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Committee on Sanitary and Phytosanitary Measures

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**EUROPEAN UNION IMPORT TOLERANCES FOR CERTAIN PESTICIDES  
TO ACHIEVE ENVIRONMENTAL OUTCOMES IN THIRD  
COUNTRIES – [SPECIFIC TRADE CONCERN 534](#)**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 11 November 2022, is the statement made by the United States of America at the 9-11 November 2022 WTO SPS Committee, and is being circulated at the request of the Delegation of the [United States of America](#).

1. The United States thanks Australia, China and also India for raising this concern, and similarly extends appreciation to the other Members that have also raised their concerns with this measure and the EU approach.
2. The United States shares the European Commission's goals for more sustainable food systems, and we recognize the importance of considering the economic, social, and environmental dimensions of sustainability. We echo the comments of the many WTO Members who have spoken today and who rightly understand that countries require the use of diverse approaches, tools, and technologies to meet sustainability objectives, which vary by location and scale.
3. The United States reiterates its concerns with the proposed application of EU domestic environmental policies to imported agricultural and agri-food products from third countries. We are concerned that this approach will not recognize the science-based regulatory frameworks and the competence of EU trading partners' national authorities to address domestic climate and environmental challenges, many of which differ from those of the European Union. Competent authorities must remain empowered to establish the measures necessary for the protection of human, animal, or plant life or health within their own territories.
4. The United States is concerned by the European Union's recent notification, [G/TBT/N/EU/908](#), which will require imported agriculture and agri-food products from third countries to meet reduced EU maximum residue limits, or MRLs, for two neonicotinoids – clothianidin and thiamethoxam – to protect global pollinator health.
5. As we note in our comments today and will also raise in the TBT Committee, the United States shares the EU concerns about pollinator health and is actively working to protect bees and other pollinators in the United States. We note the widely shared scientific understanding that complex interactions among multiple factors affect bee colony and wild pollinator health, including the presence of pests, pathogens, and diseases; pesticide use; poor nutrition due to loss of foraging habitats; bee management practices; and lack of genetic diversity.
6. However, we also raise this issue today in the SPS committee because we have questions concerning the scientific evidence provided by the European Union and the relationship with the stated regulatory objectives of protecting animal or plant life or health and protection of the environment in a manner that is no more trade restrictive than necessary. Based on the evidence cited, it is unclear that the use of these substances at current MRL levels poses an actual risk to pollinators, either in the European Union or globally. The studies cited only evaluate European production systems and a limited number of pollinators found in Europe and do not consider regional conditions, practices, and fauna in other parts of the world.

7. Further, WTO Members rely on MRLs, including MRLs established by Codex Alimentarius (Codex), to ensure food safety for consumers and to facilitate trade in agricultural products. The United States reminds the European Union that during the July 2022 meeting of the Codex Committee on Pesticide Residues (CCPR), CCPR confirmed that consideration of environmental issues of global concern was not within its mandate and that environmental issues are not included in CCPR risk management principles.

8. Pesticide MRLs are not an environmental safety metric, and using them as such may result in unintended consequences and undermine the use of international standards for food safety. The United States requests that the European Union provide additional scientific evidence to support the reduction of the MRLs, especially given that the European Food Safety Authority has permitted the necessary continued use of clothianidin and thiamethoxam under emergency authorization use in the European Union.

9. The United States is further concerned that the European Union may not have given due consideration to the views sought from and obtained by Members regarding notification [G/TBT/N/EU/908](#) – a concern stemming from the rushed proceedings undertaken during the September meeting of the EU Standing Committee on Plant, Animal, Food and Feed (SCOPAFF), where a decision was taken less than a month after comments were due from WTO Members regarding their concerns on the proposed measure. Transparency obligations are only effective and meaningful when the notifying Member actually considers feedback received; given the short time between the comment due date and the SCOPAFF decision, it is difficult to understand how EU member States would have had sufficient opportunity to consider comments made by WTO Members and other concerned stakeholders before making their decision.

10. Global challenges require collaboration across the global community; unilateral approaches based on questionable and incomplete science may complicate or further delay meaningful progress on these pressing issues while unnecessarily affecting agricultural production and trade. In place of the EU's proposed regulation, the United States would welcome a collaborative, international approach to protecting pollinators and the opportunity to contribute resources, scientific expertise, and new ideas.

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