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**Committee on Sanitary and Phytosanitary Measures**

Original: Spanish

**MODIFICATION OF EUROPEAN UNION MRLS FOR PLANT PROTECTION  
PRODUCTS – CHLORPYRIFOS ([G/SPS/N/EU/360](#))****COMMUNICATION FROM COLOMBIA**

The following communication, received on 27 February 2020, is being circulated at the request of the delegation of Colombia.

1.1. On this occasion, with the aim of promoting agricultural development and facilitating foreign trade with the European Union (EU), we would like to draw the attention of the EU and of WTO Members to an issue of the utmost importance for world agriculture that particularly affects the Colombian coffee and banana sectors. We would be grateful if you would take our comments into consideration.

1.2. Several years ago, the EU began implementing a green policy to reduce the use of plant protection products. The EU is "exporting" this policy to its trading partners by suspending the approval of many active substances and by subsequently reducing the maximum residue levels (MRLs) for these substances to the minimum detection level. It is also lowering MRLs for active substances that remain approved. The EU is introducing these measures without any sound scientific evidence to show that such measures are the least trade-restrictive means of achieving an appropriate level of protection for consumers.

1.3. In Colombia, as in other countries, the use of certain active substances such as chlorpyrifos is vital for agricultural production. Such substances are essential tools, not only for protecting crops against pests and diseases, but also for maintaining the quality and safety of products during storage, transportation and marketing before they reach consumers in the European market.

1.4. A particular cause for concern is the non-renewal of the approval of the substance chlorpyrifos ([G/TBT/N/EU/682](#)) and, now, the reduction of the relevant MRL to one that, in practice, reflects zero tolerance (0.01 mg/kg). Chlorpyrifos is vital for controlling quarantine pests in coffee crops, while for bananas, like in many other countries, it is applied using plastic "tree bags" impregnated with the substance, which, apart from preventing damage to the fruit, ensure minimum exposure to the phytosanitary product in comparison with other substances.

1.5. The use of chlorpyrifos increased following the entry into force of a similar measure for buprofezin ([G/SPS/N/EU/264](#)), a substance until then used for the same purpose. Colombia first placed that particular measure on the SPS Committee's agenda in 2018 (trade concern No. 448). Our farmers' choice of safe tools is increasingly undermined by regulatory barriers that are not founded on internationally agreed risk analysis principles and that do not take into account alternative approaches to meeting regulatory objectives.

1.6. Regarding the current modification of MRLs for chlorpyrifos, we note that while the European Commission requested the European Food Safety Authority (EFSA) to conduct a scientific study on the effects of the use of this substance and its impact on human health, the latter did not even complete the respective analysis, and that in the absence of sufficient and conclusive information, the Commission's Directorate-General for Health and Food Safety, in application of the precautionary principle, proceeded to suggest reducing MRLs to the minimum level of detection (0.01mg/kg) as a preventive measure.

1.7. The MRLs based on conclusive scientific evidence that are established in the Codex Alimentarius and in the Colombian domestic regulations consistent with the Codex, are higher than those established recently by the European Union for chlorpyrifos. The European Union's modification therefore departs from the international standard recommended by the WTO SPS Agreement, without any scientific justification for even recommending the revision of the MRLs within the Codex framework. Measures such as the one described have been contested by entities such as the Joint Meeting on Pesticide Residues (JMPR), the world's leading scientific advisory body in the area of pesticide and residue assessment. These entities, in their contribution to the risk analysis, have examined the same set of studies and found that there is no form of risk to consumers, and have recommended new MRLs for the substance that are even higher than those currently agreed under the Codex.

1.8. It should be noted that bananas account for around 53% of Colombian fruit and vegetable exports and that the European Union represents around 80% of Colombia's entire banana market. As for coffee, this product accounts for a significant share of the total value of Colombian exports, and 7 of its 10 main export destinations are European Member States, including Germany, Belgium, Italy, Spain and the United Kingdom. The adoption of the European measure concerning chlorpyrifos would have a significant negative impact on Colombia's rural economy, affecting more than 2,700,000 people involved in the production of these crops and, in turn, the 583,000 families that depend on bananas and coffee for their economic livelihood.

1.9. In this light, we once again urge the European Union to provide further information on the process and timelines for setting import tolerances for active substances that are not re-authorized in the EU, as well as on applicable transition periods for MRLs. We also strongly encourage the EU to establish a transparent, predictable and commercially viable import tolerance process for plant protection products that have not been re-approved, that includes a risk assessment, taking into account risk assessment techniques developed by the relevant international organizations. We encourage the EU to engage meaningfully with trading partners on this issue.

1.10. In order to face the challenge of producing more food in a safer and more sustainable way, farmers must be able to access the full range of safe tools and technologies that are available for agricultural production.

1.11. Lastly, we ask that any measure applied by the European Union be prepared in accordance with the WTO SPS Agreement, particularly Article 2.2 (the SPS measure shall be based on scientific principles), Article 5.2 (in the assessment of risks, Members shall take into account available scientific evidence, relevant processes and production methods, and relevant inspection, sampling and testing methods) and Article 5.3 (Members shall take into account as relevant economic factors: the potential damage in terms of loss of production or sales).

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