



21 November 2023

(23-7843)

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Committee on Sanitary and Phytosanitary Measures

Original: English

**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 20 November 2023, is the statement made by the United States of America at the 15-17 November 2023 WTO SPS Committee, and is being circulated at the request of the Delegation of the [United States of America](#).

1. The United States reiterates its concerns with the application of EU domestic environmental policies to food and agricultural products imported from third countries. We recognize the importance of tailoring measures that take into account the economic, social, and environmental dimensions of sustainability that are unique to each Member. However, Members' sustainability actions must be consistent with their obligations under relevant WTO Agreements.

2. We echo the comments of the many WTO Members who rightly understand that countries require the use of diverse approaches, tools, and technologies to meet their sustainability objectives. We can all agree that pest control and crop protection needs vary by crop, by country, and by region. However, the United States is concerned that this measure undermines the expertise of national competent authorities and the development and use of good agricultural practices worldwide.

3. National 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. However, this regulation is a de facto extension of the European Union's production requirements to farming communities outside the European Union because it requires third country imports to satisfy EU environmental policy preferences.

4. We note that in the most recent European Food Safety Authority (EFSA) opinion, the European competent authority on MRLs determined that existing EU MRLs did not pose a food safety risk for consumers. The US Environmental Protection Agency and Codex also completed science-based human health risk assessments confirming that existing MRLs above the limit of determination do not pose a food safety risk for consumers.

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

6. International consensus-based MRLs reflect the highest level of pesticide residue that is acceptable in or on food or feed in consideration of consumer exposure and possible health risks; pesticide MRLs are not an appropriate or efficient indicator of environmental outcomes because MRLs are not developed to address this objective.

7. We also remind the European Union that the lack of predictability that results from the consideration of import tolerance requests on a "case-by-case" basis, as in the case of this

regulation, unnecessarily increases uncertainty for farmers globally and limits farmers' ability to protect crops from pests and diseases.

8. From an environmental perspective, the United States shares the European Union's 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 and monoculture; bee management practices; and lack of genetic diversity.

9. However, even considering this policy approach from an environmental perspective, the European Union has not provided data demonstrating that the use of these substances at current MRL levels poses an actual risk to pollinators. The studies cited only evaluate a limited number of pollinators found in Europe and do not take into account regional conditions, practices, and fauna in other parts of the world.

10. We therefore repeat our request that the European Union provide robust scientific evidence and scientific justification that demonstrates how the reduction of these two pesticide MRLs contributes to protecting pollinator health. Regardless of transition periods provided, Members should avoid implementing measures that lack technical justification.

11. 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.

12. In place of the EU regulation, the United States requests a collaborative approach to protecting pollinators.
