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Importers Concerned about EU Restrictions on Pesticides

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Report Highlights:

Several European importers associations have expressed concern about developments in EU pesticides legislation. They believe that the new rules will create trade disruptions, as some of the pesticides that will be restricted in the EU will still be legal in third countries

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Brussels USEU [BE2]
[E2]

The currently on-going legislative EU initiatives in the area of pesticides will have two main end results: MRL's will become harmonized throughout the EU and the number of active substances will be drastically reduced. MRL's for unapproved substances will be set at levels that essentially exclude them from use.

This situation will likely create trade problems. Some of the substances not approved for use in the EU may be used legally outside the EU and could therefore be found on products destined for the EU market. In this case, import tolerances would have to be established for specific commodity/crop combinations to avoid any trade disruptions.

EU associations representing commodity importers, however, have expressed concern about the complexity of the establishment of EU import tolerances and fear that this issue has not been given appropriate attention by exporters.

Exporters should also be concerned about the upcoming transfer of non-harmonized Member State MRL's to temporary EU harmonized MRL's.

Below is an overview of the relevant EU initiatives in the pesticide area.

Ongoing Review of Plant Protection Products under 91/414

As part of the ongoing review of plant protection products on the EU market according to the rules set out in Directive 91/414/EEC, around 460 substances have not been included in the list of approved substances. The most recent group of 105 substances withdrawn from the EU market since March 31, 2004 was published in the Official Journal earlier this year (http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_037/l_03720040210en00270031.pdf). This list had been announced by the European Commission in July 2003 (see GAIN 23137 and GAIN 23232).

A few temporary derogations (until 30 June 2007 at the latest) will apply in some Member States for some "essential uses". This is for products that are not defended by the manufacturer, but for which there is no readily available alternative for the crops in question and no safety concerns linked to their continued restricted and time-limited use.

For all of the banned substances, the EU MRL's will be reduced to the level of determination (e.g. the level below which residues cannot be detected using suitable methods in accredited laboratories) unless data are provided to justify an import tolerance for these substances.

Some of the substances banned in the EU possibly may still be authorized in the U.S. and therefore, U.S. industries should review the lists of substances and identify those products that continue to be allowed in the U.S.

MRL's for Banned Products

Council Directive 79/117/EEC prohibits plant protection products containing the following active substances: mercuric oxide, mercurous chloride (calomel), other inorganic mercury compounds, alkyl mercury compounds, alkoxyalkyl and aryl mercury compounds, aldrin, chlordane, dieldrin, HCH, hexachlorobenzene, camphechlor (toxaphene), ethylene oxide, nitrofen, 1,2-dibromoethane, 1,2-dichloroethane, dinoseb and binapacrylare. Until recently, no MRL's had been set for these banned products.

On December 18, 2003, the Commission notified a draft proposal to the WTO (G/SPS/N/EEC/228) introducing MRL's at the Lower Limit of Analytical Determination for these substances. The U.S. has not submitted comments to the proposed MRL's.

MRL Harmonization Proposal

The March 14, 2003 Commission Proposal on Maximum Residue Levels (see GAIN E23045) is currently going through the co-decision process. The Commission proposed a regulation harmonizing the maximum residue levels of pesticides in food and feed products. The full text of the proposal (61 pages) is available from:
http://europa.eu.int/eur-lex/en/com/pdf/2003/com2003_0117en01.pdf.

This regulation will simplify and consolidate the existing legislation in this area. The proposed regulation foresees that all MRL's, including import tolerances, will apply EU wide, removing the trade problems that were the result of the current situation whereby Member States can set their own national MRL's in the absence of Community MRL's. Non-harmonized MRL's that are currently in force in the Member States will be included in the new regulation as temporary MRL's.

Final adoption of this regulation is expected later this year and application of the new rules would start in 2005.

List of Current Member State MRL's

There seems to be some concern that current national lists that will serve as the basis for the temporary MRL's are not entirely up-to-date. Exporters are therefore urgently and strongly encouraged to check these lists. Further information and links will be provided shortly by the European association of fresh produce importers, exporters, wholesalers and distributors, and retailers (Freshfel) at <http://www.freshquality.org/english/home.asp>.

Visit our website: our website www.useu.be/agri/usda.html provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. More information on pesticides can be found at <http://www.useu.be/agri/pesticides.html>. E-mail: AgUSEU.Brussels@usda.gov

Related reports from USEU Brussels:

Report Number	Title	Date Released
E21056	Restrictions on Pesticide Use in the EU	5/3/2001
E 23045	EU Proposal Harmonizes All Pesticide Maximum Residue Levels	3/24/2003
E 23137	EU Withdraws 110 Additional Pesticides	7/23/2003
E 23232	EU Withdraws 110 Additional Pesticides - Update	12/11/2003

	Update	
These reports can be accessed through our website www.useu.be/agri or through the FAS website http://www.fas.usda.gov/scriptsw/attacherep/default.asp .		