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Page: 1/2

Committee on Sanitary and Phytosanitary Measures

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**EUROPEAN UNION IMPORT TOLERANCES FOR CERTAIN PESTICIDES  
TO ACHIEVE ENVIRONMENTAL OUTCOMES IN THIRD  
COUNTRIES – [SPECIFIC TRADE CONCERN 534](#)**

**SUBMISSION BY THE UNITED STATES OF AMERICA**

The following submission, received on 26 March 2024, is the statement made by the United States of America at the 20-22 March 2024 WTO SPS Committee, and is being circulated at the request of the Delegation of the United States of America.

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1. The United States reiterates its concerns with the European Union's Commission Regulation 2023/334 regarding the reduction of maximum residue levels (MRLs) for clothianidin and thiamethoxam, notified to the TBT Committee as [G/TBT/N/EU/908](#) on 6 June 2022, through which the European Union appears to be applying domestic environmental policies to food and agricultural products imported from third countries.

2. The United States is disappointed that the European Union has not provided a substantive response to the legitimate concerns raised by multiple Members in this Committee. This lack of response is particularly troubling considering recent farmer protests in EU member States that would suggest that agricultural producers within the European Union are aligned with concerns previously raised by Members regarding the detrimental effects of these measures.

3. Given the critical importance of pesticides such as clothianidin and thiamethoxam to produce crops that are exported to the European Union from the United States and other WTO Members, we are concerned that the reduction of these MRLs to the limit of quantification, or LOQ, poses a significant barrier to trade.

4. As the European Union has previously recognized, global environmental challenges cannot be achieved by prescriptive, one-size-fits-all approaches that are narrowly tailored to the conditions in one country or region.

5. The United States urges the European Union to refrain from using pesticide MRLs outside of their intended purpose, which is to allow regulators to monitor the lawful applications of pesticides and to ensure consumer food safety.

6. WTO Members rely on pesticide MRLs, including MRLs established by Codex, to ensure food safety for consumers and to facilitate trade in agricultural products. International consensus-based pesticide MRLs reflect the highest level of pesticide residue that is acceptable in or on food or feed in consideration of consumer exposure and possible health risks; pesticide MRLs are not an appropriate or efficient indicator of environmental outcomes because MRLs are not developed to address this objective.

7. The United States recalls that the European Food Safety Authority's (EFSA) review of clothianidin and thiamethoxam recommended MRLs that were safe for consumers. We, therefore, reiterate our request for the European Union to share the scientific and technical information that demonstrates how the reduction of these MRLs to the LOQ for products produced outside of the European Union protects pollinators, including bees.

8. In the absence of scientific or technical information indicating how the reduction of MRLs to the LOQ for products produced outside of the European Union contributes to the objective of protection of pollinators, including bees, the United States requests that the European Union refrain from additional attempts to achieve global environmental outcomes through pesticide MRLs and to restore prior MRLs for clothianidin and thiamethoxam.

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