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**Employment, Social Policy, Health and Consumer Affairs**

**Employment, Social Policy and Health issues**

Brussels, 6 and 7 December 2018

President

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# P R E S S

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## **ITEMS DEBATED**

### **SOCIAL POLICY AND EMPLOYMENT**

#### **European Labour Authority**

The Council reached a general approach (the Council's position) on a proposal for a regulation of the European Parliament and of the Council on establishing a European Labour Authority (ELA) ([14583/18](#)).

The aim of the regulation, proposed by the Commission in March this year ([7203/18](#)), is to create a new body which would support member states in implementing EU legislation in the fields of cross-border labour mobility and social security coordination, including free movement of workers, posting of workers and highly mobile services.

Ministers were broadly supportive of the proposal, acknowledging that it strove to enhance cooperation between member states in the areas of mobility of workers and social protection. Ministers also highlighted that the proposal was a further step towards completing the EU single market while improving the mobility of workers, adding value to EU social policy. They stressed that among the main challenges ahead were achieving the right balance between the tasks of the ELA and national competences, the scope of the regulation in relation to road transport, the functioning of the mediation mechanism, the name of the proposed body and its seat.

In agreeing its position, the Council proposes that the title 'European Labour Agency' should be used in place of 'European Labour Authority'. The Council position provides that the ELA will in particular:

1. facilitate access to information on rights and obligations in cases of cross-border mobility for employees, employers and national administrations;
2. support coordination between member states in the cross-border enforcement of relevant Union law, including facilitating concerted and joint inspections;
3. mediate between national authorities in order to resolve cross-border disputes;
4. facilitate cooperation between relevant Union and national stakeholders in order to find solutions in the event of labour market disruptions affecting more than one member state;
5. support cooperation between member states in tackling undeclared work.

Member states will be requested to second National Liaison Officers to the ELA. Their task would be to act as contact points for member states' administrations and to facilitate collaboration between and within member states, following the examples of EUROPOL and EUROJUST.

The establishment of the ELA will not extend substantive Union law. Its tasks, as set out in the Council's proposal, will be limited to support for member states in the implementation of existing relevant Union legislation. Member states would participate in most of ELA's activities, such as inspections, mediations and peer reviews, on a voluntary basis.

The Council also proposes that the ELA pool the technical and operational tasks of several existing EU bodies (EURES European Coordination Office, Technical Committee on the Free Movement of Workers, Committee of Experts on Posting of Workers and the European Platform on Tackling Undeclared Work). This should establish a permanent structure with a view to achieving improved and more efficient output on the basis of a strengthened forum for cooperation and joint investigative activities.

### **European Semester 2019**

Ministers also held a policy debate on the European Semester 2019, based on a presidency steering note ([14412/18](#)).

They welcomed the continuing economic recovery and the Commission's assessment that the EU was well on track to reach the Europe 2020 target of a 75% employment rate in 2020. Ministers also agreed that the positive economic trends were supposed to continue, but highlighted several challenges:

- great differences in employment rates across the EU
- high youth unemployment
- gender pay gap
- transition to digital economy

Ministers broadly agreed that more efforts were needed to reach a higher rate of employment of women, to bring significant number of long-term unemployed people back to the labour market and to assess whether the current legislation in the area of social policy is adapted to the transition towards the digital economy.

The Commission presented the Annual Growth Survey (AGS) ([14443/18](#)), the Alert Mechanism Report (AMR) ([14444/18](#)), the draft Joint Employment Report (JER) ([14442/18](#)) and a draft Council recommendation on the economic policy of the euro area ([14445/18](#)). The Council approved its contribution to the employment and social policy-related aspects of the recommendation ([14533/18](#)).

The 2019 AGS, 'For a stronger Europe in the face of global uncertainty', aims at encouraging sustained economic and social convergence on the basis of the so-called virtuous triangle of economic policy priorities: relaunching investment, pursuing structural reforms and ensuring responsible public finances. In the context of sustained, but less dynamic economic growth in Europe, the 2019 AGS sets the following priorities to guide national reform plans and efforts at EU level:

- high-quality investment and targeting investment gaps in research and innovation, in education, training and skills and infrastructure
- reforms that increase productivity growth, inclusiveness and institutional quality
- ensuring macroeconomic stability and sound public finances

The AMR is the starting point of the annual cycle of the macroeconomic imbalance procedure. It uses a set of indicators and additional relevant information with the aim of identifying and addressing imbalances that hinder the smooth functioning of the economies of member states or the economy of the EU and could jeopardise the proper functioning of the economic and monetary union. The AMR to be presented to ministers at the meeting initiates the eighth annual round of the macroeconomic imbalance procedure.

The JER provides an annual overview of the main employment and social developments, as well as member states' reform actions, in line with the Guidelines for the Employment Policies of the member states. The reporting on these reforms focuses on:

- boosting demand for labour
- enhancing labour supply and improving access to employment, skills and competences
- enhancing the functioning of labour markets and the effectiveness of social dialogue
- promoting equal opportunities for all, fostering social inclusion and combatting poverty

The Joint Employment Report also monitors member states' performance in relation to the Social Scoreboard accompanying the European Pillar of Social Rights. The report looks at the main labour market and social trends in the European Union and the main results from the analysis of the social scoreboard associated with the European Pillar of Social Rights, and provides a detailed cross-country description of key indicators (including from the social scoreboard) and policies implemented by member states to address the Guidelines for Employment Policies.

The recommendation on the economic policy of the euro area contains recommendations to euro area member states to take action, individually and collectively within the Eurogroup, in the period 2019–2020, with a view to deepening the Single Market, achieving progress on completing the Economic and Monetary Union, improving the business environment and strengthening education systems and investment in skills.

Ministers approved the contribution of the Council to the employment and social policy aspects of the recommendation.

They also endorsed the key messages prepared by the Employment Committee (EMCO) and the Social Protection Committee (SPC) following the thematic reviews on 'Social Aspects of Digitalisation' and 'Digitalisation and Robotisation of Work' ([14411/18](#)). Ministers then endorsed the EMCO key messages on the implementation of the recommendation on long-term unemployment ([14409/18](#)).

In the key messages from the thematic reviews on 'Social Aspects of Digitalisation' (SPC) and 'Digitalisation and Robotisation of Work' (EMCO), the committees recognise that increasing digitalisation, robotisation, and the development of the digital platform economy drive changes in the labour market. On the basis of the risks, challenges and opportunities described, the committees list the key issues to be considered when devising topical policies in different fields. As one of the key factors determining the access of certain types of jobs to social protection relates to self-employment status or to the contractual relationship between employer and employee, one of the key messages invites the member states to adjust relevant laws and regulations, if the existing frameworks prove to be inadequate.

The EMCO key messages on the implementation of the recommendation on long-term unemployment refer to the Council recommendation on the integration of the long-term unemployed into the labour market of 15 February 2016. It recommends that member states enhance registration of job seekers with employment services, provide personalised guidance, offer job-integration agreements and foster links with employers. EMCO, in close cooperation with the SPC, is charged with monitoring the implementation of this recommendation.

## **Protection of workers from the risks related to exposure to carcinogens or mutagens at work**

The Council reached a general approach (the Council's position) on a proposal for a directive of the European Parliament and of the Council amending directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work ([14579/18](#)).

The proposal, presented by the Commission on 5 April 2018 ([7733/18](#)), aims to improve the protection of workers' health by reducing levels of occupational exposure to five carcinogenic chemical agents: cadmium, beryllium, arsenic acid, formaldehyde and 4,4'-Methylene-bis(2-chloroaniline)(MOCA).

The position of the Council provides for a transitional period of three years for formaldehyde. It also suggests that no later than five years after the entry into force of the directive, the Commission should assess the option of amending directive 2004/37/EC to include a combination of an airborne OEL and a biological limit value for cadmium and its inorganic compounds.

Ministers agreed that the directive was an important further step to enhance the protection of workers' health across the EU. It was highlighted that the proposal was an expression of the strong social dimension of Europe and that it would not only ensure more protection for workers, but would provide legal certainty to the industries. Ministers identified biomonitoring for cadmium as a future challenge.

## **Access to social protection for workers and the self-employed**

Ministers reached unanimous political agreement on a proposal for a Council recommendation on access to social protection for workers and the self-employed.

Ministers broadly supported the expansion of social protection schemes to people in different types of employment. It was highlighted that the scope of social security schemes should be enhanced to include young people in particular, with the aim of closing the existing formal coverage gap. Respecting national competences and the functioning of the different social security systems in member states was identified as one of the main challenges.

The proposed recommendation aims to encourage the Member States to:

- close formal coverage gaps by allowing all workers and the self-employed to adhere to social protection schemes;
- foster adequate effective coverage by taking measures allowing all workers and the self-employed to build up and take up social benefits as members of a scheme and facilitating the transfer of social protection benefits between schemes.



The proposal deals with the following areas of social protection: unemployment, sickness and healthcare, maternity and paternity, invalidity, old age and survivors' benefits and accidents at work and occupational diseases. It will contribute to the implementation of principle 12 of the Social Pillar which states that "regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed have the right to adequate social protection". At the same time, it is expected that this proposal will also contribute to the implementation of other principles of the Social Pillar, such as the principles on secure and adaptable employment, unemployment benefits, access to healthcare and old-age income and pensions.

The European Pillar of Social Rights (Social Pillar) was solemnly proclaimed by the European Parliament, the Commission and the Council at the EU Social Summit in Gothenburg on 17 November 2017.

### **MFF investment in people: contribution of EU funds and programmes to convergence, fairness and competitiveness**

Over lunch, ministers held a debate on MFF investment in people: contribution of EU funds and programmes to convergence, fairness and competitiveness. The debate was based on a presidency steering note ([14596/1/18](#)) and took place at a crucial moment as policy priorities are being shaped for the years 2020 to 2027 within the context of the discussions on the EU's long-term budget, the multiannual financial framework (MFF). These priorities were considered in the context of the European Pillar of Social Rights.

The debate focused on how EU funds could best contribute to convergence, fairness and competitiveness.

The most important of these Funds is the ESF+. In order to streamline the design and implementation of EU funding in the social field, the Commission proposes to combine a number of currently independent funds - hence the 'plus' at the end of the ESF name. The Parliament's position should be available in early 2019 and the interinstitutional negotiations are expected to start with the new Parliament in late autumn 2019.

## **European Globalisation Adjustment Fund (EGF)**

The Council took note of a progress report on the proposal for a regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (EGF) ([14246/18](#)). The proposal aims to ensure that the EGF continues to operate beyond 2020.

The Council welcomed the progress achieved and acknowledged that much remains to be done in the future.

The objective of the EGF is to improve the skills and employability of workers who have lost their jobs. Under the new proposal workers could be eligible for support when their dismissals are not due only to changing trade patterns or to consequences of the financial and economic crisis, but also to restructuring related to new challenges on the labour market, such as automation and digitalisation.

## **Conclusions on Gender Equality, Youth and Digitalisation**

Ministers examined a set of conclusions on Gender Equality, Youth and Digitalisation. The Presidency concluded that the text was supported by 26 delegations including the Presidency.

### [Gender Equality, Youth and Digitalisation - Presidency Conclusions](#)

The conclusions had been prepared as part of the annual review of the implementation of the Beijing Platform for Action by the EU and its member states. The Beijing Platform for Action is the UN agenda for gender equality and women's empowerment established in 1995.

## **Equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation**

Ministers took note of a progress report on the proposal for a directive on equal treatment ([14253/18](#)).

The proposal covers religion and belief, disability, age and sexual orientation. It seeks to fill a gap in EU legislation, extending protection against discrimination beyond employment, to areas such as access to goods and services.

The proposal of the Commission dates back to 2008 ([11531/18](#)). The European Parliament adopted its opinion under the consultation procedure on 2 April 2009. Following the entry into force of the Lisbon Treaty on 1 December 2009, the proposal now falls under Article 19 of the Treaty on the Functioning of the European Union. The EP will therefore have to be re-consulted before the directive can be adopted. Adoption by the Council requires unanimity.

## **Any other business**

### – ***Tripartite Social Summit***

Ministers were briefed by the Presidency and the Commission on the Tripartite Social Summit, which took place on 16 October 2018 in Brussels.

### – ***Current legislative proposals***

The Presidency provided information on several current legislative proposals:

- Carcinogens and mutagens (2nd batch)
- Rules governing EU agencies
- Accessibility act
- Work-life balance
- Transparent and predictable working conditions
- Coordination of social security systems

### – ***Other Commission activities***

The Commission provided information on the following Commission activities:

- EU Framework for National Roma Integration Strategy ([14325/18](#))
- Conference on the Future of Work (April 2019)
- Union for the Mediterranean (UfM): Ministerial meeting (April 2019) ([14326/18](#))

– ***Events organised by the Presidency***

Ministers were briefed on events organised by the Presidency on the following topics ([14316/18](#)):

- Digitalisation of work
- Fight against occupational cancer
- Gender equality

– ***Gender equality as a priority of the European Union today and in the future***

The Presidency provided information on the Joint Declaration 'Gender equality as a priority of the European Union today and in the future' ([14309/18](#)).

– ***List of actions on LGBTI equality - information from Malta***

The delegation of Malta provided information in relation to the Commission's list of actions to advance LGBTI equality. Malta had led the preparation and organised the signing of a Joint Declaration on the Future of the Commission's list of actions on LGBTI equality ([14314/18](#)).

– ***Work programme of the incoming presidency***

Ministers were informed on the work programme of the incoming Romanian presidency in the areas of employment and social policy.

The future presidency will focus on labour mobility and fair working conditions as growth and competitiveness factors in the internal market. Another priority is to promote gender equality and economic independence for women and men. In relation to these topics the Romanian presidency intends to achieve progress on the regulation on the ELA and on the directive on transparent and predictable working conditions.

The incoming presidency will also aim at finalising work on the work-life balance directive and at adopting conclusions on closing the gender pay gap.

## **HEALTH**

### **Strengthened cooperation against vaccine-preventable diseases**

The Council adopted a recommendation on strengthened cooperation against vaccine-preventable diseases ([14152/1/18](#)). Ministers agreed on a number of actions to be taken by member states with a view to eliminating measles in the EU:

- developing and implementing vaccination plans at national and regional level to increase vaccination coverage
- achieving a 95% vaccination coverage rate by 2020, in particular for measles, with two doses of the vaccine for children
- closing the immunity gap across all other age groups
- introducing routine checks of vaccination status and regular opportunities to vaccinate across different stages of life
- increasing communication activities to highlight the benefits of vaccination by presenting scientific evidence
- countering the spread of disinformation through the use of digital tools
- providing training for healthcare workers and engaging with education stakeholders, social partners and media to overcome hesitancy and increase trust in immunisation

The recommendation welcomes the Commission's intention to take the following actions, in close cooperation with the member states:

- aim to establish a European Vaccination Information Sharing system;
- examine the feasibility of creating a common vaccination card;
- aim to establish a European vaccination information portal by 2019;
- counter online vaccination misinformation and develop evidence-based information tools.

## **Tackling vaccine hesitancy at EU and national level: challenges and possibilities in a digitalised world**

Ministers held an exchange of views on tackling vaccine hesitancy at EU and national level: challenges and possibilities in a digitalised world.

The debate was based on a presidency steering note ([14302/1/18](#)) inviting ministers to share best practices to increase vaccination coverage, consider ways of fighting misinformation on vaccines and vaccination in particular on the internet and give their views on the reasons for the variations in vaccine hesitancy between Member States.

Ministers broadly agreed that the overall drop in vaccination rates in the EU was a serious concern. They shared national experiences stressing that accurate information and building trust among the population remained crucial. Ministers expressed the view that engaging with healthcare workers was extremely important as they were in direct contact with patients. Increasing the coverage rate would also require sustainable vaccine supply. Ministers agreed that currently member states faced various vaccine supply disruptions.

They also stressed the importance of digital tools in the fight against vaccine hesitancy and misconceptions. The debate showed that health authorities in many EU countries used social media platforms to provide:

- accurate, timely and reliable information
- scientific evidence that vaccine-preventable diseases are life-threatening

It was also pointed out that information alone was not sufficient to overcome vaccine hesitancy. Ministers agreed that building trust, especially in cases of child vaccinations, was of significant importance to overcome vaccine hesitancy; hence the key role of healthcare workers, in particular paediatricians.

Recent data shows that overall vaccination coverage differs markedly across EU member states, with many falling below the target of 95% coverage which is needed to ensure herd immunity for measles. Only six EU/EEA countries achieved at least 95% vaccination coverage for both doses of measles-containing-vaccine in 2017. A number of EU member states and neighbouring countries are consequently currently facing unprecedented outbreaks of vaccine-preventable diseases. In 2017 alone, over 14 000 persons in the EU contracted measles - more than three times the number reported in 2016. In the past two years, more than 57 persons died due to measles and two due to diphtheria. Europe is failing to eliminate measles in line with agreed WHO targets.

Another effect of insufficient vaccination coverage is that the risk of poliovirus reintroduction in the EU persists, putting the Union's polio-free status at risk.

There are around 33 000 cases of cervical cancer detected each year and about 15 000 deaths from this form of cancer in the EU each year. Most cases of cervical cancer are caused by infections with human papilloma virus (HPV). The number of HPV infections could be dramatically reduced through HPV vaccination.

### **Any other business**

#### ***– Regulation on health technology assessment***

Ministers took note of a progress report on the proposed regulation on health technology assessment [\(14694/18\)](#).

The Commission proposal [\(5844/18\)](#) creates a framework for joint assessment at EU level by member state bodies of the relative clinical effectiveness of certain medicines and medical devices. Such joint assessment would need to be considered when a health technology assessment is performed at national level.

#### ***– Health in the EU***

On 22 November 2018 the Commission launched the second State of Health in the EU cycle with the publication of the report 'Health at a Glance: Europe 2018' ([Commission report](#)). The report presents comparative analyses of the health status of EU citizens and the performance of the health systems of the 28 EU member states, five candidate countries and three EFTA countries.

– ***WHO Framework Convention on Tobacco Control (FCTC)***

The Commission and the Presidency provided information on WHO Framework Convention on Tobacco Control (FCTC) - Eighth session of the Conference of the Parties (COP8) (Geneva, 1 to 6 October 2018). An important result of the session was the adoption, at the initiative of the EU, of a decision to highlight the fact that novel and emerging tobacco products come within the remit of the Convention and should be comprehensively regulated.

– ***Implementation of directive 2011/62/EU on falsified medicinal products***

The directive ([14721/18](#)) lays down measures to prevent falsified medicines from entering into the legal supply chain. The Commission informed ministers on the preparation for the application of this directive that is due to begin on 9 February 2019. From this date economic operators throughout the supply chain, including pharmacies and hospitals, will need to scan medicine packages to verify their authenticity.

The directive introduces an end-to-end verification system - the verification will take place through a medicines authentication system including mandatory safety features on every individual pack of prescription medicines placed on the EU market and a repository that stores information on each individual pack.

– ***Challenges ahead in the medical device sector***

Both delegations informed ministers on the implementation of the two new regulations on medical devices, adopted in 2017 ([15172/18](#)). They highlighted in particular the challenges and opportunities in relation to the rapid development of new types of innovative devices, the importance of the timely implementation of the new database Eudamed and of timely designation of notified bodies.

– ***Presidency conferences***

Ministers were briefed on two conferences organised by the Presidency ([14609/18](#)):

- Matching Health Needs and Pharmaceutical Research: How to set the research agenda for public health (Vienna, 25 September 2018)
- People's food - people's health: Towards healthy and sustainable European food systems (Vienna, 22-23 November 2018)



– ***Informal meeting of health ministers***

The Presidency informed ministers on the outcome of the informal meeting of ministers for health, held in Vienna on 10-11 September 2018 ([14606/18](#)).

– ***Nomination of the regional director of the European region of the World Health Organisation***

The Presidency briefed ministers on the procedure for the appointment of a new regional director of the European region of the WHO ([15043/18](#)). The director will be appointed in September 2019. Candidates should be proposed to the WHO not later than 15 February 2019. The Presidency drew the attention of member states to the possibility of proposing candidates.

– ***Work programme of the incoming presidency***

Ministers were also informed on the work programme of the incoming Romanian presidency in the area of health.

Among the priority areas will be antimicrobial resistance and associated infections, and the incoming presidency will propose a set of Council conclusions on combating antimicrobial resistance and healthcare-associated infections.

Other priorities include:

- identifying strategies to increase vaccine coverage
- patient access to innovative medicines and treatments
- patient mobility
- increasing cooperation between member states in the treatment of patients with rare diseases up to 18 years of age
- achieving progress in the area of digital health

## **OTHER ITEMS APPROVED**

### **FISHERIES**

#### **Memorandum of Understanding on the Conservation of Migratory Sharks: 3rd meeting of the signatories**

The Council approved the position to be taken by the EU and its member states at the third meeting of the signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks (the Sharks MoU), which will take place in Monaco from 10 to 14 December 2018.

The Sharks MoU is a non-legally-binding multilateral instrument signed in November 2011 and related to the Convention on the Conservation of Migratory Species of Wild Animals. The European Union, Belgium, Denmark, Germany, Italy, the Netherlands, Portugal, Romania, Sweden and the United Kingdom are signatories to the Sharks MoU.

#### **Pesticides: maximum residue levels for iprodione**

The Council decided not to oppose the adoption of a Commission regulation amending regulation 396/2005 as regards maximum residue levels for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxym in or on certain products ([13679/18](#) + [13679/18 ADD 1](#) + [13679/18 ADD 2](#)).

Regulation 396/2005 establishes the maximum quantities of pesticide residues permitted in products of animal or vegetable origin intended for human or animal consumption. These maximum residue levels (MRLs) include, on the one hand, MRLs which are specific to particular foodstuffs intended for human or animal consumption and, on the other, a general limit which applies where no specific MRL has been set. MRL applications are communicated to the European Food Safety Authority (EFSA) which issues a scientific opinion on each intended new MRL. Based on EFSA's opinion, the Commission proposes a regulation similar to the listed above to establish a new MRL or to amend or remove an existing MRL and modifying the annexes of regulation 396/2005 accordingly.

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