



CropLife Europe Conference 2021

# Legal Aspects concerning Import Tolerance Residue Levels

Dr. Niklas Pieper

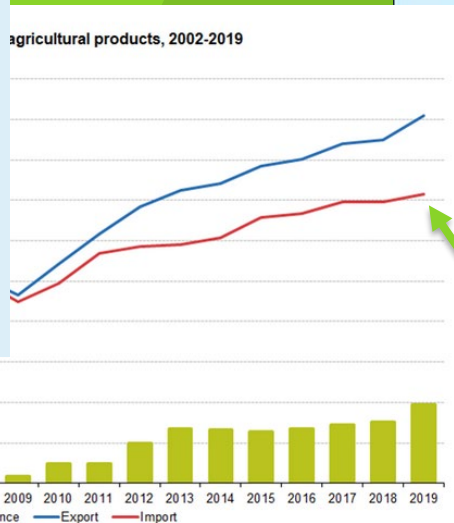
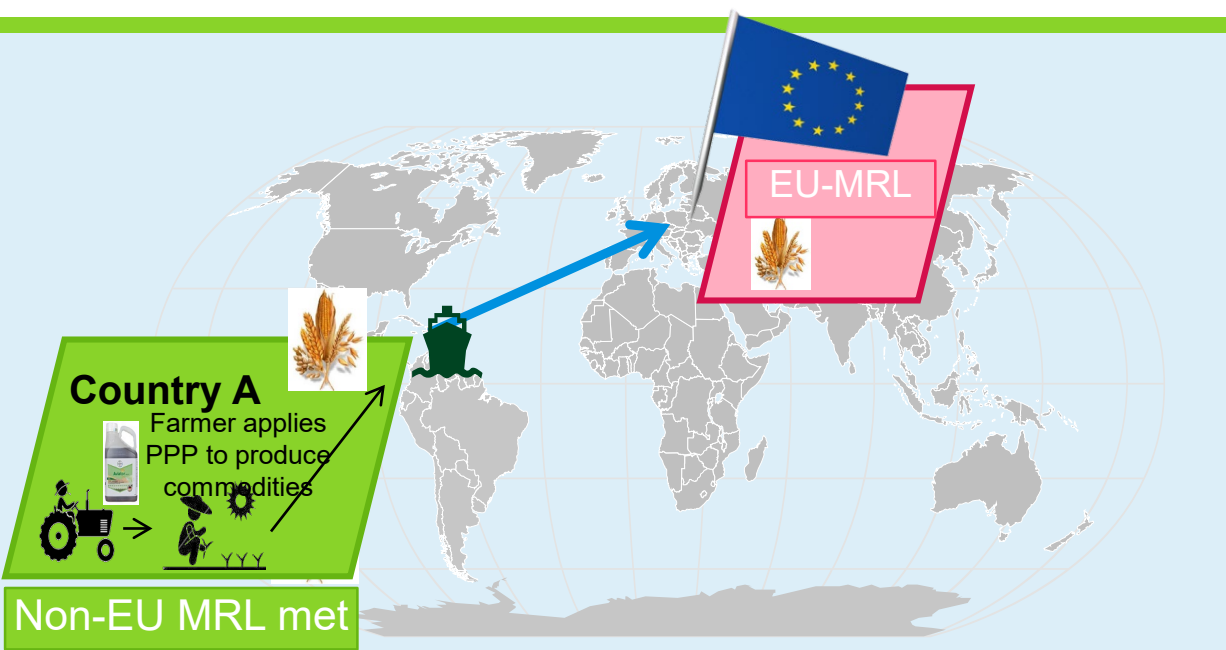
March 11, 2021





# Relevance of IT-MRL for Food Supply and International Trade

EU Regulations meet the World

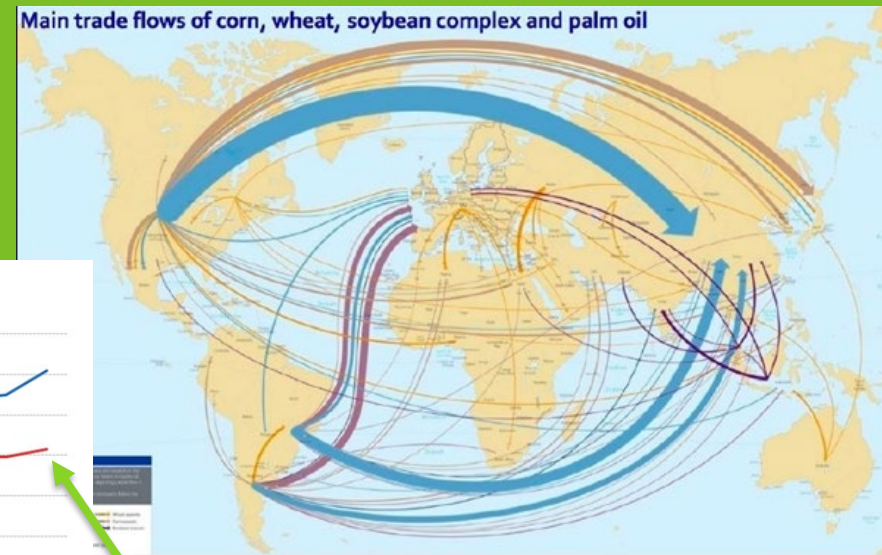


Source: Eurostat (online data code: DS-016894)

eurostat

Figure 2: EU-27 trade of agricultural products, 2002-2019 (€ billion)

Source: Eurostat (Comext data code: DS-016894)



EU Imports of agricultural products ca. 140bn EUR/year





# The Legal Framework

## European Regulation

REGULATION (EC) NO 396/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 23 February 2005  
on maximum residue levels of pesticides in or on food and feed of plant and animal origin and  
amending Council Directive 91/414/EEC



„Public Health  
Reasons“ (consumer /  
dietary risk assessment)

(26) For food and feed produced outside the Community, different agricultural practices as regards the use of plant protection products may be legally applied, sometimes resulting in pesticide residues differing from those resulting from uses legally applied in the Community. It is therefore appropriate that MRLs are set for imported products that take these uses and the resulting residues into account provided that the safety of the products can be demonstrated using the same criteria as for domestic produce.

(g) ‘import tolerance’ means an MRL set for imported products to meet the needs of international trade where:

- the use of the active substance in a plant protection product on a given product is not authorised in the Community for reasons other than public health reasons for the specific product and specific use; or
- a different level is appropriate because the existing Community MRL was set for reasons other than public health reasons for the specific product and specific use;



# The Legal Framework

International Agreements, like SPS Agreement

## The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)

- // According to Art. 3.1 SPS Agreement the EU is obliged “to base” SPS measures on international standards where **such** standards exist.
- // According to Art. 5.1 SPS Agreement SPS measures are to be based on risk assessments taking into account assessment techniques developed by the relevant international organizations.
- // SPS measures are to be grounded on scientific principles and evidence (Art. 2.2, 5.2 SPS Agreement).



# The EU vision under The European Green Deal



Brussels, 20.5.2020  
COM(2020) 381 final

## The European Green Deal



COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

**A Farm to Fork Strategy**  
**for a fair, healthy and environmentally-friendly food system**

Imported food must continue to comply with relevant EU regulations and standards. The Commission will take into account environmental aspects when assessing requests for import tolerances for pesticide substances no longer approved in the EU while respecting WTO standards and obligations. To address the global threat of antimicrobial





# What does it mean “Environmental Aspects”?

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**environmental aspects**

respecting w 10 standards and obligations, to address the global threat of antimicrobial

// Fate and behavior in the environment: **Soil**, **Water**, **Air**



// Ecotoxicological studies regarding **non-target species** (birds, vertebrates, aquatic Organisms, arthropods, soil meso- and macrofauna etc.)





# Environmental Aspects not covered by current MRL-regulation





# Environmental Aspects address aspects in non-EU Countries

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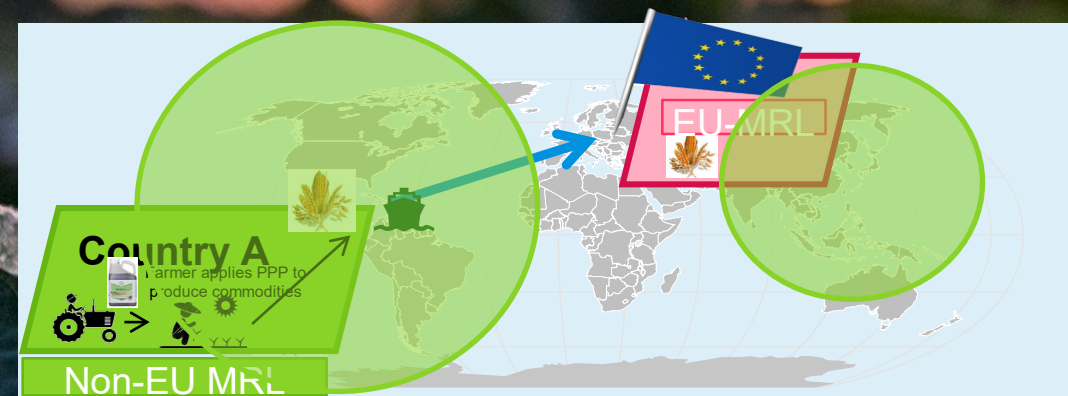
// Fate and behavior in the environment: **Soil, Water, Air**



// Ecotoxicological studies regarding **non-target species** (birds, vertebrates, aquatic Organisms, arthropods, soil meso- and macrofauna etc.)



**Adresses  
environmental aspects in  
non-EU  
Countries**



- // **Extra-territorial effect** of EU-law
- // **international law-principles** on extra-territorial effects
- // Art. 52 and 355 **TFEU** limiting the territorial scope of EU law
- // **SPS Agreement** justifies solely measures that address **risks in the country of importation**.
- // **SPS Agreement** requires to base measures on **international standards** (Codex MRL) as well as **risk and scientific assessments**.





*Thank you!*



**Bye-Bye**

