

4 March 2020

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**Committee on Sanitary and Phytosanitary Measures**

Original: Spanish

**SPS COMMITTEE POSITION  
POLICY ON MAXIMUM RESIDUE LEVELS  
MARCH 2020**

**COMMUNICATION FROM COLOMBIA AND ECUADOR**

The following communication, received on 3 March 2020, is being circulated at the request of the delegations of Colombia and Ecuador.

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1.1. The co-sponsors wish to express their concern regarding the European Union's policy on maximum residue levels (MRLs) that have been notified to the WTO as SPS measures. We wish to emphasize that the WTO Agreement on the Application of Sanitary and Phytosanitary Measures provides that Members shall ensure that such measures are not more trade-restrictive than required to achieve their appropriate level of protection, taking into account their technical and economic feasibility.

1.2. The co-sponsors recognize the importance of protecting human health and the environment. Nevertheless, we believe that regulatory decisions must always be supported by conclusive risk assessments that are based on criteria established by international standards and that are in conformity with the provisions of the SPS Agreement. It is crucial for WTO Members to adopt a case-by-case approach in their consideration of import tolerances. Although the European Union adheres to the precautionary principle, risk assessments must be conclusive and should not be underpinned by hazard-based decisions. It should also be emphasized that science is a pillar for the establishment of an appropriate level of protection for consumers.

1.3. The co-sponsors call on the European Union to ensure that its draft MRLs conform to international standards. Article 3 of the WTO SPS Agreement provides that in order to harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members shall base their sanitary and phytosanitary measures on international standards, guidelines or recommendations, where they exist. We have noted that in various cases, the Codex establishes MRLs on the basis of scientific studies conducted by the Codex Committee on Pesticide Residues (CCPR); it is therefore essential for the European Union to consider those MRLs, especially when European Food Safety Authority (EFSA) studies are not conclusive.

1.4. We view with concern the growing number of European Union notifications on MRLs, and the scant regard that the European Union has given to the various comments made by WTO Members. Farmers are currently trying to produce healthy foods through access to a range of safe tools and technologies. However, these tools are increasingly constrained by regulatory barriers that have substantial negative impacts on production and on trade in food and agricultural products with the European Union.

1.5. The measures applied by the European Union do not take specificities into account and are insufficient for the implementation of adequate transition periods. The European policy seeks to prohibit the use of critical tools to manage pests without considering that agricultural production varies by region and that what works in Europe may not be appropriate in other climates and regions. It is quite complicated to act on the European Union's suggestion to seek alternatives, given the limited access to both information on substitute substances and alternative treatments, which, in view of the current conditions in the countries concerned, are rather complex.

1.6. Therefore, we ask the European Union to ensure that the substances which have been notified and those to be notified in the future for reduced MRLs are subject to conclusive risk assessments, so that import tolerances may be established for active substances that are not reauthorized in the European Union. It is also vital for the European Union to study and consider applying the MRLs established by the Codex Alimentarius, thereby making use of international standards the results of which are scientifically and technically justified, and to provide countries with guarantees that the measures applied do indeed safeguard human health.

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