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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB item for the meeting of the "Agriculture and Fisheries" Council on 23 and 24 June 2025: Alignment of production standards applied to imported products in terms of pesticide MRLs - <i>Information from Bulgaria, Croatia, France, Greece, Hungary, Italy, Luxembourg, Romania and Spain, supported by Austria</i>

Bulgaria, Croatia, France, Greece, Hungary, Italy, Luxembourg, Romania and Spain welcome the initiative taken by the Commission in its Vision for Agriculture and Food of 19 February in favour of an alignment of production standards applied to imported products. On the specific subject of residues of pesticides banned in the European Union, this provides for the launch of an impact assessment in 2025 with a view to regulatory change¹.

¹ « To ensure that the EU's concerns about animal welfare and environmental protection are considered, and to uphold EU's moral values in response to societal demand, the Commission will pursue, in line with international rules, a stronger alignment of production standards applied to imported products, notably on pesticides and animal welfare. In that respect, the Commission will establish a principle that the most hazardous pesticides banned in the EU for health and environmental reasons are not allowed back to the EU through imported products. To advance on this, the Commission will launch in 2025 the Impact Assessment that will consider the impacts on the EU's competitive position and the international implications and, if appropriate, propose amendments to the applicable legal framework. »

This initiative also meets the demands made by the agricultural sector during the crisis in the first half of 2024. The agricultural sector in our Member States has reaffirmed the importance, in its eyes, of the need for consistency between the production rules that we set ourselves within the framework of the internal market and those that must be respected by third-country products sold on that same internal market. The issue of fairness was also strongly highlighted in this context.

In the context of the impact assessment announced by the Commission, Bulgaria, Croatia, France, Greece, Hungary, Italy, Luxembourg, Romania and Spain call for a detailed review of European regulations on maximum residue limits, in order to ensure that MRLs for active substances not approved within the European Union are systematically lowered to the detection limit for reasons of protection of human health or the environment.

The revision of Regulation (EC) No 396/2005 of 23 February 2005 on maximum residue levels (MRLs) of pesticides in or on food and feed of plant and animal origin, adopted 20 years ago, is indeed urgently needed in the light of current objectives and standards.

In particular, this regulation is based on a risk-based approach, which is not consistent with the hazard-based approach of Regulation (EC) No 1107/2009 of 21 October 2009 concerning the placing of plant protection products on the market in the European Union.

This situation results in pesticides that are banned in the European Union because of cut-off criteria², or that have not been evaluated with regards these criteria, continuing to be subject to MRLs when imported³. This regulatory tolerance allows products treated with such pesticides to enter and be sold on the internal market, to the detriment of consumer health and environmental protection in the European Union and in the countries of origin. This tolerance is particularly alarming given that some of these active substances are classified as endocrine disrupters, mutagenic, carcinogenic or reprotoxic.

² Defined in Annex II of Regulation 1107/2009 : substances known or suspected to be carcinogenic, mutagenic or reprotoxic (category 1A or 1B), endocrine disrupters, persistent organic pollutants (POP), persistent, bioaccumulative and toxic substances (PBT) and very persistent and very bioaccumulative substances (vPvB).

³ The ‘risk’ approach is less restrictive than the ‘hazard’ approach: it involves balancing the hazard identified in relation to exposure to that hazard, to determine whether or not the populations concerned are exposed beyond toxicity thresholds.

This is why Bulgaria, Croatia, France, Greece, Hungary, Italy Luxembourg, Romania and Spain are expressing their concern about this regulatory inconsistency.

Bulgaria, Croatia, France, Greece, Hungary, Italy, Luxembourg, Romania and Spain ask the Commission to deliver the conclusions of its impact assessment as soon as possible and to initiate a revision of Regulation (EC) No 396/2005 before the end of 2025, with the aim of aligning the principles governing the definition of MRLs with those used for the approval of active substances.

In particular, Regulation (EC) No 396/2005 should provide, as a general principle, for the systematic lowering of MRLs to the limit of detection, within a maximum period of 6 months, for active substances that are no longer approved in the European Union, either because of a particular risk (in particular a cut-off criterion) or because the toxicological dossier has not been updated (in particular with regard to these cut-off criteria).

Bulgaria, Croatia, France, Greece, Hungary, Italy, Luxembourg, Romania and Spain emphasise that the urgent revision of Regulation (EC) No 396/2005 is crucial to the overall protection of consumer health and the environment, and ask the Commission to propose before the end of 2025 an ambitious update of this text, which is crucial to our agricultural sector and beyond.

In parallel with this review, outreach to third countries will be required to explain the reasons for this in terms of health and environmental protection, and compatibility with WTO standards.
