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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 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 again raises our concerns with the European Union's trade-restrictive processes for reducing maximum residue levels for plant protection products.
2. The United States, along with nearly two dozen other Members, have repeatedly sought to engage the European Union in this Committee about the impacts of its pesticide policies on global agricultural supply chains. However, the European Union's responses to date have not been constructive. By continually referring WTO Members to its existing regulations, the European Union avoids meaningful engagement and neglects the opportunity to provide solutions to the urgent problems facing agricultural producers and exporters whose pesticide options are increasingly limited by its policies.
3. We note that in addition to the adverse effects on EU trading partners, these restrictive measures burden farmers in EU member States, as seen by the continued use of emergency authorizations for certain active substances no longer approved for use in the European Union. EFSA's own evaluations of emergency use authorizations for important insecticides found that there are no effective alternatives available or that there is a risk of insect resistance to alternative products. Accordingly, we request that the European Union also afford producers in third countries equal access to important and efficacious crop protection tools available to farmers in EU member States.
4. The United States is concerned that the European Union often employs an approach to reducing MRLs that is not based on adequate scientific and technical information. Specifically, in December 2018, the European Union notified to the WTO the non-renewal of the approval of the active substance chlorothalonil. Following the non-renewal, EFSA determined that the consumer risk assessment could not be finalized, and the European Union proposed to lower chlorothalonil MRLs to the limit of determination in July 2020. In its Commission Regulation the European Union stated that because chlorothalonil was not renewed it was appropriate to delete the MRLs.
5. This approach can lead to the adoption of MRLs that lack a genuine relationship to the stated objectives of protection of human, animal or plant life or health and result in the adoption of measures that appear to be more trade restrictive than necessary.
6. We also recall that in previous Committee meetings, the European Union has made reference to what it refers to as the ALRA, or As Low As Reasonably Achievable, principle, which was developed as a radiation protection concept. Aside from the fact that this concept is neither relevant nor applicable to pesticide residues, we remind the European Union of the obligation of members to apply least restrictive measures that accomplish their stated level of protection.

7. Also, in response to the claim the European Union has repeatedly made in this Committee that its MRL policies do not negatively affect exports, the value of US fresh fruit exports to the European Union has decreased by 70% over the last ten years, due in large part to the European Union's overly restrictive measures.

8. 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 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.

9. The United States also repeats the request that the European Union apply the same treatment to domestic and imported goods and allow safely produced products to move through the full channels of trade.

10. 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. It is contradictory to simultaneously lament the challenges facing the world while imposing measures that unnecessarily impede the very goals we have collectively agreed to tackle.
