COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.10.2001
COM(2001) 627 final

Proposal for a

COUNCIL REGULATION

amending Annex I of Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

Proposal for a

COUNCIL REGULATION

amending Annexes I and III of Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. REGULATORY FRAMEWORK

Pursuant to Council Regulation (EEC) No 2377/90 of 26 June 1990 [1], binding maximum residue limits for veterinary medicinal products in foodstuffs of animal origin are established at a Community level. These limits (hereinafter MRL) are established in accordance with the regulatory committee procedure, laid down in article 8, following scientific evaluation by the Committee for Veterinary Medicinal Products (CVMP) of the European Medicines Evaluation Agency (EMEA). The pharmacologically active substances are then classified in one of the four annexes to the Regulation:

– Annex I: reserved for substances for which a MRL can be set following evaluation of the toxicological risk they pose to human health;

– Annex II: substances for which there is no need to set a MRL;

– Annex III: substances for which, given the lack of scientific data, a MRL cannot be set definitively but which, without compromising consumer health, may be given a provisional MRL for a defined period calculated according to the time needed to complete the scientific studies. This period may be extended once only in exceptional cases;

– Annex IV: substances for which it appears no MRL can be set because they pose a risk to human health in whatever quantity.

II. REGULATORY PROCEDURE AND REFERRAL TO THE COUNCIL

1. The two proposals of Council Regulations concern the establishment of MRLs for certain steroid hormones (altrenogest, chlormadinone, flugestone acetate, norgestomet, progesterone), the uses of which are regulated through Council Directive 96/22/EC. The Commission decided on 25 July 2001 to adopt two proposals of Commission Regulations to be presented to the Standing Committee for Veterinary Medicinal Products. The Standing Committee expressed an unfavourable opinion on the draft Commission Regulations on 12 September 2001 in plenary session. The votes cast were as follows:

   Draft Regulation concerning progesterone and norgestomet: 18 votes in favour (Spain and Italy), 55 votes not in favour (Belgium, Denmark, Finland, France, Germany, The Netherlands, Portugal, Sweden and United Kingdom) and 14 abstaining votes (Austria, Greece, Ireland and Luxembourg).

   Draft Regulation concerning altrenogest, chlormadinon and flugestone acetate: 61 votes in favour (Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Spain, Sweden and United Kingdom) and 26 abstaining votes (Austria, Germany, Luxembourg, The Netherlands and Portugal).

[1] OJ L 224, 18.8.1990, p. 1.

2. According to Article 8 of Council Regulation (EEC) n° 2377/90, in cases where the measures proposed are not in accordance with the opinion of the Standing Committee, the Commission shall without delay submit to the Council the measures to be adopted.

III. THE DIFFERENT SUBSTANCES

1. The steroid hormones have been subject to discussions for a considerable time both within the Community and in international fora (WTO, Codex). These steroid hormones are either endogenous or synthetic derivatives with the same hormonal actions (mainly regulating reproductive functions). The CVMP proposed quantitative values for some of the hormonal substances (altrenogest, chlormadinone and flugestone acetate) and for others (norgestomet and progesterone) no values were proposed. The opinion of the SCVPH (Scientific Committee on Veterinary measures relating to Public Health) on the potential risks for human health from hormone residues in bovine meat and meat products, when used as growth promotors, in bovine animals was not endorsed by CVMP, even after a re-evaluation asked for by the Commission services. The SCVPH concluded that a risk to consumers, i.e. possible endocrine, developmental, immunological, neurobiological, immunotoxic, genotoxic and carcinogenic effects, has been identified with differing levels of conclusive evidence for each of the substances, but that the current state of knowledge does not allow a quantitative estimate of the risks.

2. However, the overall evaluation of the available risk assessments of these substances and of the entire body of available scientific information and data indicate that, as concerns the excessive intake of hormones residues and their metabolites, and in view of the intrinsic properties of hormones and epidemiological findings, a risk to the consumer has been identified.

3. Taking into account the risk to human health from the administration of these hormones to farm animals and after consideration of the current need to continue to make available on the Community market some of these substances that are used for therapeutic or zootechnical treatment of farm animals, it is appropriate to proceed with the consideration of these substances under Regulation (EEC) No 2377/90 for the purpose of setting MRL.

III.1. Progesterone and Norgestomet

1. These hormones are endogenous substances i.e. produced naturally by animal and human glands. As mentioned above, the CVMP opinion concludes that no MRLs need to be established as the use of these substances in veterinary medicine - and in accordance with Council Directive 96/22/EC - would leave no residues or residues of no risk to the consumer.

2. However, the Commission considers as necessary to fix “quantitative safe limits” in view of the identified scientific uncertainty and for the purposes of controlling the illegal use of such substances. In such a context, Council Regulation (EEC) No 2377/90 should be used in the absence of any other available Community legal instrument.

3. The Commission considers, however, this proposal as exceptional, due to the scope and the overall implementation of Regulation (EEC) No 2377/90, as it departs from the opinions adopted by the CVMP on these substances.

4. The representatives of certain Member States in the Standing Committee questioned the reasoning behind the proposal presented by the Commission, both with reference to the values themselves particularly for progesterone, which were considered too low to encompass all possible physiological levels in animal food stuffs in particular from pregnant cows, and the possible risk of rendering Directive 96/22/EC ineffective should such values be established. It was also stressed by certain Member States that Regulation (EEC) No 2377/90 should only regulate the legal use of veterinary medicinal products. It should be pointed out, however, that the MRL values proposed are indicative only and, when found to be exceeded, this should normally trigger further investigations and research in the farms concerned by the competent authorities of the Member States in order to identify the true origin of such high residue values (e.g. pregnant cows, illegal use, etc.) and, consequently, take the appropriate action.

III.2. Altrenogest, Chlormadinone and Flugestone acetate

1. These substances are not endogenous. In its related opinions, the CVMP has proposed to include altrenogest, chlormadinone and flugestone acetate in Annexes I or III of Regulation (EEC) No 2377/90 with MRLs quantitative values depending on the species or on the tissues considered. Therefore, the proposal is to follow these scientific opinions of the CVMP and include the three hormones in one Regulation with due reference to Directive 96/22/EC in the recitals.

2. Representatives of certain Member States in the Standing Committee were questioning the reasoning behind the proposal adopted by the Commission, particularly with regard to the mentioning of illegal use of hormones in the recitals. In particular, it was stressed again by Member States that Regulation (EEC) No 2377/90 should only regulate the legal use of veterinary medicinal products.

IV. ACTION REQUIRED

As the proposed measures are not in accordance with the opinion of the Standing Committee, the Commission is sending to the Council a proposal for a regulation to be adopted under the procedure laid down in Article 8 of Regulation (EEC) No 2377/90.

By virtue of the same Article, the Council is invited to adopt the proposed measures within three months of the date of referral.

Proposal for a

COUNCIL REGULATION

amending Annex I of Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin [2], as last amended by Commission Regulation (EC) No 1879/2001[3] and in particular Articles 7 and 8 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits should be established for all pharmacologically active substances that are used within the Community in veterinary medicinal products intended for administration to food-producing animals.

(2) Maximum residue limits should be established after examination, within the Committee for Veterinary Medicinal Products (CVMP), of all the relevant information provided by applicants in accordance with the provisions of Regulation (EEC) 2377/90 and taking into account all publicly available relevant scientific information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin, including for example opinions of the Scientific Committee on Veterinary Measures Relating to Public Health, reports from the Joint FAO/WHO Expert Committee on Food Additives (JECFA) or reports from internationally renowned research organisations.

(3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which the residues may be present, the levels at which they may be present in each of the relevant tissues obtained from the treated animal (target tissue) as well as the nature of the residue that is relevant for the monitoring of residues (marker residue). In the case of veterinary medicinal products intended for use in lactating animals maximum residue limits must be established for milk.

---

[2] OJ L 224, 18.8.1990, p. 1.
[3] OJ L 258, 27.9.2001, p. 11.

(4) Regulation (EEC) No 2377/90 provides that the establishment of maximum residue limits shall in no way prejudice the application of other relevant Community legislation.

(5) For the purpose of monitoring residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, as the liver and kidney are frequently removed from carcasses moving in international trade, maximum residue limits should consequently be established always for muscle or fat tissues.

(6) The substances Progesterone and Norgestomet are progestagen hormones, and therefore are subject to restrictions and control of use as provided for in Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC. [4] Under certain conditions, these hormones may be administered to farm animals for therapeutic or zootechnical purposes only. In particular, these conditions require the administration of these substances by a veterinarian or under his direct responsibility. In addition, the type of treatment, the types of products authorised, the date of treatment and the identity of the animals treated must be officially recorded by the veterinarian.

(7) Furthermore, the conditions laid down in Directive 96/22/EC prohibit the administration of hormones for therapeutic or zootechnical purposes to breeding animals during the fattening period at the end of their reproductive life. Moreover, they provide that meat or products from animals to which hormones have been administered for therapeutic or zootechnical treatment should not be placed on the market for human consumption unless they have been treated in accordance with the provisions of Directive 96/22/EC and in so far as the withdrawal period laid down was observed before the animals were slaughtered.

(8) Following its evaluation, the CVMP considered that it was not necessary, for the protection of public health, to establish maximum residues limits for Progesterone and Norgestomet when used in authorised veterinary medicinal products in accordance with Community legislation in force, notably Directive 96/22/EC. The substances were therefore proposed to be included in the list in Annex II of Regulation (EEC) No 2377/90.

(9) However, the overall evaluation of the available risk assessments of these substances and of the entire body of available scientific information and data indicate that, as concerns the excess intake of hormone residues and their metabolites, and in view of the intrinsic properties of hormones and epidemiological findings, a risk to the consumer has been identified.

---

[4] OJ L 125, 23.5.1996, p. 3.

(10) Furthermore, given the intrinsic properties of sexual hormones and as it is not possible to exclude that good veterinary practice is not systematically applied, and that therefore the authorities should be provided with means of control of illegal use of these hormones, Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC[5], requires the authorities to carry out investigations in the case of suspected animals or positive laboratory results.

(11) Therefore, as only national tolerances are currently used for triggering the control and investigation procedure laid down in Directive 96/23/EC, it is considered appropriate to set harmonised levels for Progesterone and Norgestomet in the Community.

(12) Taking into account the identified potential adverse effects to human health from the administration of these hormones to farm animals for any purpose and after consideration of the current need to continue to make available on the Community market some of these substances that are currently used for therapeutic or zootechnical treatment of farm animals and, taking also into account the strict conditions under which Directive 96/22/EC authorises the use of these substances for therapeutic or zootechnical purposes, it is appropriate to proceed with the consideration of these substances under Regulation (EEC) No 2377/90 for the purpose of setting up maximum residue limits.

(13) Provided that there are no grounds for supposing that residues of the substance concerned at the level proposed present a hazard for the health of the consumer, maximum residue limits should be established in Annex I of Regulation (EEC) No 2377/90. However, given the overall evaluation on the risk assessments of sexual hormones, as concerns possible excess intake of hormone residues and their metabolites, a possible risk to the consumer needs to be regularly reviewed on the basis of any new scientific evidence.

(14) Progesterone is a natural endogenously produced hormone. The level of natural hormones in animals is variable, depending notably on gender, age, breed and sexual cycle of the animals. There are currently no methods available to distinguish between residues of the naturally occurring hormones and of residues of the natural hormones that are exogenously administered to animals.

(15) For Progesterone, maximum residues limits cannot be established for the purpose of residue monitoring, as is normally the case for determination of violative residue levels. It is necessary to set indicative concentration values on the basis of the physiological naturally levels occurring in food of animal origin. Such values are mentioned, in particular in the CVMP and in the JECFA reports on Progesterone.

(16) It is thus considered appropriate to place Progesterone and Norgestomet in Annex I of Council Regulation (EEC) No 2377/90, in accordance with the conditions and the limits specified for each of these substances in the Annexes to the present Regulation.

---

5 OJ L 125, 23.5.1996, p. 10.

(17) However, it has to be stressed that, as a result of new information or a re-assessment of existing information, Regulation (EEC) No 2377/90 can be amended in order to protect human or animal health, in accordance with the procedures provided for in this Regulation.

(18) The Standing Committee on Veterinary Medicinal Products referred to in Article 8 of Regulation (EEC) No 2377/90 has not delivered a favourable opinion on the Commission proposed measures,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I of Regulation (EEC) No 2377/90 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities.*

It shall apply from the 60th day following its publication.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, […]

For the Council
The President

ANNEX

The following substances are inserted in Annex I (List of pharmacologically active substances for which maximum residue limits have been fixed).

6. Agents acting on the reproductive system
6.1 Progestogens

Pharmacologically active substance(s)	*Marker residue*	*Animal species*	*MRLs*	*Target tissues*	*Other provisions*
Norgestomet	Norgestomet	Bovine	0,07 µg/kg	Muscle	For therapeutic or zootechnical use only
			0,07 µg/kg	Fat	
			0,03 µg/kg	Liver	
			0,07 µg/kg	Kidney	
			0,008 µg/kg	Milk	
Progesterone	Progesterone	Bovine	0,25 µg/kg	Muscle	For therapeutic or zootechnical use only
			2,5 µg/kg	Fat	
			0,25 µg/kg	Liver	
			0,25 µg/kg	Kidney	
			37,5 µg/kg	Milk	

Proposal for a

COUNCIL REGULATION

amending Annexes I and III of Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin [6], as last amended by Commission Regulation (EC) No 1879/2001[7] and in particular Articles 7 and 8 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals.

(2) Maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs and taking into account all publicly available relevant scientific information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin, including for example opinions of the Scientific Committee on Veterinary Measures Relating to Public Health, reports from the Joint FAO/WHO Expert Committee on Food Additives (JECFA) or reports from internationally renowned research organisations..

(3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels at which they may be present in each of the relevant tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue). In the case

---

6 OJ L 224, 18.8.1990, p. 1.
7 OJ L 258, 27.9.2001, p. 11.

of veterinary medicinal products intended for use in lactating animals maximum residue limits shall be established for milk.

(4) Regulation (EEC) No 2377/90 provides that the establishment of maximum residue limits shall in no way prejudice the application of other relevant Community legislation.

(5) For the purpose of monitoring residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, as the liver and kidney are frequently removed from carcasses moving in international trade, maximum residue limits should consequently be established always for muscle or fat tissues.

(6) The substances Chlormadinone, Flugestone acetate and Altrenogest are hormones, and therefore are subject to restrictions and control of use as provided for in Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC [8]. Under certain conditions, these hormones may be administered to farm animals for therapeutic or zootechnical purposes only. In particular, these conditions require the administration of these substances by a veterinarian or under his direct responsibility. In addition, the type of treatment, the types of products authorised, the date of treatment and the identity of the animals treated must be officially recorded by the veterinarian.

(7) Furthermore, the conditions laid down in Directive 96/22/EC prohibit the administration of hormones for therapeutic or zootechnical purposes to breeding animals during the fattening period at the end of their reproductive life. Moreover, they provide that meat or products from animals to which hormones have been administered for therapeutic or zootechnical treatment should not be placed on the market for human consumption unless they have been treated in accordance with the provisions of Directive 96/22/EC and in so far as the withdrawal period laid down was observed before the animals were slaughtered.

(8) The overall evaluation of the available risk assessments of these substances and of the entire body of available scientific information and data indicate that, as concerns the excess intake of hormone residues and their metabolites, and in view of the intrinsic properties of hormones and epidemiological findings, a risk to the consumer has been identified.

(9) Furthermore, given the intrinsic properties of sexual hormones and as it is not possible to exclude that good veterinary practice is not systematically applied, and that therefore the authorities should be provided with means of control of illegal use of these hormones, Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC [9], requires the authorities to carry out investigations in the case of suspected animals or positive laboratory results.

---

[8] OJ L 125, 23.5.1996, p. 3.

[9] OJ L 125, 23.5.1996, p. 10.

(10) Taking into account the identified potential adverse effects to human health from the administration of these hormones to farm animals for any purpose and after consideration of the current need to continue to make available on the Community market some of these substances that are currently used for therapeutic or zootechnical treatment of farm animals and, taking also into account the strict conditions under which Directive 96/22/EC authorises the use of these substances for therapeutic or zootechnical purposes, it is appropriate to proceed with the consideration of these substances under Regulation (EEC) No 2377/90 for the purpose of setting up maximum residue limits.

(11) Provided that there are no grounds for supposing that residues of the substance concerned at the level proposed present a hazard for the health of the consumer, maximum residue limits should be established in Annex I or Annex III of Council Regulation (EEC) No 2377/90. However, given the overall evaluation on the risk assessments of sexual hormones, as concerns possible excess intake of hormone residues and their metabolites, a possible risk to the consumer needs to be regularly reviewed on the basis of any new scientific evidence.

(12) It is thus considered appropriate, without prejudice to other provisions of Community law, in particular Directive 96/22/EC that Chlormadinone and Flugestone acetate (for ovine milk) are inserted into Annex I to Regulation (EEC) No 2377/90 and that in order to allow for the completion of scientific studies, Altrenogest and Flugestone acetate (for caprine milk) are inserted into Annex III to Regulation (EEC) No 2377/90.

(13) However, it has to be stressed that, as a result of new information or a re-assessment of existing information, Regulation (EEC) No 2377/90 can be amended in order to protect human or animal health, in accordance with the procedures provided for in this Regulation.

(14) The Standing Committee on Veterinary Medicinal Products referred to in Article 8 of Regulation (EEC) No 2377/90 has not delivered a favourable opinion on the Commission proposed measures,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and III of Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities.*

It shall apply from the 60th day following its publication.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, […]

For the Council
The President

ANNEX

A.The following substances are inserted in Annex I (List of pharmacologically active substances for which maximum residue limits have been fixed).

6. Agents acting on the reproductive system
6.1 Progestogens

Pharmacologically active substance(s)	*Marker residue*	*Animal species*	*MRLs*	*Target tissues*	*Other provisions*
Chlormadinone	Chlormadinone	Bovine	4 µg/kg	Fat	For zootechnical use only
			2 µg/kg	Liver	
			2,5 µg/kg	Milk	
Flugestone acetate	Flugestone acetate	Ovine	1 µg/kg	Milk	For intravaginal use for zootechnical purposes only

B. The following substances are inserted in Annex III (List of pharmacologically active substances used in veterinary medicinal products for which provisional maximum residue limits have been fixed).

6. Agents acting on the reproductive system
6.1. Progestogens

Pharmacologically active substance(s)	*Marker residue*	*Animal species*	*MRLs*	*Target tissues*	*Other provisions*
Altrenogest	Altrenogest	Porcine	3 µg/kg	Fat	Provisional MRLs expire on 01/01/2003; For zootechnical use only
			3 µg/kg	Liver	
			3 µg/kg	Kidney	
		Equidae	3 µg/kg	Fat	
			3 µg/kg	Liver	
			3 µg/kg	Kidney	
Flugestone acetate	Flugestone acetate	Caprine	1 µg/kg	Milk	Provisional MRLs expire on 01/01/2003; For intravaginal use for zootechnical purposes only