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REFIT – Public Consultation on PPPs and MRLs Launched

Report Categories:
Agricultural Situation
SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports

Approved By:
Lisa Allen

Prepared By:
Tania De Belder

Report Highlights:
On November 13, 2017, the European Commission launched its public consultation (open until February 12, 2018) and stakeholder survey (open until December 31, 2017) on the REFIT evaluation of EU legislation on pesticides and pesticides residues. The public consultation aims to collect the views of citizens (EU and non-EU), stakeholders, and trading partners in order to identify the strengths and weaknesses of the legislation and the perceived level of protection of human and animal health and the environment.

General Information:

What is REFIT?
The Regulatory Fitness and Performance program (REFIT) is an ongoing program to keep the entire stock of EU legislation under review and ensure that it is 'fit for purpose'; that regulatory burdens are minimized and that all simplification options are identified and applied.
https://ec.europa.eu/food/plant/pesticides/refit_en

Evaluation of EU pesticide Legislation
Plant protection products (PPPs) and their Maximum Residue Levels (MRLs) are regulated in the EU by Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005. The regulations are included in the REFIT program of the European Commission and should be evaluated in order to assess if they meet the needs of citizens, businesses and public institutions in an efficient manner.

The objective of the evaluation is to perform an evidence-based assessment of the implementation of the PPP and MRL regulations and address synergies, gaps, inefficiencies and burdens in line with the objectives of the REFIT program. The evaluation process is constituted of different steps and should be finalized in the first half of 2019.

The Commission published a Roadmap on November 17, 2016, outlining the purpose, content and scope of this REFIT evaluation on EU legislation on PPPs and MRLs. An external study is planned as part of the evaluation and it was officially launched on July 3, 2017.

What is covered by this Ex-Post Evaluation?
The Commission refers to this ex-post evaluation as 'backward looking', which means that it covers the period of implementation of the Regulation (EC) No 1107/2009 and it includes the timeframe from the entry into force of Regulation (EC) No 1107/2009 in June 2011 until June 30, 2016 for PPPs. For pesticides residues, the evaluation shall encompass the timeframe starting from September 2008, when Regulation (EC) 396/2005 started to be fully applicable until June 30, 2016.

The overarching issues covered by the ex-post evaluation are:

- Application and impact of the approval criteria;
- Scope and definition of the Regulations;
- Authorizations of PPPs in Member States;
- Level of harmonization in implementation;

In addition, the evaluation will cover the implementation and functioning of Regulation (EC) No 1107/2009 with regard to areas for which difficulties have been identified (such as lack of harmonized implementation, high administrative burden, lack of clarity of the rules, difficulties to ensure compliance or enforcement or a need for adaptation to technical and scientific progress). This part will also consider the implementing rules setting out data requirements for substances and products, uniform principles for authorization of PPPs, labeling requirements for PPPs and outlining the procedures for the renewal of substances. The scope of the evaluation does not include the criteria for endocrine disrupting

properties, since these criteria are not yet established by the Commission.

For MRLs the evaluation will cover the implementation and functioning of Regulation (EC) No 396/2005. The overarching issues covered by the ex-post evaluation are:

- Scope and definitions of the Regulation;
- Consistency, relevance, and legal clarity of procedures;
- Provisions on MRLs;
- Adaptation to new concepts, technical and scientific progress;
- Consistency with other relevant food legislation;
- Comitology procedures;
- Potential gaps and areas not sufficiently covered by existing provisions.

Links, synergies, gaps and potential contradictions between Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005 will be evaluated. The procedures for MRL setting are currently not aligned with the procedures for approval of substances and product authorizations.

For maximum residue levels, the evaluation will address in particular

- Scope of Regulation (EC) No 396/2005 and definitions
- Procedures for setting, modifying, deleting and reviewing MRLs
- Provisions on MRLs applicable to products of plant and animal origin, including provisions on compliance with MRLs and on processed and composite products
- Possibilities for adaptation to technical and scientific progress and for defining more detailed

Consultation Strategy

The European Commission has said that since this is an evidence-based assessment of the implementation of the PPP and MRL regulations, the collection of evidence, data and information is a crucial part of this evaluation exercise. Therefore, all stakeholders directly or indirectly affected by these issues will be consulted in order to collect factual information, data and knowledge on the application of the Regulations, which means Member States' competent authorities, the European Food Safety Authority (EFSA), organizations representing the food and chemical industry (including SMEs), farmers and other users of plant protection products, importers, consumers, non-governmental organizations (NGOs) and third countries. The consultation strategy for this REFIT evaluation includes a combination of consultation methods and tools.

On November 13, 2017, the European Commission launched its public consultation (open until February 12, 2018) and stakeholder survey (open until December 31, 2017) on the REFIT evaluation of EU legislation on pesticides and pesticides residues. The public consultation aims to collect the views of citizens as well as non-EU citizens. Received contributions may be published on the Internet.

This will be followed by in-depths interviews, as well as focus groups (winter 2017/2018) and workshops. Focus groups will be held in order to bring together all stakeholders involved in a specific process of the legislation, such as risk assessment, risk management and decision making, MRL setting

and PPP authorization.

Involvement of Non-EU Countries
The European Commission invites third countries to contribute to the stakeholder survey, and is especially interested in responses to questions 107-112 on international trade. Responses must be received by December 31, 2017.

All stakeholders are supposed to register in the transparency register, but this does not apply to third countries and their contributions are considered and supported. All comments made in the framework of the evaluation, including the surveys, may be published and the final outcome of the evaluation will be a publicly available report. The Commission will not disclose any personal data and reference to a contributor will be made in a generic way. However, it is advised not to send comments containing confidential data or information.

Useful Links:
http://ec.europa.eu/food/plant/pesticides/refit_en
https://ec.europa.eu/food/sites/food/files/plant/docs/pesticides_refit_tor.pdf