position from the Commission on new rules for pesticide authorizations a possible political agreement was put off. The Council instructed the Permanent Representatives Committee to find a solution to the outstanding issues, with a view to reaching a political agreement on a common position in June. The main aim of the new proposal is to facilitate the current approval and authorization procedures and to increase harmonization while maintaining a high level of protection for humans, animals and the environment.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Brussels USEU [BE2]
[E4]

No political agreement on EU Regulation regarding Plant Protection Products (PPPs)

The EU is developing a new Regulation regarding the marketing and use of Plant Protection Products (PPPs). The initial Commission proposal for this new legislation was submitted to the Council and the European Parliament in July 2006. The European Parliament completed its first reading in October 2007, and the Commission issued an amended proposal on March 11, 2008. The Council was expected to produce a common position at either the Council of May or June 2008, but no political agreement was reached at the Council last Monday on the Draft proposal. The Council therefore instructed the Permanent Representatives Committee to find a solution to the outstanding issues in order to reach a political agreement on a common position in June. If they fail to secure political agreement in Luxembourg next month, the whole "pesticide package" could be delayed for a further 2-3 years.

What happened?

The Slovenian Presidency presented a compromise paper at the beginning of this month and the proposed cut-off criteria were positively received by most of the Member States, which meant a step forward to a political agreement at this month's Council. Although this compromise paper was more in line with the original Commission proposal, the Commission had reservations on certain aspects of the paper. As the Commission refused to support the compromise, political agreement would have required unanimity of all the Member States. The only Member State that seemed to be firmly against the Presidency compromise was the UK (UK had concerns about reductions in wheat yields by potential loss of triazoles), but at the last moment France announced that it could no longer support the Presidency compromise and therefore blocked any chance of political agreement on last Monday's Council meeting.

Outstanding issues

The proposal is intended to replace the existing legislation in this area, [Council Directive 91/414/EEC](#). The main aim of the proposal is to facilitate the current approval and authorization procedures and to increase harmonization while maintaining a high level of protection for humans, animals and the environment.

The main outstanding issue in this Commission proposal is the establishment of approval criteria that are based on hazard identification rather than risk assessment, or so called 'cut-off criteria'. This hazard-based approach does not take any levels of exposure into account. The general concern of some of the Member States and the EU crop protection industry is that this would lead to a large reduction in crop protection solutions, with less products being authorized and for only a limited number of applications. It would also have an effect on producers outside the EU, since it would force them to either abandon the EU market or switch to other substances in order to ensure their marketing opportunities. The Presidency compromise paper suggested a change in classification as well as the introduction of a mechanism to classify risk in terms of both human and animal criteria.

The other main outstanding issues were namely the mutual recognition of authorizations for plant protection products and data protection. The proposal suggested the definition of three geographical zones for the authorization of PPPs and the compulsory mutual recognition of authorizations in Member States belonging to the same zone. The compromise attempts to make the authorization process more relevant to other characteristics, such as climatic conditions, soil types, crops cultivated, etc. The Presidency also agreed to review the situation five years after the entry into force of the new Regulation.

Regarding the data protection, the proposal suggested detailed and simplified rules on data protection and transparency. A 10-year protection period should be a sufficient incentive for

manufacturers according to the Commission. The issue of data protection remains difficult with many Member States seeking a longer protection period than these 10 years (or 12 years for low level risk products).

Ongoing review of current Directive 91/414

The current Directive 91/414, on the marketing and use of PPPs is still under review. Active substances are being reviewed and can only be used in PPPs when they are included in a positive EU list. Once a substance is included in the positive list, the use of products containing them can be authorized.

The ongoing review of active substances under [Council Directive 91/414/EEC](#) has already moved EU policy in the direction of the newly proposed legislation. Lower reference values used in an extremely conservative dietary risk assessment result in overestimated exposure levels. This is reflected in the new harmonized EU Maximum Residue Limits (MRLs). The Commission conducted a harmonization of all MRLs within the EU, and these EU-MRLs will be fully applicable as of September 2008. These new MRLs might disrupt trade with countries that use the PPPs in question if they are significantly lower than they used to be. Exporting countries may have difficulties in achieving these new MRLs and other standards produced by the new legislation.

Note:

- This draft proposal will also repeal Council Directive 79/117/EEC prohibiting the placing on the market and use of plant protection products containing certain active substances.
- The Council did adopt on Monday the common position on the framework directive concerning sustainable use of pesticides, which was developed in parallel.

Visit our website: our website useu.usmission.gov/agri/usda.html provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. More information on pesticides and contaminants can be found at <http://useu.usmission.gov/agri/pesticides.html>. E-mail: AgUSEUbrussels@usda.gov

Related reports on pesticides and MRLs from USEU Brussels:

Report Number	Title	Date Released
E48007	The EU harmonization of MRLs: update	01/17/08
E47072	Pesticides update: draft temporary MRL list published - 2007	8/17/07
E36149	UPDATE ON EU PESTICIDE MRLS	12/21/06
E36054	Update on the EU Pesticide MRL Harmonization	04/04/06
E35016	EU Pesticide MRLs Harmonized Shortly	02/03/05

These reports can be accessed through our website useu.usmission.gov/agri or through the FAS website <http://www.fas.usda.gov/scripts/attacherep/default.asp>.