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Committee on Sanitary and Phytosanitary Measures

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**EUROPEAN UNION MRLS AND PESTICIDE POLICIES – SPECIFIC TRADE CONCERN 448:  
EU MRLS FOR ALPHA-CYPERMETHRIN, BUPROFEZIN, CHLOROTHALONIL,  
CHLORPYRIFOS, CHLORPYRIFOS-METHYL, DIFLUBENZURON,  
ETHOXYLSULFURON, GLUFOSINATE, IMAZALIL, IOXYNIL,  
IPRODIONE, MANCOZEB, MOLINATE, PICOXYSTROBIN  
AND TEPRALOXIDIM**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 27 March 2023, is the statement made by the United States of America at the 22-24 March 2023 WTO SPS Committee, and is being circulated at the request of the Delegation of the United States of America.

1. The United States along with Costa Rica, Ecuador, Paraguay, and other Members, continues to express concern with the European Union's trade-restrictive processes for reviewing pesticides and subsequently withdrawing or reducing pesticide maximum residue levels (MRLs).
2. The European Union has repeatedly claimed that its pesticide and MRL measures are transparent, science-based, and non-discriminatory. Unfortunately, we continue to have questions concerning the EU's regulatory procedures, the scientific basis of the determinations, and the treatment of imported products.
3. We also recall that the European Union continues to make reference to what it refers to as the ALRA, or As Low As Reasonably Achievable, principle. As we stated in the November 2022 meeting of this Committee, this concept is neither relevant nor applicable to pesticide residues, and we remind the European Union of the obligation of Members to apply least restrictive measures that accomplish their stated level of protection.
4. The United States again highlights the importance of using a science and risk-based enforcement process, which facilitates trade in a manner consistent with the SPS Agreement. Unfortunately, the EU's approach injects an unnecessary degree of uncertainty for farmers and trading partners, does not advance shared efforts towards global food security and strengthening the global food supply chain, and appears to be more trade-restrictive than necessary.
5. We note that the EU's continued use of emergency authorizations in the European Union for active substances no longer approved for use in the European Union demonstrates the importance of certain crop protection tools as well as the lack of effective and economical alternatives, both in the European Union and for farmers around the world.
6. Further, the EU's use of emergency authorizations is consistent with EFSA's own evaluations of emergency use authorizations for important insecticides, which often find that there are no effective alternatives available or that there is a risk of insect resistance to alternative products.
7. Our growers and processors are increasingly concerned that the European Union continues to implement transition periods that do not provide adequate time for legally produced commodities to clear the channels of trade, and that appear to establish differences in treatment between domestic and imported products.

8. Farmers around the world rely on access to the full range of tools and technologies available for agricultural production, and these tools are essential to mitigate food security risks and to alleviate poverty.

9. This access is facilitated by well-functioning, objective, and science-based regulatory systems that protect consumers and establish the basis for fair trade.

10. These tools and technologies are critical to protecting crops from pests and diseases and allows farmers to enhance yields and productivity while also limiting post-harvest losses and reducing unnecessary food waste, thus ensuring that the resources invested in producing food are being managed efficiently and sustainably.

11. Access to these tools promotes an abundant supply of affordable, safe food to meet the growing demands of global consumers, many of whom rely directly or indirectly on agriculture to sustain their livelihoods.

12. During these times of increasing global food insecurity, the European Union needs to recognize that its regulatory approaches for pesticides are increasingly out of step with those of nearly every other Member of the WTO and strongly consider the concerns that have been raised for years by many WTO Members.

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