

DEVELOPMENT AND APPLICATION OF RESIDUE LIMITS
TO FOODS IN TRADE UNDER WTO SPS PRINCIPLES -
PAPER PREPARED BY AUSTRALIA
(G/SPS/W/34 of 14 November 1995)

Statement made by the European Community
at the meeting of 8-9 October 1996

The European Community welcomes the analysis carried out by Australia on the important subject of the establishment and enforcement of MRLs for pesticides and veterinary medicines. The paper in raising several important issues should provide a useful basis for discussion leading hopefully to greater mutual understanding and ultimately to increased consumer protection whilst facilitating trade.

Of the "Issues for consideration" listed in paragraph 22 of the document, the Community can fully support the widest possible adoption at national level of Codex MRLs and the taking into account of trading partners' Good Agricultural Practices (GAPs) and Good Veterinary Practice (GVP). Indeed, the Community is considering the inclusion of provisions in its next regulation covering the registration of plant protection products, which would invite registrants to supply the necessary information in order to allow the establishment of MRLs which would recognize the needs of trading partners.

It is assumed that the reference to a mechanism to set MRLs on a temporary basis is for those cases where data is somewhat lacking. Whilst the Community would be sympathetic to the establishment of temporary MRLs in exceptional circumstances and on a short term basis, it feels that in the longer term it would be more efficient to agree, at international level, minimum data requirements for the establishments of import tolerances. In any case, temporary MRLs could under no circumstances be envisaged where the shortfall was for toxicological data.

The Community has some doubts about the feasibility of the proposal to systematically review all nil or default tolerances. It would be more efficient for all concerned if the existing possibilities were fully utilized by countries to petition their trading partners for required import tolerances. It is expected that such a mechanism would only need to be triggered in relatively few cases.

As far as the body of the paper is concerned, the Community feels that the text could be improved by the following clarifications:

Paragraph 2 - the procedure for establishing a MRL for pesticides used on plants or arising from a feedingstuff needs to be completed. No reference is made in the present text to the quantification of residues through residue trial studies or feeding studies. In this paragraph it would be appropriate to clearly differentiate between the procedures for establishing MRLs for pesticides, veterinary medicine and contaminants. It is assumed that the text is not intended to address issues relating to food additives, although there is reference throughout the text to residues arising from chemicals. Therefore, the scope of the document needs to be clarified.

The document gives insufficient recognition to the existence of possible acute toxic effects in addition to chronic effects. The text could be improved by addressing the special problems posed by certain residues which give rise to acute toxic effects, where an individual or multiple meal portions over a short period of time is more relevant to risk assessment than dietary exposure over a lifetime. Inclusion of this point would bring the text into line with international developments.

Finally, more balance is needed between the requirement for facilitating trade and protecting consumer health. It is necessary to recognize that simplification and accelerated procedures must not be at the cost of compromising a high level of consumer protection.