Until 1 September 2008, the legislation for pesticide residues was a shared responsibility of the Commission and the Member States. Since 1978, more than 45,000 Community MRLs have been set for various commodities for 245 pesticides on cereals (Directive 86/362/EEC), fruit and vegetables and other plant products (Directive 76/895/EEC and Directive 90/642/EEC). For the tens of thousands of pesticide/commodity combinations for which no Community MRLs existed, Member States could set MRLs at national level to facilitate trade and to protect the health of their consumers.

However, safety of consumers in one country does not necessarily mean that all consumers in the EU are protected, because food consumption patterns differ from one Member State to another. Nowadays food and feed circulate freely on the EU internal market, and therefore it is indispensable to assure that all EU consumers are equally protected from the exposure to unacceptable levels of pesticides in their food.

As from 1 September 2008, Regulation (EC) No 396/2005 of the European Parliament and of the Council on maximum residue levels (MRLs) of pesticides in products of plant and animal origin defines a new fully harmonised set of rules for pesticide residues. This Regulation simplifies the existing legislation by harmonising pesticide MRLs and making them directly applicable.

The Annexes to Reg. (EC) No 396/2005 specify the MRLs and the products to which they apply.

Annex I is the list of products to which the MRLs apply. Annex I has been established by Commission Regulation (EC) No 178/2006. It contains 315 products, including fruits, vegetables, spices, cereals, animal products.

Annex II is the list of EU definitive MRLs and it consolidates the existing EU legislation before 1 September 2008. It specifies MRLs for 245 pesticides.

Annex III is the list of the so-called EU temporary MRLs. It is the result of the harmonisation process as it lists pesticides for which, before 1 September 2008, MRLs were only set at national level. It specifies MRLs for 471 pesticides.

Annex IV is the list of pesticides (52) for which no MRLs are needed because of their low risk.

Annex V will contain the list of pesticides for which a default limit other than 0,01 mg/kg will apply. This Annex has not been published yet.

Annex VI will contain the list of conversion factors of MRLs for processed commodities. This Annex has not been published yet.

Annex VII contains a list of pesticides used as fumigants for which the Member States are allowed to apply special derogations before the products are placed on the market.

If a pesticide is not included in any of the above mentioned Annexes the default MRL of 0,01 mg/kg applies (Art 18(1b) of Reg. (EC) No 396/2005).

Implementation of Reg. (EC) No 396/2005