



To: members of the PAFF committee - Section "Phytopharmaceuticals - Residues"

Brussels, 18 April 2024

Subject: Call to support the Commission's proposal to lower all the (Maximum Residue Limits) MRLs of thiacloprid (C. 05)

Dear members of the PAFF committee,

On 22 and 23 April, you are invited to the EU Standing Committee on Plants, Animals, Food and Feed to discuss the European Commission's proposal to lower all the MRLs of thiacloprid (C.05). We ask you to support this proposal and to speed up its adoption. Citizens in the EU and beyond as well as the environment urgently need to be protected from this very harmful substance.

Thiacloprid was classified as toxic to reproduction (category 1B) and carcinogenic (category 2) in 2015. It was also found to be highly toxic to bees and aquatic organisms. While the Pesticide Regulation (1107/2009) requires pesticides to have no harmful effects on human health, and in particular not to be toxic to reproduction (Article 4(1)), thiacloprid was not banned in the EU until 2020. This 5-year delay in protecting European citizens and the environment was highly reprehensible. The Pesticide Regulation makes clear that citizens, including most vulnerable groups, shall not be exposed to reprotoxic pesticides and such substances must be banned unless the level of exposure is negligible (Annex II-3.6.4). The latter means that the substance is used in closed systems resulting in no contact with humans and non-detectable residues in food i.e. below the default value of 0.01 mg/kg or the relevant level of quantification ('LOQ').

Following the decision to ban thiacloprid and in accordance with Article 17 of the MRLs Regulation (396/2005) to ensure a high level of protection for European consumers, the Commission should have swiftly deleted all the existing MRLs in/on food products set for thiacloprid. This should have applied to those based on uses in non-EU countries, which are set either as import tolerances or Codex MRLs ('CXLs'). After failing to act for more than three



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years, the Commission has finally proposed amending Annexes II and III of the MRLs Regulation in May 2023. It was proposing to set double standards in the regulation of the MRLs of thiacloprid between EU and third countries.

The proposal was not in line with the Pesticide Regulation which foresees that citizens and the environment shall not be exposed to such substances (Article 4, Annex II-3.6.4). It also contradicted the MRLs Regulation which makes clear that residues should not be present at levels presenting unacceptable risks for humans (Recital 5) and that import tolerances cannot be set for substances banned for public health reasons (Article 3(2)(g)). Last, this proposal would have led to knowingly exposing the citizens of third countries and the environment to a pesticide that is rightfully seen as too toxic to be used by European farmers.

We are concerned that maintaining double standards in the regulation of EU-banned reprotoxic pesticides in food by assuming safe levels exist, is a common practice on the Commission's side. PAN Europe identified five other EU-banned pesticides that are toxic for reproduction and whose residues are permitted in imported food products above detectable levels. In a [policy briefing](#), we explain why this approach -upheld in Guidance Document SANTE/2015/10595- is unacceptable and contrary to the pesticide legal framework¹.

PAN Europe welcomes the lack of support for this proposal from a qualified majority of Member States and the objection to the proposal from the European Parliament in January 2024². We also welcome the new proposal from the Commission to delete all MRLs of thiacloprid, which after years of delay finally aims to ensure a high level of protection for citizens in the EU and beyond, and for the environment. However, the European Commission should have lowered these MRLs on the basis that the substance meets the cut-off criterion for reproductive toxicity, and not only because its toxicological reference values have been set by EFSA without applying the new endocrine disruption criteria.

We urge you to adopt this proposal as promptly as possible so that citizens and the environment are soon fully protected from exposure to residues of reprotoxic thiacloprid. In addition, we call on you to ask the European Commission to lower to 0.01mg/kg or the relevant LOQ the MRLs for all the other EU-banned pesticides that are toxic for reproduction in line with EU law.

Thank you for your consideration.

Sincerely yours,

¹ [1cc434e7-4945-4388-98d9-c804b102d16b_en \(europa.eu\)](https://ec.europa.eu/pesticides/policy-briefing)

² https://www.europarl.europa.eu/doceo/document/TA-9-2024-0016_EN.html



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On the behalf of PAN Europe

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