

EU Pesticide Policies: 2020 Update

MRL Harmonization Virtual Workshop
May 27-28, 2020



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Office of the U.S. Trade Representative



Outline of this presentation

Presentation is a mix of:

- Update on EU MRL actions since the 2019 SF Workshop
- Review of related international activities since May 2019
- What to expect in 2020-2021

All WTO documents are publicly available at www.wto.org



July 2019: WTO Council on Trade in Goods



WORLD TRADE
ORGANIZATION

G/C/W/767

4 July 2019

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(19-4486)

Council for Trade in Goods

Original: English

EUROPEAN UNION – IMPLEMENTATION OF NON-TARIFF BARRIERS ON AGRICULTURAL PRODUCTS

COMMUNICATION FROM AUSTRALIA, BRAZIL, CANADA, COLOMBIA, COSTA RICA, DOMINICAN
REPUBLIC, ECUADOR, GUATEMALA, HONDURAS, MALAYSIA, NICARAGUA, PANAMA,
PARAGUAY, PERU, UNITED STATES, AND URUGUAY

The following communication, dated 4 July 2019, is being circulated at the request of the Delegations of Australia, Brazil, Canada, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Malaysia, Nicaragua, Panama, Paraguay, Peru, the United States, and Uruguay.

1. In order to face the challenge of producing more food in a safer and sustainable way, farmers must be able to access the full range of safe tools and technologies that are available for agricultural production. Yet, our farmers' choice of safe tools is increasingly undermined by regulatory barriers that are not founded on internationally agreed risk analysis principles and do not take into account alternative approaches to meeting regulatory objectives. This is already having a substantial



July 2019 Reuters



[Business](#) [Markets](#) [World](#) [Politics](#) [TV](#) [More](#)

BUSINESS NEWS JULY 4, 2019 / 11:46 AM / A YEAR AGO

U.S. and 15 others slam EU regulation of farm products at WTO

Tom Miles

3 MIN READ



GENEVA (Reuters) - The United States and 15 other countries launched a broadside of criticism at the European Union on Thursday, saying its “hazard-based” approach to regulating pesticides and other “critical tools” used by farmers was damaging livelihoods worldwide.

Their statement, submitted to the World Trade Organization, said the EU’s



July 2019

Inside US Trade



U.S., others target EU pesticide restrictions at WTO

July 9, 2019 at 9:00 AM



The U.S. and 15 other large agriculture-producing World Trade Organization members are questioning the European Union's implementation of regulatory barriers to agricultural exports, particularly on pesticides regularly used by producers in other countries.

"The EU has begun to implement measures that effectively prohibit the use of a number of substances that are required for safe and sustainable agricultural production and have been assessed and authorized for use by many WTO Members," the group of countries -- including the U.S., Canada, Australia, Brazil, Guatemala and Peru -- said in a July 4 communication. "The EU has moved forward with the implementation of its measures, which were first enacted in 2009, even though other Members have, over the years, repeatedly expressed concerns in the Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Committees regarding the overly restrictive impact of these measures on the trade of agricultural goods."

The communication is aimed at the EU's process for approving and renewing plant protection products -- pesticides -- including how the bloc determines the acceptable levels of residual exposure in imports. U.S. officials have long argued that the EU is overly restrictive in its regulatory approach, particularly in agriculture, citing the lack of approvals for genetically modified crops and strict governance of pesticides. The EU, the U.S. and other members argued in this communication, is not adhering to international standards "that follow the principle of evidence and science-based risk assessments."

"In a Council for Trade in Goods meeting on Monday, more than 100 members told the EU it should reevaluate its approach to regulating pesticides...."



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July 2019

DG SANTE

EU pesticide bans should apply to imports, says Andriukaitis

Importing fruit and vegetables produced using pesticides banned in Europe “unfair competition” to EU farmer

This article is powered by [EU Food Law](#)

- 18 Jun 2019

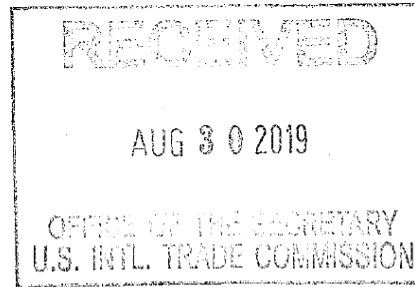
EU Health and Food Safety Commissioner Vytenis Andriukaitis has argued that Europe should be able to restrict imports of fruit and vegetables grown using pesticides that it has banned for environmental reasons.



“... banned for environmental reasons.”



August 2019 USTR Requests USITC Study



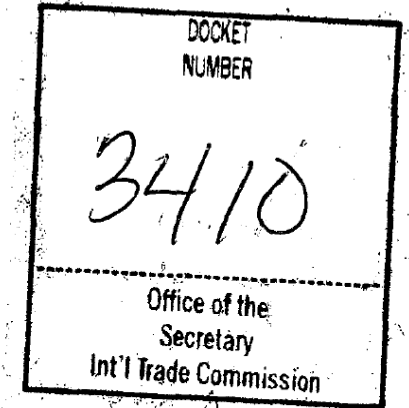
THE UNITED STATES TRADE REPRESENTATIVE
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON

August 30, 2019

The Honorable David S. Johanson
Chairman
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

Dear Chairman Johanson:

I am writing today regarding the Office of the United States Trade Representative's ongoing efforts to address barriers to U.S. agricultural trade exports, specifically sanitary and phytosanitary (SPS) barriers. The Administration seeks to gain a greater understanding of existing and emerging challenges to the current international and country-specific frameworks for pesticide maximum residue levels (MRLs), particularly in major markets, and a better understanding of whether current frameworks provide adequate support for agricultural trade.



November 2019 WTO SPS Committee

EU MRLs - G/SPS/GEN/1749

EU Pesticide Policies - G/SPS/GEN/1750

Codex Standard for Glyphosate -G/SPS/GEN/1752

APEC Import MRL Guidelines - G/SPS/GEN/1747



February 2020 WTO SPS Committee



G/SPS/GEN/1758/Rev.1

11 May 2020

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(20-xxxx)

Committee on Sanitary and Phytosanitary Measures

Original: English

SANITARY AND PHYTOSANITARY DECLARATION FOR THE TWELFTH WTO MINISTERIAL CONFERENCE

SUBMISSION BY ARGENTINA, AUSTRALIA, BELIZE, BRAZIL, CANADA, CHILE, COLOMBIA, DOMINICAN REPUBLIC, ECUADOR, PARAGUAY, PERU, THE UNITED STATES OF AMERICA, URUGUAY AND VIET NAM

The following communication, received on 11 May 2020, is being circulated at the request of the delegations of Argentina, Australia, Belize, Brazil, Canada, Chile, Colombia, Dominican Republic, Ecuador, Paraguay, Peru, the United States of America, Uruguay and Viet Nam.

1. The twelfth WTO Ministerial Conference coincides with the 25th anniversary of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) — an opportune point to reflect on the successes achieved since its adoption, and to recognize the challenges ahead resulting from emerging pressures that may significantly impact international trade in food, animals and

Brazil, Canada and US proposed ministerial declaration to establish a work program in the SPS Committee on 21st century SPS challenges.



Proposed SPS Declaration for MC12

G/SPS/GEN/1758/Rev.1

How to facilitate sustainable intensification of agricultural production and international trade, including by promoting the adoption and use of safe, innovative plant-protection products and veterinary medicines, and by encouraging the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures, including on maximum residue limits for veterinary drugs and pesticides, to protect human, animal or plant life or health.



April 2020

ENVI Committee Objection

European Parliament

2019-2024



Committee on the Environment, Public Health and Food Safety

2020/2603(RPS)

15.4.2020

In response, the Commission is expected to submit another proposal in July.

DRAFT MOTION FOR A RESOLUTION

pursuant to Rule 112(2) and (3) and (4)(c) of the Rules of Procedure

on the draft Commission regulation amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cycloxydim, flonicamid, haloxyp, mandestrobin, mepiquat, *Metschnikowia fructicola* strain NRRL Y-27328 and prohexadione in or on certain products (D063880/05 – 2020/2603(RPS))

Committee on the Environment, Public Health and Food Safety

Member responsible: Michèle Rivasi



May 2020

Several WTO Members Request Suspension



G/SPS/GEN/1778
G/TBT/GEN/296

12 May 2020

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(20-3565)

Committee on Sanitary and Phytosanitary Measures
Committee on Technical Barriers to Trade

Original: Spanish

REQUEST FOR THE SUSPENSION OF THE PROCESSES AND ENTRY INTO FORCE OF REDUCTIONS OF MAXIMUM RESIDUE LEVELS (MRLs) FOR PLANT PROTECTION PRODUCTS IN LIGHT OF THE COVID-19 PANDEMIC

COMMUNICATION FROM ARGENTINA, COLOMBIA, COSTA RICA, DOMINICAN REPUBLIC, ECUADOR,
EL SALVADOR, GUATEMALA, HONDURAS, ISRAEL, NICARAGUA, PANAMA, PARAGUAY AND PERU

The following communication, received on 12 May 2020, is being circulated at the request of the above-mentioned delegations.

1. The COVID-19 pandemic is the biggest global challenge in recent history, which has forced WTO Members to focus their efforts on protecting people's lives, ensuring public health, and guaranteeing food security for their populations. This challenge is greater for developing countries, which generally lack the financial and health resources required to address it adequately. Therefore, international cooperation in all areas is crucial for tackling the crisis and laying the groundwork for a swift economic recovery in the post-pandemic period.

2. Along these lines, we acknowledge the commitment of several Members, including the European Union (EU), to ensuring the proper functioning of global agricultural and food supply chains in response to the crisis, including through the non-implementation of unjustified barriers to trade.

“...we request that, for a period of 12 months, it suspend all review processes currently underway for MRLs, as well as the entry into force of the all MRL reductions planned for 2020.”



May 2020

EU Farm to Fork Strategy



“The Commission will take additional action to reduce the overall use and risk of chemical pesticides by 50% and the use of more hazardous pesticides by 50% by 2030.”

Brussels, 20.5.2020
COM(2020) 381 final

**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**



May 2020

EU Farm to Fork Strategy



"EU trade policy should contribute to enhance cooperation with and to obtain ambitious commitments from third countries in key areas such as animal welfare, the use of pesticides and the fight against antimicrobial resistance. The EU will strive to promote international standards in the relevant international bodies and encourage the production of agri-food products complying with high safety and sustainability standards, and will support small-scale farmers in meeting these standards and in accessing markets."



May 2020 Pesticide REFIT



Improved implementation of the cut-off criteria

- *increase certainty in the use of the cut-off criteria*
- *only continue full risk assessment if either the active substances do not meet the cut-off criteria or at least one of the derogation possibilities for their approval is invoked*

Brussels, XXX
SANTE/11596/2019 Rev. 1
(POOL/E4/2019/11596/11596R1-
EN.docx)
[...] (2020) XXX draft

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL

Evaluation of Regulation (EC) No 1107/2009 on the placing of plant protection products
on the market and of Regulation (EC) No 396/2005 on maximum residue levels of
pesticides



May 2020

Pesticide REFIT



“In line with the Green Deal Communication, the EU will use all its diplomacy, trade policy and development support instruments to promote the phasing out, as far as possible, of the use of pesticides no longer approved in the EU and to promote low-risk substances and alternatives to pesticides globally. It is important that efforts made in the EU are also made outside the EU to maximise environmental benefits and ensure a level-playing field for EU operators.”

“The EU will use discussions in international fora, including in the WTO SPS Committee and Codex Alimentarius, to explain the approach followed in the EU for pesticides and encourage third countries to adopt a similar approach.”



June 2020

PAFF Phytopharmaceuticals - Residues

A.03 Specific substances for information/discussion

- | | |
|-------------------------|-----------------------------|
| 1. BAC/DDAC | 9. Ethephon |
| 2. Glufosinate ammonium | 10. Fluopyram |
| 3. Glyphosate | 11. Mancozeb |
| 4. Chlorpropham | 12. Boscalid |
| 5. Methoxyfenozide | 13. Lambda-cyhalothrin |
| 6. Spinosad | 14. Imazamox |
| 7. Indolylacetic acid | 15. 1,4-Dimethylnaphthalene |
| 8. Fosetyl-Al | |

Thanks to Lisa Allen at USDA



A cartoon from [Punch](#) from 1890: *The phylloxera, a true gourmet, finds out the best vineyards and attaches itself to the best wines.*