

EU Maximum Residue Level and Import Tolerance Policies

1. **The EU regulatory framework needs to be predictable:** Political considerations should be informed by independent expert risk assessment and respect particularly the role of scientific evidence in decision making. Trust in the rigor and independence of the EU system needs to be enhanced.
2. **EU farmers need access to crop protection tools and EU trade partners need confidence in our system:** Blocking the setting of such trade standards, when no concerns have been identified by the risk assessors, **limits the access of EU farmers to crop protection tools** and **erodes trade partner confidence** in the objectivity and predictability of the EU risk assessment system.
3. **MRLs are trading standards and are required to avoid trade disruptions:** The impacts on European consumers, farmers and the food industry that arise from blocking certain MRLs or ITs can be significant. Trade disruption is not in the interest of EU citizens, businesses, or our trade partners. Such disruptions can have long-lasting negative consequences for food availability and development.

Context – Why are MRLs so important?

The EU is a key global trading partner for agricultural and food related products. In 2020, EU agri-food trade was valued over €300 billion¹ and agriculture and food related industries provide over 44 million jobs in the EU, including regular work for 20 million people within the agricultural sector itself². In addition to imports of fresh produce for EU consumers or food industry, European exports of agri-food manufactured products depend on the ability to import raw materials for food and feed, or for further processing and contribute to EU's €62 billion agri-food trade surplus. International trade of agricultural products is also one of the key enablers of choice, availability, affordability and security of food and animal feed in the EU. When the EU restricts market access in breach of WTO rules, trading partners can retaliate affecting the ability of many EU producers to export.

The minute traces that pesticides leave in treated crops are called 'residues'. A maximum residue level (MRL) is the highest level of a pesticide residue that is legally tolerated in, or on, food or feed when pesticides are applied correctly. As such, MRLs are not safety limits, their main function is to act as a control mechanism to ensure the product has been correctly used, according to its label. EU MRLs are established to reflect European farmer's needs for pest control and compliance with good agricultural practices. Import Tolerances (IT) are MRLs set to facilitate international trade. MRLs and ITs are not uniform across the world because different use conditions (climatic factors, pest pressure, cropping conditions, etc.) necessitate levels that reflect good agricultural practices in these different conditions. Residue levels are well below levels which cause concern for consumers based on thorough scientific assessment by the European Food Safety Authority (EFSA) and similar risk assessment authorities worldwide, in many cases coordinated by a UN/WHO body called Codex Alimentarius. MRLs and IT play a key role in facilitating trade both within the EU internal market and between the EU and third countries.

There are three reasons why MRLs are so important:

1. MRLs ensure that pesticides are used correctly

Any EU MRL setting, including import tolerances and adopted Codex MRLs, are based on a thorough EFSA risk evaluation, ensuring that there will be no unacceptable health risks from residues for consumers when they enjoy EU produced or imported food that has been treated with pesticides. Annual surveillance by Member States and compiled by the EFSA routinely shows extremely high compliance with MRLs, including

¹ https://ec.europa.eu/info/news/2020-year-stability-eu-agri-food-trade-2021-mar-31_en

² https://europa.eu/european-union/topics/agriculture_en

more than 50% of food being free from any residues, and more than 95% comply with existing MRLs year after year.

2. MRLs foster EU agri-food competitiveness and consumer choice

MRLs not only provide fair market access for suppliers from non-EU countries, but also ensure the competitiveness of the entire EU agri-food value chain, including traders, processors, food and feed industry, as well as livestock producers. The EU relies on imports of key commodities that end up being further processed in the EU, resulting in added value food products such as chocolate or coffee, or directly enjoyed by EU consumers such as tropical fruits, nuts and spices.

3. MRLs support sustainable development and the livelihood of smallholder farmers

Farmers around the world have different needs when it comes to protecting their crops from pests and diseases. For example, tropical and sub-tropical climates tend to have high pest and disease pressure due to the combination of heat and moisture with different weeds, pests and fungi that require control. This explains why some pesticides not registered in the EU may be necessary in non-EU countries on different crops. These farmers, including smallholder farmers, should not be unduly penalized when legally treating their crops and subsequently realizing that they will not be able to export to the EU. Trade-enabling policies help foster the development of agriculture in developing countries, a key sector to deliver on the UN Sustainable Development Goals of poverty eradication, zero hunger and economic growth.

The EU Regulation 396/2005 sets the legal MRLs for food and feed. It is enforced by ensuring possible residues in food & feed are always monitored – no matter where they come from. A network of certified laboratories across the EU undertakes this work to bring the Regulation to life. EFSA reports going back many years show that most food in Europe (imported and domestically produced) has no detectable traces of pesticides at all. Where residues are detected, they are well within the MRL limits in all but a handful of cases. And in those handful of cases EFSA doesn't find safety concerns. Finally, a "level playing field" between the EU and third country farmers is guaranteed by the implementation of the same rules and MRLs.

CropLife Europe believes that:

- **The EU regulatory framework needs to be predictable:** Political considerations should be informed by independent expert risk assessment and respect the role of scientific evidence in decision making.
 - o Before decisions for adjusting MRLs are proposed, **Member State experts have given thorough consideration of all available evidence** for the setting of an MRL or IT and that EFSA's scientific output is based on a strict risk assessment.
 - o **All MRLs and ITs submitted in the EU continue to be set in accordance with the independent EFSA consumer risk assessment** as required by Regulation 396/2005, as well as international food safety and trading standards.
 - o **MRLs based on Codex MRLs, or Import Tolerances, established using risk-assessment should be maintained under all circumstances** provided there is no unacceptable risk for consumers.
 - o In case of MRL deletions, **adequate transitional measures should be put in place** to allow for legal certainty and predictability for the agri-food chain to adapt.
 - o **MRL setting is not an appropriate framework for environmental risk assessment.** The environmental safety of pesticides is thoroughly evaluated during the authorisation processes.
- EU farmers need access to crop protection tools and EU trade partners need confidence in the EU regulatory system. Blocking the setting of MRLs, when Member States experts proposed these levels based on independent scientific assessment, **limits the access of EU farmers to crop protection tools** and **erodes trade partner confidence** in the objectivity and predictability of the EU risk assessment.
- **Trade disruptions must be avoided: the impacts on European consumers, farmers and the food industry** that arise from blocking MRLs or ITs can be significant. Trade disruption is not in the interest of EU citizens, businesses or our trade partners. Such disruptions can have long-lasting negative consequences for food availability and development.