

Maximum Residues Levels and Global Environmental Concerns

Key Messages

1. **Maximum Residue Levels (MRLs)** for pesticides are trading standards that drive good agricultural practice and ensure a level playing field for EU and other farmers. They **are not an appropriate tool to be used to tackle environmental challenges in other countries.**
2. Fair market access is needed to support sustainable agriculture in countries we rely on for goods like coffee, exotic fruits and cocoa, and which rely on the EU market to help in sustainable development. **Different regions have different needs. Some pesticides not registered in the EU may be necessary in non-EU countries.**
3. **We support the EU Green Deal ambition to tackle environmental challenges, but think multilateral fora, not non-tariff barriers are the correct way to achieve this.** We are concerned that the evolving EU policy on MRLs is likely to be contrary to both EU law and international rules. This may create trade disruptions, legal disputes, and reciprocal market access measures from other countries. This could impact EU exports, agricultural development around the world, and EU consumer choice (and prices).

Context

On 20th May 2020, the European Commission published its **Communication on the Farm to Fork Strategy** as part of the EU Green Deal. This communication states the intention to “*take into account environmental aspects when assessing requests for import tolerances for pesticide substances no longer approved in the EU*”.

While a new policy approach has not been transparently communicated or established to date with defined criteria, it is our understanding that the intent is to delete existing MRLs for EU non-approved active substances and not set new import tolerances where the EU believes there to be “*global environmental concerns*”.

There is currently no legal basis for such an automatic deletion. Trying to apply EU law to non-EU countries’ farming practices is also questionable given the limits of the EU Treaties. Article 17 of EU Reg. 396/2005 focusses solely on consumer safety as sovereign nations are best placed to assess the environmental impact of pesticide use that they choose to authorise for their farmers. It states that this “*does not apply to those MRLs corresponding to CXLs based on uses in third countries or MRLs that have been specifically set as import tolerances, provided that they are acceptable with regard to consumer safety as confirmed by a full and recent EFSA risk assessment.*”

Our position

1. MRLs are trading standards and relate to consumer health, not the environment

MRLs are trading standards that ensure there are no unacceptable health risks from pesticide residues for consumers and provide assurance that good agricultural practices have been followed. The European Food Safety Authority (EFSA) conducts consumer risk assessments and establishes MRLs for active substances in the EU, and similar assessments are conducted by third countries when they set MRLs. When there is a difference between two established MRL values – due to differing cropping conditions in third countries - and when there is no threat to human health, an import tolerance is set.

The primary objective of EU law on MRL setting is to **ensure a high level of consumer protection**. This is achieved as can be seen in EFSA’s annual report on pesticide residue surveillance in food.

The new policy approach is not in line with the intention of the existing EU MRL regulation. It would **distort its policy objectives** by shifting the focus from EU consumer health to the environment in non-EU

countries where crops, diseases, pests and farming conditions can be very different to those in the EU. This requires different approaches to crop protection. The impact of pesticides on the environment is being assessed during the authorisation process for pesticide active substances and products, in the territories that allow them to be used.

MRLs are not an appropriate regulatory tool to address environmental concerns as the level of residues in a harvested crop does not correlate to the safety for non-target species or the local environment. Automatic deletion and blocking the setting of new Import Tolerances will not provide any indication whatsoever of local improvements in environmental conditions - it will only distort and impact trade. Attempting to use MRLs as a non-tariff barrier will simply create market access hurdles for farmers in third countries, many of whom rely on the EU market to achieve fair incomes through agricultural development.

2. Different regions – different needs

Farmers around the world have different needs when it comes to protecting their crops from pests and diseases. **Some pesticides not registered in the EU may be necessary in non-EU countries for different crops or pests that do not exist in the EU.** For example, tropical and sub-tropical climates tend to have high pest and disease pressure due to the combination of heat and moisture resulting in different weeds, pests and fungi. Those farmers, including smallholder farmers, should not be unduly penalised when legally treating their crops and subsequently realising that they will not be able to export to the EU.

Third countries have their own regulatory frameworks for evaluating the risks of pesticides and their use, including on the environment. Risk-benefit analysis should take into consideration pests and disease pressures as well as biodiversity and environmental risks that are likely to differ depending on regions and countries.

3. Global environmental concerns are best addressed at the global level

We support the EU ambition to act on global environmental issues. The **best way to address global challenges is at the global level.** International fora have been established to provide a proper framework for multilateral discussions and decision-making. We encourage the European Commission to **prioritize multilateral engagement** on global environmental issues as opposed to taking unilateral actions.

The Food and Agriculture Organization (FAO) of the United Nations (UN) and the World Health Organization (WHO) established the Codex Alimentarius Commission specifically to provide international standards in several areas including MRLs. Codex MRLs (CXLs) are established to protect consumer health and ensure fair practices in food trade. **We encourage all governments to adopt CXLs** because global alignment in MRL setting is essential to facilitate trade.

4. Trade-restrictive policies on MRLs will not benefit the EU

MRLs provide fair market access for suppliers from non-EU countries and ensure the **competitiveness of the entire EU agri-food value chain**, including traders, processors, the 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. In many cases pesticides help prevent food waste in such products, which could be damaged by pests and fungal infections pre- or post-harvest and in transport without the benefit of treatment. Additional food waste would be a clear unintended consequence of the evolving policy.

Given that farmers in other countries have different needs to grow their crops successfully, they cannot simply switch to just use the very limited range of tools authorised in the EU. As a result, supply of some products is likely to switch to other markets, denying EU consumers choice and risking reciprocal market access restrictions and challenges from other countries.

We urge EU policymakers to commit to trade-enabling policies on MRLs and address any non-EU environmental concerns via the multilateral organisations that are established for that purpose. This would be a win-win scenario for farmers and consumers in the EU and around the world.