

Secretariat-General
European Commission
1049 Bruxelles, Belgium

Brussels, 12 March 2020

Re: Follow up on EU policy on Maximum Residue Levels and Import Tolerances

Dear Mr. [REDACTED]

Following up on the meeting we had on February 17, we would like to provide you with more detail on our concerns surrounding the EU policy on Maximum Residue Levels (MRL) and Import Tolerances (IT).

The successful implementation of the European Green Deal will highly depend on the EU's ability to secure consistency with the concerned policy goals and existing international commitments on trade. Fostering a more sustainable future will require dialogue and cooperation of a wide range of stakeholders from the public and private sector to which our association wants to be a contributor.

However, despite the need for improved global co-operation and dialogue, at a meeting on 8th July 2019 more than 100 nations in the World Trade Organisation (WTO) Council for Trade in Goods expressed their concerns about the MRL and IT policy that the EU was planning to follow. The WTO communication G/C/W/767 from 16 countries and the Africa, Caribbean and Pacific group Intervention at the Council for Trade in Goods (Annexed) explain the very serious concerns that continue to build about EU policies which many countries believe to be unjustified and more trade restrictive than necessary. Furthermore, the WTO Trade Policy Review of the EU held in February 2020 resulted in many additional questions and concerns about the EU MRL and IT policy being raised, by a wide range of countries from around the world.

Having consulted widely on this issue, we strongly believe that a trade friendly interpretation of the EU MRL and IT regulation will benefit all stakeholders.

Our key suggestions to finding a solution are the following:

- EU MRLs setting should be based on risk assessment in all circumstances, in compliance with the WTO SPS agreement and aligned with international standards. Such an approach could be implemented in a fairly straightforward way, without the need for legislative change.
- Deletion of MRLs following the non-renewal of authorisations under the Plant Protection Products Regulation should not apply to MRLs that are based on Codex MRLs (CXLs) and ITs which have been established using risk-assessment.
- In instances where MRL deletion is foreseen, timelines should take into consideration and be aligned with any upcoming MRL or IT review process so as to prevent unjustified and avoidable gaps, that could lead to potential trade disruption without a valid risk basis.
- Adequate transition periods must be put in place to allow for legal certainty and predictability for the agri-food chain to adapt.

EU countries are reliant on imported fresh produce, iconic products and agricultural commodities for a wide range of healthy foods, animal feed and further processing— some of which are now being challenged by these policy approaches. In addition to causing issues with trading partners and undermining the multi-lateral trading system and agreements at a geo-politically difficult time for trade policy, the EU approach runs the risk of excluding these types of product from the market or reducing market supply and increasing consumer cost.

We have full respect and regard for the EU's high level of consumer, environmental and animal health protection, including the world class regulations that apply to all food and feed placed on the European market, regardless of the origin. It is absolutely right and proper that the EU chooses to have a high level science based standard for health protection – a goal that is shared equally by all of us. In all cases where there may be legitimate health risk concerns we support a strict policy approach, after all we are all consumers and no legitimate business would have any interest in supplying or trying to trade in unsafe products.

The impact of EU policy is not limited to third countries farmers and their EU market access, but extends to EU traders, processors, the food and feed industry and livestock producers that are engaged in an active dialogue to find a pragmatic solution to this growing issue.

Restricting imports by failing to adopt trade facilitating, risk-based approaches to MRL and IT setting which follow global norms will have a negative impact on EU competitiveness, without any further gain in the level of health protection which is already assured by systems at global, EU and Member State levels.

Paving the ground for a successful implementation of the European Green deal, consistent with international commitments of the EU, will be of utmost importance and we would like to contribute to these efforts.

Yours sincerely,

