Dear Anne,


We have a difficult political choice to make as either, on the one hand, the EP and EU farming Community or, on the other hand, third countries and several MS will be unhappy with our approach. This reflects the increasingly difficult task we are facing when setting MRLs on the basis of the current legislation.

I have read carefully your note and understand the reasons why you suggest option 2 in order to seek the support of a qualified majority of Member States. Nevertheless, I cannot give you Commissioner’s agreement for this option, since to our view, this would amount to lowering further our level of ambition in relation to the protection of public health. Cut-off criteria were established by the co-legislators as an acknowledgment that no risk assessment would need to be performed on such substances which are, based upon their classification, deemed too dangerous to be used on food. We could nevertheless reluctantly agree that new requests for import tolerance could be accepted and MRLs established on the basis of a risk assessment. To decide now that existing MRLs would remain in place is one significant step and would, in our view, contradict the level of human health protection of the EC Regulation no 1107/2009.

In addition, obtaining broader MS support if it means further antagonising the EP seems to no avail. As long as MRLs will be established through PRAC measures, the EP will have a right to object. And we have seen that the EP does not hesitate making use of this right. It is therefore essential to avoid a policy that would lead the EP to object to MRLs decisions and, I suspect, this would be the case with the option 2 you are suggesting.

I would encourage holding consultations with influential MEPs and perhaps organising a roundtable with MEPs at Commissioner level in the autumn, to have a debate on which policy to follow for MRLs. Should we find ourselves in a deadlock, I guess the only solution would be to propose changes to the MRLs legislation. In the light of this, I would welcome information on how many substances are concerned in the short term, namely how many MRLs decisions need to be taken before the end of the year in relation to substances not (re)approved because they fall under cut-off criteria.

In the meantime however, we prefer maintaining option 1 as our position.

Kind regards,

Arunas