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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 28 March 2022, is the statement made by the United States of America at the 23-25 March 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 echoes the concerns by other Members, including Colombia, Ecuador, Costa Rica, Paraguay, Uruguay, Brazil, Argentina, Guatemala, Canada, Panama, Peru, and Chile, on the EU's approach to establishing pesticide MRL policies.
2. Despite frequent and repeated interventions by Members in this Committee, we remain disappointed that the European Union continues to apply its "precautionary principle", creating trade barriers which threaten the global food system.
3. For decisions based on incomplete risk assessments, we request that the European Union confirm that scientific data will be collected and analyzed to justify these measures. For example, the European Union recently notified in [G/TBT/N/EU/827](#) the nonrenewal of indoxacarb because the European Food Safety Authority (EFSA) was not able to finalize a number of aspects of its risk assessment. The United States remains concerned that the European Union continues to lower MRLs to the limit of detection without completing a risk assessment and urges EFSA to complete a risk assessment and consider all available scientific information and Codex MRLs before making any final decision on MRLs, including indoxacarb.
4. We also note that EFSA recently completed its assessment of emergency authorizations granted by eleven EU member States for plant protection products containing active substances that are no longer approved for outdoor use in the European Union. EFSA concluded that in all 17 cases the emergency authorizations were justified, either because no alternative products or methods – chemical or non-chemical – were available or because there was a risk that the pest could become resistant to available alternative products.
5. Based on continued requests for emergency authorizations by EU member States, it is clear that producers in the European Union, like those in the United States, view these products as integral components of their integrated pest management programs and that EFSA has agreed that either no effective alternatives are 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 these important and efficacious crop protection tools.
6. While the European Union enforces pesticide MRLs at the time of importation for imported goods, the European Union enforces pesticide MRLs at the time of production for domestic goods. We highlight once more the importance of a consistent, science-based enforcement process to facilitate trade and protect plant and human health. The United States calls for the European Union to take the least restrictive trade actions and apply its MRLs for both imported and domestic goods

at the time of production so as to allow products to move through the full channels of trade and extend the transition period for all MRLs to the maximum term possible. As currently implemented, the European Union's approach is counter-productive and unsustainable to maintain the agricultural productivity and trade needed to ensure global food security.

7. Additionally, the United States is concerned about the European Union's statements to this Committee in November 2021 indicating that global environmental impacts may be considered in future EU regulatory decisions. The United States requests the European Union to clarify how its proposed incorporation of considerations beyond its territorial boundaries will be consistent with WTO obligations and respect the national sovereignty and regulatory competence of WTO Members.
