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Page: 1/2

**Committee on Sanitary and Phytosanitary Measures**

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**EU RESTRICTIONS ON THE USE OF CHLOROTHALONIL (PESTICIDE ACTIVE SUBSTANCE)  
(G/TBT/N/EU/625) – CONCERNS RAISED BY COLOMBIA**

COMMUNICATION FROM COLOMBIA

The following communication, received on 13 March 2019, is being circulated at the request of the delegation of Colombia.

1. On this occasion, with the aim of promoting agricultural development and facilitating foreign trade with the European Union (EU), we would like to draw the EU's attention to a subject of great importance for the agricultural sector in Colombia. We would be grateful if you would take our comments into consideration.
2. As stated in the Committee on Technical Barriers to Trade on 6 March 2019, Colombia has a trade-related concern regarding the measure notified by the EU through document G/TBT/N/EU/625 of 4 December 2018, relating to the non-renewal of the approval of the active substance chlorothalonil, which would affect pesticides containing this substance. In its notification the EU also indicated that, following non-approval, separate action may be taken on maximum residue levels (MRLs) of chlorothalonil. Colombia would point out that chlorothalonil is key to pest control for a wide range of crops. Non-renewal of the approval would especially affect banana exports, since the aforementioned substance is used for the control of Black Sigatoka, a fungus known to devastate banana crops.
3. Our country is the fifth largest banana exporter in the world. In 2017, our total production amounted to 1.87 million tonnes, with exports worth USD 850 million. A total of 80% of exports go to the EU, especially Belgium (575,000 tonnes), Italy (270,000 tonnes) and the United Kingdom (242,000 tonnes). Colombian banana producers are a major source of employment and development. The banana industry in the main producing regions of Urabá, Magdalena and Guajira accounts for 35,000 direct and 100,000 indirect jobs.
4. The possible adoption of this measure is a source of concern, since the decision to withdraw marketing approval for the substance is based on a precautionary principle in response to concerns mainly relating to carcinogenicity classification and the lack of data on the magnitude and toxicity of metabolites.
5. As the EU itself has recognized, "*residue levels as referred to in point (b) of Article 18(1) of Regulation (EC) No 396/2005 could not be confirmed for plant and animal products due to lack of data on the magnitude and toxicity of metabolites that are included in the residue definition for risk assessment*". Hence it is clear that no danger or risk has been determined for the metabolites concerned. The EU should therefore request further information and complete the corresponding risk assessment in order to be able to take an informed decision regarding health risks to potential consumers.
6. Colombia also considers that the classification decision should be taken by the European Chemicals Agency (ECHA) as the competent EU authority in this field. Accordingly, ECHA's opinion should be made available before Member States are asked to take a decision on the renewal of the approval of chlorothalonil.

7. In view of the current information gaps, it is impossible to establish criteria for acceptance or rejection of the compound. Before imposing a ban, the EU should fill the information gaps and obtain a risk assessment based on data, not uncertainty.

8. In view of the fact that there is insufficient information to establish criteria for acceptance or rejection of the chlorothalonil compound, since its impact on health is not clearly established in scientific terms, Colombia expresses its concern regarding the measure's consistency with the provisions of the WTO SPS Agreement. In this regard, Colombia observes that, in line with the basic obligations laid down in Article 2.2 of the SPS Agreement, Members must ensure that their measures are applied only to the extent necessary to protect human, animal or plant life or health, are based on scientific principles and are not maintained without sufficient scientific evidence.

9. Furthermore, Colombia would point out that the banana industry in Colombia requires a period of at least six months to seek an alternative to this active ingredient. Thus, the time defined by the EU for withdrawing this active substance (20 days after the publication of the measure) is not viable, given that there are currently no scientific studies on alternative compounds that are as effective as chlorothalonil for pest control and can therefore be possible replacements. In this regard, Colombia notes that, under paragraph 2 of Annex B to the SPS Agreement, Members must allow "a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force". This reasonable interval must be at least six months.

10. It is important to mention that the change in the regulations would also seriously affect other crops which are exported to the EU, such as: plantains (47,816 tonnes), cape gooseberries (5,863 tonnes) and cocoa (1,796 tonnes) (approximate quantities exported in 2018).

11. Without chlorothalonil, fruit pest control would be more difficult and exports of Colombian bananas and other crops to the EU market would be adversely affected. This in turn would have a major social and economic impact in the producing regions. Indeed, non-renewal of the approval of the active substance chlorothalonil restricts the range of chemical pesticides for use with agricultural products. It places tropical agriculture – which is biodiverse in terms of pests, diseases and weeds – in a very difficult situation. Tropical agriculture cannot be compared with agriculture at European latitudes. Seasonality alone makes European agriculture significantly different from our own agricultural reality.

12. It is therefore essential that the EU uses the risk assessment approach in decision-making with regard to the application of this measure, as provided for in Article 5.1 of the SPS Agreement, since there is insufficient scientific evidence to determine the various toxicological aspects that may affect human health and the thresholds for safe use of the active substance chlorothalonil are unknown.

13. In light of the above, Colombia requests the EU to maintain the registration of chlorothalonil in the EU, since it is a vital substance for managing resistance development and has been assessed for many years as suitable for authorization and use at the global level. It is important that the measures adopted are based on scientific evidence and international standards and also take account of the biodiverse agriculture of countries such as Colombia, which cannot be compared with that of European latitudes, where the climatic conditions and seasons are very different. The foregoing is in accordance with the terms of the SPS Agreement, which provides that any measures established must not be more trade-restrictive than necessary.

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