

COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL  
CONCERNING SEPARATE ACCEPTANCE BY CERTAIN MEMBER STATES OF A SET  
OF CODEX STANDARDS IN THE PESTICIDES AREA

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COMMUNICATION TO THE COUNCIL

1. By letter from their Permanent Representative of 11 May 1978 the Netherlands supplemented previous information by informing the Commission of the official comments given to the Secretariat of the Codex Alimentarius (FAO/WHO), on the subject of maximum contents of pesticide residues (4th series). By letter of 5 April 1979 the United Kingdom informed the Commission of its declarations to Codex concerning the limited acceptance of certain standards for pesticide residues.

2. However, far from being left to national competence, the sector of pesticide residues is already partly governed by Community rules. As regards pesticide residues on and in fruit and vegetables, a Directive was adopted by the Council on 23.11.1976 and the Council has, moreover, been considering since August 1977 the proposal for a Directive on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs (pesticides in animal feedstuffs (1)). The Council will also have to pronounce on an <sup>entire</sup> programme of proposals concerning other foodstuffs (cereals, products of animal origin, etc.). These proposals are being studied by the Commission; it is likely that it will be possible for some of these drafts to be adopted by the Commission and passed to the Council during 1979.

3. International undertakings by Member States would occur in an area where Community rules were not only planned but already existed in part. Study of the ruling of the Court of Justice (Case 22/70<sup>(2)</sup> and Opinion 1/76<sup>(3)</sup>) clearly reveals that decisions in this area are the exclusive competence of the Community and that the Member States may not in consequence adopt the Codex measures separately without breaching Community law. The Commission has communicated this point of view to the Netherlands Government.

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(1) Proposal for a Council Directive amending Directive 74/63/EEC on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs, and Directive 70/373/EEC on the introduction of Community methods of sampling and analysis for the official control of feedingstuffs (OJ No C 197, p.3)

(2) 1971 Reports, p.262

(3) 1977 Reports, p.741

The Commission therefore considers that the communications addressed to the FAO must henceforth take place at Community level, and signals its intention, in view of the fact that the Directive concerning pesticide residues in and on fruit and vegetables must be applied by Member States on 23 November 1978 at the latest, to submit to the Council before summer 1979 a first communication on this matter restating the position of the Community and the Member States with regard to the Codex standards applicable in this sector.