



STELLA KYRIAKIDES
MEMBER OF THE EUROPEAN
COMMISSION
HEALTH AND FOOD SAFETY

VIRGINIJUS SINKEVIČIUS
MEMBER OF THE EUROPEAN
COMMISSION
ENVIRONMENT, OCEANS AND
FISHERIES

Brussels, 14 January 2021

Mr Thilo Bode

International Executive Director
Foodwatch International
Brunnenstr. 181
10119 Berlin
GERMANY

Dear Mr Bode,

Thank you for your letter of 25 September 2020 in which you call for stronger regulation on the production and export of dangerous pesticides in order to better protect European and third country citizens from highly toxic pesticides.

You criticise the fact that the current regulations do not forbid European companies from producing, selling and exporting pesticides that are not approved for placing on the market and use in the Union and that Regulation (EU) No 649/2012 only requires companies to inform the authorities on upcoming imports.

It is correct that the requirements of Regulation (EC) No 1107/2009 do not apply to the production, storage or movement of a plant protection product intended for use in a third country, provided that the Member State of production, storage or movement has put in place inspection requirements to ensure that the plant protection product is exported from its territory (as laid down in Article 28 (2) (d) of that Regulation). However, for the export of such products, the provisions on prior informed consent of Regulation No 649/2012 apply.

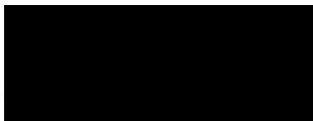
Indeed, Regulation (EU) No 649/2012, in line with the United Nations Rotterdam Convention on the Prior Informed Consent (PIC) procedure for certain hazardous chemicals and pesticides in international trade, implements the export notification requirement and the PIC procedure, by which importing countries decide whether to consent to the import of certain chemicals (including pesticides). This mechanism ensures that the export of those chemicals is not allowed if the conditions of the Regulation are not met.

Please note that Regulation (EU) No 649/2012 requests the explicit consent of importing countries for a wider number of chemicals than required by the Convention (currently about 120 versus 52). Moreover, the Regulation also requires the exchange of information on exported chemicals by three mechanisms: the export notification, the labelling requirement for exported chemicals and the notification of final regulatory action to the Secretariat of the Convention. Those mechanisms ensure that importing countries receive a variety of information on the regulatory action taken in the EU, on the results of the risk assessment and on the intrinsic properties of exported chemicals.

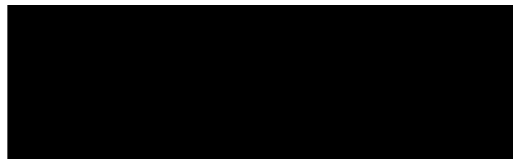
On 14 October the Commission adopted the Chemicals Strategy for Sustainability which proposes the EU to lead by example, and ensure that hazardous chemicals banned in the EU are not produced for export, including by amending relevant legislation if and as needed. The Commission is currently considering various options for the implementation of this objective, including a revision of relevant legislation. As part of these reflections the Commission will consider the various elements at stake, which include the scope of the EU ban (a particular active substance which is no longer approved in the EU for use in plant protection products may still be allowed for other uses in the EU e.g. in biocidal or veterinary medicinal products) and the fact that producers in third countries may face production conditions and pest pressures different from those in the EU.

Lastly, we share your concerns as to the findings of residues of no longer approved active substances in imported agricultural commodities. However, for the substances mentioned in your letter (i.e. Acephate, Carbofuran, Chlorfenapyr, Carbendazim, Isocarbophos, Bromopropylate, Diazinon, Fenthion, Carbaryl, Fenithrotrion) the share of samples in the last annual monitoring programme of the EU where MRLs were exceeded was very low (0.007 to 0.32 %), while the share of samples with residues below the MRLs was somewhat higher but still low (0.005% to 3.7 %). That said, please note third countries may also import (and use) plant protection products containing these active substances from other countries. That is why in the Farm to Fork Strategy, the Commission has also committed to engage actively with trading partners, especially with developing countries, to accompany the transition towards the more sustainable use of pesticides and promote alternative plant protection products and methods.

Yours sincerely,



Stella Kyriakides



Virginijus Sinkevičius