

**UDENRIGSMINISTERIET**

**EUROPAUDVALGET**

Alm. del - bilag 691 (offentligt)

Medlemmerne af Folketingets Europaudvalg  
og deres stedfortrædere

Asiatisk Plads 2  
DK-1448 København K  
Tel. +45 33 92 00 00  
Fax +45 32 54 05 33  
E-mail: um@um.dk  
Telex 31292 ETR DK  
Telegr. adr. Etrangeres  
Girokonto 300-1806



Bilag  
1

Journalnummer  
400.C.2-0

Kontor  
EU-sekr.

10. marts 2003

**KOMITÉSAG**

Til underretning for Folketingets Europaudvalg vedlægges Fødevareministeriets notater om forslag til Kommissionens direktiv om ændring af bilagene til Rådets direktiv 76/895/EØF, 86/362/EØF og 90/642/EØF om fastsættelse af maksimalgrænseværdier for indholdet af pesticidrester i og på korn, levnedsmidler af animalsk oprindelse og visse produkter af vegetabilsk oprindelse, herunder frugt og grøntsager, dokument SANCO/10022/2003.

Forslaget er sat til afstemning på næste møde i Den Stående Komité for Fødevarekæden og Dyresundhed den 11.-12. marts 2003.

Ministeriet for Fødevarer, Landbrug og Fiskeri

6. kontor

J.nr.: 2002-20-221-00431

Den 6. marts 2003

JHC

FVM 024

MODTAGET I UDENRIGSMINISTERIET/EU-SEKRETARIATET

DEN 10. marts 2003

NOTAT TIL FOLKETINGETS EUROPAUDVALG

om forslag til Kommissionens direktiv om ændring af bilagene til Rådets direktiv 76/895/EØF, 86/362/EØF, 86/363/EØF og 90/642/EØF om fastsættelse af maksimalgrænseværdier for indholdet af pesticidrester i og på korn, levnedsmidler af animalsk oprindelse og visse produkter af vegetabilsk oprindelse, herunder frugt og grøntsager.

Dokument SANCO/10022/2003

Forslaget er på den foreløbige dagsorden sat til afstemning for næste møde i Den Stående Komité for Fødevarekæden og Dyresundhed den 11.-12. marts 2003.

Forslaget behandles i en III b-procedure i Den Stående Komité for Fødevarekæden og Dyresundhed. Hvis der er kvalificeret flertal, udsteder Kommissionen direktivet. Opnås der ikke kvalificeret flertal, forelægger Kommissionen sagen for Rådet, der kan forkaste forslaget med simpelt flertal eller kan vedtage forslaget uændret med kvalificeret flertal eller ændre det med enstemmighed. Handler Rådet ikke inden en frist på højst tre måneder, kan Kommissionen udstede direktivet.

Kommissionen har med forslaget fremsat forslag til fastsættelse af EU-maksimalgrænseværdier for fem pesticidrester. Grænseværdierne fastsættes alle til den laveste analytiske bestemmelsesgrænse (LOD).

En vedtagelse af forslaget skønnes at hæve beskyttelsesniveauet, idet eksisterende grænseværdier reduceres og nye grænseværdier fastsættes.

En risikovurdering af forslagens grænseværdier foretaget af Fødevaredirektoratet på baggrund af den danske kostmodel og gennemført efter de retningslinier, der anbefales af WHO, viser, at der ikke er sundhedsmæssige problemer. En vedtagelse vil således hæve det danske beskyttelsesniveau.

Regeringen agter på den baggrund, at tilslutte sig forslaget.

**Ministeriet for Fødevarer, Landbrug og Fiskeri**

Fødevaredirektoratet, FA2

J.nr.: 2002-20-221-00431

Den 6. marts 2003

HFB/FA2

JHC/dep. 6. kontor

FVM 024

**AKTUELT NOTAT**

om forslag til Kommissionens direktiv om ændring af bilagene til Rådets direktiv 76/895/EØF, 86/362/EØF, 86/363/EØF og 90/642/EØF om fastsættelse af maksimalgrænseværdier for indholdet af pesticidrester i og på korn, levnedsmidler af animalsk oprindelse og visse produkter af vegetabilsk oprindelse, herunder frugt og grøntsager.

**Dokument SANCO/10022/2003**

**Baggrund**

Kommissionen har ved SANCO/10022/2003 fremsat forslag til fastsættelse af EU-maksimalgrænseværdier for fem pesticidrester.

Forslaget er fremsat med hjemmel i:

- Artikel 10 i Rådets direktiv 86/362/EØF om fastsættelse af maksimalgrænseværdier for indholdet af pesticidrester i og på korn.
- Artikel 10 i Rådets direktiv 86/363/EØF om fastsættelse af maksimalgrænseværdier for indholdet af pesticidrester i og på levnedsmidler af animalsk oprindelse.
- Artikel 7 i Rådets direktiv 90/642/EØF om fastsættelse af maksimalgrænseværdier for pesticidrester på og i visse produkter af vegetabilsk oprindelse, herunder frugt og grøntsager.

Forslaget behandles i en III b-procedure i Den Stående Komité for Fødevarekæden og Dyrer sundhed. Hvis der er kvalificeret flertal, udsteder Kommissionen direktivet. Opnås der ikke

kvalificeret flertal, forelægger Kommissionen sagen for Rådet, der kan forkaste forslaget med simpelt flertal eller kan vedtage forslaget uændret med kvalificeret flertal eller ændre det med enstemmighed. Handler Rådet ikke inden en frist på højst tre måneder, kan Kommissionen udstede direktivet.

Forslaget er på den foreløbige dagsorden sat til afstemning for næste møde i Den Stående Komité for Fødevarer og Dyresundhed den 11.-12. marts 2003.

### **Nærheds- og proportionalitetsprincippet**

Der redegøres ikke nærmere for nærheds- og proportionalitetsprincippet, da der er tale om gennemførelsesbestemmelser til allerede vedtagne retsakter.

### **Formål og indhold**

Forslaget er en del af EU's pesticidprogram, der om nogle år skal munde ud i en fuldstændig regulering af samtlige pesticider i Fællesskabet.

EU's pesticidprogram indebærer, at alle pesticider med tiden vil blive sundheds- og miljø-mæssigt vurderet efter ens kriterier, ligesom der i alle medlemslande vil gælde fælles grænseværdier for det maksimalt tilladte restindhold af pesticider i fødevarer. Der vil blive foretaget en grundig vurdering af sikkerheden for restindholdet af hvert enkelt pesticid i hver enkelt fødevarergruppe. Der vil blive opstillet en positivliste over de pesticider, som medlemsstaterne må godkende til anvendelse på deres område. Kommissionen vil harmonisere grænseværdier for rester af pesticider, der ikke kan optages på positivlisten eller er forbudt anvendt i EU, som konsekvens af tidligere beslutninger i henhold til Rådets direktiv 79/117/EØF om forbud mod markedsføring og anvendelse af plantebeskyttelsesmidler indeholdende visse virksomme stoffer.

Kommissionen foreslår som et led i denne proces fastsættelse af grænseværdier for rester i fødevarer af benomyl, acephat, metalaxyl, parathionmethyl og azafenidin, da pesticiderne ikke kan optages på positivlisten af direktiv 91/414 om markedsføring af plantebeskyttelsesmidler. Grænseværdierne fastsættes alle til den laveste analytiske bestemmelsesgrænse (LOD).

De grænseværdier for restindhold, som fastsættes, optages i bilagene til følgende direktiver:

- Rådets direktiv 90/642 – vegetabiliske produkter, herunder frugt og grøntsager
- Rådets direktiv 86/362 – korn og kornprodukter
- Rådets direktiv 86/363 – animalske produkter (restindhold fra fodermidler)

### **Udtalelser**

Europa-Parlamentet skal ikke udtale sig om forslaget.

### **Gældende dansk ret**

Der er fastsat EU grænseværdier for benomyl, acephat, metalaxyl og parathionmethyl på et højere niveau end LOD for alle fødevaregrupper i pesticidbekendtgørelsen.

### **Konsekvenser**

En vedtagelse af forslaget skønnes at hæve beskyttelsesniveauet, idet eksisterende grænseværdier reduceres og nye grænseværdier fastsættes.

Vedtages forslaget, kan det implementeres ved ændring af pesticidbekendtgørelsen.

Forslaget har ingen statsfinansielle eller samfundsøkonomiske konsekvenser.

### **Høring**

Forslaget har været sendt i høring i en række organisationer og offentlige myndigheder i henhold til fødevarelovens § 6 samt været i høring i §2-udvalget.

COOP Danmark A/S finder det glædeligt at samtlige stoffer i alle varegrupper sættes til den analytiske bestemmelsesgrænse.

Specialarbejderforbundet i Danmark har bemærket, at man er af den opfattelse, at der i alle former for fødevarer og foderstoffer ikke må forefindes nogle former for pesticidrester. Man anbefaler derfor, at der arbejdes for, at der ikke forefindes pesticidrester i fødevarer eller, men hvis dette ikke er muligt, at restindholdet er så lavt som muligt.

Fødevarerindustrien i Dansk Industri har bemærket, at man er positiv overfor, at der med forslaget sker en sundhedsmæssig vurdering af pesticiderne.

#### **Tidligere forelæggelse for Folketingets Europaudvalg**

Forslaget har ikke tidligere være forelagt Folketingets Europaudvalg.



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.1.2003  
SANCO/10022/2003

COMMISSION DIRECTIVE ..../EC

Of .././2003

**amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for certain pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables.**

(text with EEA relevance)

EN

COMMISSION DIRECTIVE ..../EC

Of ..../2003

**amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for certain pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables.**

**(text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals<sup>1</sup>, as last amended by Commission Directive 2002/100/EC<sup>2</sup>, and in particular Article 10 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin<sup>3</sup>, as last amended by Directive 2002/97/EC, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables<sup>4</sup>, as last amended by Directive 2002/100/EC, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market<sup>5</sup>, as last amended by Commission Directive 2003/5/EC<sup>6</sup>, and in particular Article 4(1)(f) thereof,

WHEREAS:

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<sup>1</sup> OJ L221, 7.8.1986, p. 37.

<sup>2</sup> OJ L291, 28.10.2002, p. 1

<sup>3</sup> OJ N° L221, 7.8.1986, p. 43

<sup>4</sup> OJ L350, 14.12.1990, p. 71.

<sup>5</sup> OJ L230, 19.8.1991, p. 1.

<sup>6</sup> OJ L276, 12.10.2002, p. 28



- (1) For the existing active substances benomyl, acephate, metalaxyl and parathion- methyl and the new active substance, azafenidin, decisions were taken not to include them in Annex I to Directive 91/414/EEC by Commission Decision 2002/928/EC<sup>7</sup>, <sup>8</sup>..., , 2002/./EC<sup>9</sup> and 2002/949/EC respectively. These Decisions provided that plant protection products containing these active substances shall no longer be authorised for use in the Community. It is therefore necessary to add all of the pesticide residues arising from use of these plant protection products to the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer.
- (2) In order to allow legitimate expectations to be fulfilled for existing stocks of pesticides to be used, the Commission non-inclusion Decisions allowed a phasing out period, and it is appropriate that MRLs premised on the notion that use of the substance concerned is not authorised in the Community, should not apply until the end of the phasing out period applying to that substance.
- (3) Community MRLs and the levels recommended by the Codex Alimentarius are fixed and evaluated following similar procedures. There are a limited number of Codex MRLs for acephate, metalaxyl and parathion-methyl. These have been considered in the setting of the MRLs fixed in this Directive. Codex MRLs that will be recommended for withdrawal in the near future were not taken into account. The MRLs based on Codex MRLs having been evaluated in the light of the risks for the consumers, no risk was established when using the toxicological end points based on the studies available to the Commission.
- (4) With respect to the exclusion from Annex I to Directive 91/414/EEC of the active substances concerned, the related technical and scientific evaluations were finalised in the form of Commission review reports. The assessment reports for the substances mentioned were finalised on the dates as mentioned in the Commission Directives cited under (4). These reports fixed the Acceptable Daily Intake (ADI) and if necessary, the Acute Reference Dose (ARfD) for the substances concerned. The lifetime exposure of consumers of food products treated with the active substance concerned has been assessed and evaluated in accordance with Community procedures. Account has also been taken of guidelines published by the World Health Organisation<sup>10</sup> and the opinion of the Scientific Committee for Plants<sup>11</sup> on the methodology employed. It is concluded that MRLs proposed will not lead to those ADIs or ARfD being exceeded.
- (5) In order to ensure that the consumer is adequately protected from exposure to residues resulting from unauthorised uses of plant protection products, provisional MRLs should be set for the relevant product/pesticide combinations\_ at the lower limit of analytical determination.

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<sup>7</sup> OJ L249, 19.9.2001, p. 19.

<sup>8</sup> OJ L164, 22.6.2002, p. 41.

<sup>9</sup> OJ L164, 22.6.2002, p. 43

<sup>10</sup> Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7)

<sup>11</sup> Opinion of the Scientific Committee on Plants regarding questions relating to amending the annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC (Opinion expressed by the Scientific Committee on Plants, 14 July 1998) ([http://europa.eu.int/comm/food/fs/sc/index\\_en.html](http://europa.eu.int/comm/food/fs/sc/index_en.html))

- (6) The setting at Community level of such provisional MRLs does not prevent the Member States from establishing provisional MRLs for the substances in this Directive in accordance with Article 4(1)(f) of Directive 91/414/EEC and Annex VI thereto. It is considered that a period of four years is sufficient to permit further uses of the active substance concerned. The provisional MRL should then become definitive.
- (7) It is therefore necessary to add all of the pesticide residues arising from use of these plant protection products to the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC to allow for proper surveillance and control of the prohibition of their uses and to protect the consumer. The Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC should therefore be amended accordingly.
- (8) This Directive is in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The maximum pesticide residue level as shown in Annex I to this Directive are added to Part A of Annex II to Directive 86/362/EEC:

“

Pesticide residue	Maximum level in mg/kg
benomyl	0.05*(p) cereals
acephate	0.05*(p) cereals
metalaxyl	0.05*(p) cereals
parathion- methyl	0.05*(p) cereals
.azafenidin	0.05*(p) cereals

\* indicates lower limit of analytical determination

(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC : unless amended, this level will become definitive with effect from 4 years from date of coming into force of this Directive “

*Article 2*

The maximum pesticide residue levels as shown in Annex II and III to this Directive are added to Annex II A and B to Directive 86/363/EEC.

“

Pesticide residue	Maximum level (mg/kg)		
	Of meat, including fat, preparations of meat, offals and animal fats as listed in Annex I within CN code Nos. 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	For milk and milk products listed in Annex 1 within CN code Nos. 0401, 0402, 0405 00 and 0406	Of shelled fresh eggs, for bird's eggs and egg yolks listed in Annex 1 within CN code Nos. 0407 00 and 0408
benomyl	0.05*(p)	0.05*(p)	0.05*(p)
acephate	0.05*(p)	0.05*(p)	0.05*(p)
metalaxyl	0.05*(p)	0.05*(p)	0.05*(p)
parathion- methyl	0.05*(p)	0.05*(p)	0.05*(p)
azafenidin	0.05*(p)	0.05*(p)	0.05*(p)

(\*) Indicates lower limit of analytical determination

(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 4 years from date of coming into force of this Directive “.

#### *Article 3*

The maximum pesticide residue levels as shown in Annex IV to this Directive are added to Annex II to Directive 90/642/EEC.

#### *Article 4*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2003 at the latest. They shall forthwith inform the Commission thereof.

They shall apply these provisions with effect from 1 July 2003.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

#### *Article 5*

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Communities

#### *Article 6*

This Directive is addressed to the Member States.

Done at Brussels,

*For the Commission*

*Member of the Commission*

ANNEX

Groups and examples of individual products to which the MRLs apply	Pesticide residue and maximum residue levels (mg/kg)				
	Benomyl(D)	Acephate(I)	Metalaxyl(P)	parathion-methyl(I)	Azafenidin(E)
<b>1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts</b>	0.05*(p)	0.05*(p)	0.05*(p)	0.05*(p)	0.05*(p)
<b>(i) CITRUS FRUIT</b>					
Grapefruit					
Lemons					
Limes					
Mandarins (including clementines and other hybrids)					
Oranges					
Pomelos					
Others					
<b>(ii) TREE NUTS (shelled or unshelled)</b>					
Almonds					
Brazil nuts					
Cashew nuts					
Chestnuts					
Coconuts					
Hazelnuts					
Macadamia					
Pecans					
Pine nuts					
Pistachios					
Walnuts					

Others					
<b>(iii) POME FRUIT</b>					
Apples					
Pears					
Quinces					
Others					
<b>(iv) STONE FRUIT</b>					
Apricots					
Cherries					
Peaches (including nectarines and similar hybrids)					
Plums					
Others					
<b>(v) BERRIES AND SMALL FRUIT</b>					
<b>(a) Table and wine grapes</b>					
Table grapes					
Wine grapes					
<b>(b) Strawberries (other than wild)</b>					
<b>(c) Cane fruit (other than wild)</b>					
Blackberries					
Dewberries					
Loganberries					
Raspberries					
Others					
<b>(d) Other small fruit and berries (other than wild)</b>					
Bilberries					
Cranberries					
Currants (red, black and white)					
Gooseberries					

Others					
(e) Wild berries and wild fruit					
(vi) MISCELLANEOUS					
Avocados					
Bananas					
Dates					
Figs					
Kiwi					
Kumquats					
Litchis					
Mangoes					
Olives					
Passion fruit					
Pineapples					
Pomegranate					
Others					
<b>2. Vegetables, fresh or uncooked, frozen or dry</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>
<b>(i) ROOT AND TUBER VEGETABLES</b>					
Beetroot					
Carrots					
Celeriac					
Horseradish					
Jerusalem artichokes					
Parsnips					
Parsley root					
Radishes					
Salsify					
Sweet potatoes					

Swedes					
Turnips					
Yam					
Others					
<b>(ii) BULB VEGETABLES</b>					
Garlic					
Onions					
Shallots					
Spring onions					
Others					
<b>(iii) FRUITING VEGETABLES</b>					
<b>(a) Solanacea</b>					
Tomatoes					
Peppers					
Aubergines					
Others					
<b>(b) Cucurbits - edible peel</b>					
Cucumbers					
Gherkins					
Courgettes					
Others					
<b>(c) Cucurbits - inedible peel</b>					
Melons					
Squashes					
Watermelons					
Others					
<b>(d) Sweet corn</b>					
<b>(iv) BRASSICA VEGETABLES</b>					



(a) Flowering brassica					
Broccoli					
Cauliflower					
Others					
(b) Head brassica					
Brussels sprouts					
Head cabbage					
Others					
(c) Leafy brassica					
Chinese cabbage					
Kale					
Others					
(d) Kohlrabi					
<b>(v) LEAF VEGETABLES AND FRESH HERBS</b>					
(a) Lettuce & similar					
Cress					
Lamb's lettuce					
Lettuce					
Scarole					
Others					
(b) Spinach & similar					
Spinach					
Beet leaves (chard)					
Others					
(c) Water cress					
(d) Witloof					
(e) Herbs					
Chervil					

Chives					
Parsley					
Celery leaves					
Others					
<b>(vi) LEGUME VEGETABLES (fresh)</b>					
Beans (with pods)					
Beans (without pods)					
Peas (with pods)					
Peas (without pods)					
Others					
<b>(vii) STEM VEGETABLES (fresh)</b>					
Asparagus					
Cardoons					
Celery					
Fennel					
Globe artichokes					
Leek					
Rhubarb					
Others					
<b>(viii) FUNGI</b>					
(a) Cultivated mushrooms					
(b) Wild mushrooms					
<b>3. PULSES</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>
Beans					
Lentils					
Peas					
Others					
<b>4. OIL SEEDS</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>	<b>0.05*(p)</b>
Linseed					
Peanuts					

Poppy seeds					
Sesame seeds					
Sunflower seed					
Rape seed					
Soya bean					
Mustard seed					
Cotton seed					
Others					
<b>5. POTATOES</b>	0.05*(p)	0.05*(p)	0.05*(p)	0.05*(p)	0.05*(p)
Early potatoes					
Ware potatoes					
<b>6. TEA (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)</b>	0.1*(p)	0.1*(p)	0.1*(p)	0.1*(p)	0.1*(p)
<b>7. HOPS (dried), including hop pellets and unconcentrated powder</b>	0.1*(p)	0.1*(p)	0.1*(p)	0.1*(p)	0.1*(p)

(\* ) Indicates lower limit of analytical determination

(p) indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from 4 years from date of coming into force of this Directive “