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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, CYPERMETHRIN,
DIFLUBENZURON, ETHOXYLSULFURON, GLUFOSINATE,
IMAZALIL, IOXYNIL, IPRODIONE, MANCOZEB,
MOLINATE, PICOXYSTROBIN
AND TEPRALOXYDIM**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 26 March 2024, is the statement made by the United States of America at the 20-22 March 2024 WTO SPS Committee, and is being circulated at the request of the Delegation of the United States of America.

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1. The United States, along with a number of other raising Members, continues to express concern with the European Union's pesticide approval and renewal decisions and the systemic trade barriers that result from the subsequent withdrawal or reduction of pesticide maximum residue levels, or MRLs, to the Limit of Quantification based on uncertainty and insufficient scientific evidence.
 2. The United States has noted recent EU MRL reductions to levels well below the European Union's current, default limit of determination (LOQ) of 0.01 parts per million (ppm). The United States is concerned that the European Union's efforts to lower MRLs to levels ranging from 0.001 ppm to 0.005 ppm, as was proposed through notification [G/SPS/N/EU/646](#) regarding MRLs for oxamyl, appears to be more trade restrictive than necessary to meet the EU level of protection.
 3. The United States is concerned that such reductions to MRLs will have unnecessary negative effects on agricultural trade and create trade disruptions due, in part, to inaccurate residue analytical results, cross-contamination, or other reasons outside of the control of producers or exporters.
 4. On 11 September 2023, the United States shared comments on [G/SPS/N/EU/646](#) and we have not yet received a response from the European Union, although the proposed date of adoption is now May 2024. We would appreciate knowing when our comments will receive a response so that, if necessary, we can engage in further discussions with the European Union.
 5. The United States has also previously shared concerns regarding the European Union's enforcement of MRLs. We continue to ask that the European Union consider alternate and more flexible approaches to the enforcement of changes to MRLs. A more flexible approach can support our shared goals of enhancing global food security in the least trade-restrictive manner possible while still protecting consumers. We request the European Union extend the transition periods for MRLs where the European Union has not identified risks to consumers based on dietary exposure based on complete risk assessments.
 6. The United States, along with many third country producers, has expressed the need for lawfully produced food products to have sufficient time to move through the channels of trade before they are subject to the enforcement of standards established after their production. This is particularly important for products with long shelf lives. The EU policy of enforcing MRLs at the time of importation for imported goods rather than at the time of production causes unnecessary disruptions in trade destined for the EU market. This policy apparently is not based on consumer protection

because the European Union enforces new standards against domestic products at the time of their production, not at the time of sale.

7. The United States requests that MRLs for all products, both domestic and imported, be enforced based on the MRLs in place at the time of application of the pesticide. This would resolve the inconsistency of enforcement of MRLs for agricultural goods produced inside and outside the European Union.

8. Consistent with the SPS Agreement, the United States also expects the European Union to take WTO Members' comments into account prior to finalizing its draft measures. The United States has observed that the period of time between the WTO comment submission period and European Commission voting on draft regulations on active substance renewals and MRLs may be too brief to allow the Commission to adequately consider Members' comments.

9. Lastly, we ask the European Union to retain existing MRL levels while import tolerances are under consideration. Recent EU regulation states that import tolerance applications will be considered on a case-by-case basis dependent upon meeting its definition of "environmental criteria". The lack of predictability that results from the consideration of import tolerance requests on a "case-by-case" basis unnecessarily increases uncertainty for farmers globally and limits farmers' ability to protect crops from pests and diseases.

10. During these times of increasing global food insecurity and unexpected global challenges related to changes in climate and disease, we urge the European Union 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.
