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Page: 1/2

Committee on Sanitary and Phytosanitary Measures

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**MODIFICATION OF EUROPEAN UNION MRLS FOR PLANT PROTECTION PRODUCTS
– CHLORPYRIFOS (G/SPS/N/EU/360)**

COMMUNICATION FROM ECUADOR

The following communication, received on 6 July 2020, is being circulated at the request of the delegation of Ecuador.

1. Chlorpyrifos and chlorpyrifos-methyl are substances used worldwide for many strategic crops, including those produced by Ecuador and imported by the European Union such as, for example, bananas, broccoli, pineapples, coffee, lemons, tree tomatoes and cocoa. These compounds are crucial for pest management and crop resistance because, due to the tropical climate in countries like Ecuador, pest and disease behaviour follow patterns that are very different from those prevailing in countries with four seasons such as those in the European Union, meaning that their use is vital for agricultural production.

2. Ecuador recognizes the importance of protecting human health and the environment, which is why we have begun work on the domestic front on sustainable and viable production proposals. These require more time and major efforts by all stakeholders in the production chain and, primarily, substantial financial resources for, *inter alia*, research and management.

3. However, Ecuador considers that regulatory decisions made on the basis of hazard-based criteria are inconsistent with international risk-assessment practices, as no considered analysis has been made of the impact on human health of exposure to these compounds.

4. Ecuador notes the efforts of the European Union to clarify its policy for managing import tolerances for substances that trigger maximum residue limits – hazard-based MRLs; however, it recommends that the products, where these substances are used, be analysed on a case-by-case basis in order to determine import tolerances. While the EU takes into account legitimate factors and the precautionary principle, this would not address Members' concerns and would create considerable uncertainty for applicants and producers, with a consequent impact on international trade in agricultural products.

5. Setting MRLs for these active substances at predetermined levels of 0.01 parts per million (ppm) would have negative trade implications for Ecuador's agricultural exports to the EU and would have an impact on European consumers, as the exportable supply of our products would be reduced. Furthermore, this measure could have a significant negative impact on the "popular and solidarity economy" and agricultural trade in our country.

6. Ecuador urges the EU to ensure that its sanitary and phytosanitary measures are prepared in accordance with Article 2.2 of the WTO SPS Agreement, which provides that SPS measures must be based on scientific principles, and with Articles 5.2 and 5.3 of the WTO SPS Agreement, which provide that, in assessing risks, Members should take into account current international standards and relevant economic factors.

7. For this reason, Ecuador requests the EU to take into account the MRLs established in the Codex Alimentarius, so as to ensure that the regulation implemented by the EU is not more trade-restrictive than required to achieve its appropriate level of protection.

8. Furthermore, the six months normally granted by the EU following notification of its SPS measures is an insufficient period, especially for the registration of alternative substances, taking into consideration that there are internal processes that have to be undertaken, including protocol approvals, conducting efficacy trials, validating methodologies for post-registration control, and the issuance of official statements by a number of institutions prior to their registration. Ecuador therefore requests the EU to consider extending the transition periods for the implementation of new tolerance levels (MRLs), to a period of 36 months, which will allow for the necessary adaptations to be made.
