



**Pesticide
Action
Network**
Europe

Ms. Stella Kyriakides
European Commissioner for Health and Food Safety
European Commission
B-1049 Brussels - Belgium

Brussels, 9 April 2024

Subject: Call for a ban on hazardous pesticides and their residues in European food products:
thiacloprid and other reprotoxic pesticides

Dear Commissioner Kyriakides,

PAN Europe writes to you to express its concerns regarding the European Commission's handling of pesticide substances known to be harmful to reproduction (known/presumed to damage the unborn child and/or fertility, i.e. toxic for reproduction category 1A/B)¹. These substances are unequivocally hazardous to health and shall not be approved for use in pesticides according to Regulation 1107/2009 ('Pesticide Regulation')² aiming to protect humans and animal health, as well as the environment from exposure to harmful pesticides. Despite the obligations set out in the Pesticide Regulation, your services at the Directorate-General for Health and Food Safety ('DG SANTE') continue to allow residues of these substances in imported food after they have been banned in the EU. Furthermore, we observed that some of such substances remain approved and are used in EU food production even after they have been officially classified as reprotoxic¹. With this letter we are asking you to put an end to these practices and ensure that all reprotoxic substances are swiftly banned, in line with EU law, and no residues are permitted in food.

We would like to first draw your attention to the case of thiacloprid, a substance classified as toxic to reproduction (cat. 1B) in 2015 and toxic to bees. This hazardous substance was rightfully banned in 2020 as it was found not to meet the approval criteria laid down in Article 4 of the Pesticide Regulation. PAN Europe regrets that it took 5 years to ban this substance, after its

¹ In accordance with Regulation 1272/2008.

² In accordance with Article 4(1) and point 3.6.4 of Annex II of Regulation 1107/2009.

classification by the European Chemical Agency ('ECHA'). Following the ban decision, the Commission presented a proposal to delete the existing Maximum Residue Limits ('MRLs') but to maintain many of those based on uses in non-EU countries, which are set either as import tolerances or Codex MRLs ('CXLs')³. This double standard in the regulation of the MRLs of a hazardous pesticide between EU and third countries led to an objection from the European Parliament in January 2024⁴, which PAN Europe fully supports. Indeed, the Commission proposal was not in line with the Pesticide Regulation that foresees that citizens and the environment shall not be exposed to such substances.

In addition to thiacloprid, we have identified seven other active substances -classified as toxic to reproduction category 1B⁵- for which MRLs in some products are set above the default value of 0.01 mg/kg or the relevant Limit of Quantification ('LOQ'; see appendix). Six of these substances are no longer approved in the EU for several years, but for five of them the Commission has presented proposals to Member States to maintain MRLs higher than the default value or relevant LOQ in certain food products. For the sixth reprotoxic substance, the dithiocarbamate fungicide mancozeb, no proposal to adapt or even lower MRLs has been issued following its ban in 2021.

The Pesticide Regulation clearly states that reprotoxic substances shall not be authorised unless the exposure is negligible (Annex II, 3.6.4), which 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 LOQ. European consumers, and especially pregnant women and young children, should not be exposed to these substances through their food. Moreover, according to Article 3(g) of Regulation 396/2005 ('MRLs Regulation') -whose aim is to ensure high level of protection of consumers- import tolerances are to be set for substances that are not authorised "*for reasons other than public health reasons*". This shall therefore not apply to thiacloprid or any other reprotoxic substances.

Hence, establishing MRLs in imported food that exceed default value or the relevant LOQ for EU-banned reprotoxic substances violates EU law's provision for a high level of protection in many ways. In summary, it prevents the harmonisation of EU rules and creates a 'double standard' that puts the health of local communities and biodiversity in third countries at risk, exposes EU consumers to EU-banned and hazardous pesticides through imported food and puts EU farmers into an unfair market competition. Finally, this clearly undermines the political EU commitments expressed in the Farm to Fork Strategy⁶ to eliminate double standards and drive the global transition towards a sustainable food system. The Commission should now delete all MRLs for thiacloprid in all food items, including those based on uses in non- EU countries. It shall extend this action to delete all MRLs to all EU-banned reprotoxic substances, according to Article 17 of the MRLs Regulation.

³ MRLs set at the international level by the Codex Alimentarius Commission are considered by EFSA when EU MRLs are being set.

⁴ https://www.europarl.europa.eu/doceo/document/TA-9-2024-0016_EN.html

⁵ In accordance with Regulation 1272/2008, Annex II 3.6.4

⁶ EUR-Lex - 52020DC0381 - EN - EUR-Lex (europa.eu)

Worryingly, while some such reprotoxic substances have been banned, others continue to be on the EU market, in breach of the Pesticide Regulation (Appendix). This is the case for flurochloridone and dimethomorph, which were classified as toxic for reproduction category 1B in 2018 and in 2019 respectively, in line with Regulation 1272/2008. More recently, in 2023, dimethomorph was also identified by the European Food Safety Authority ('EFSA') as an endocrine disruptor for humans and non-target organisms. The approval period for both substances expired several years ago but the European Commission and Member States continue to prolong them, instead of removing them from the market⁷. In the meantime, farm workers, residents of agricultural zones but also European consumers keep being exposed to these dangerous substances. The European Commission must proceed with the non-renewal of both substances without further delay.

To ensure the high level of protection of consumer health required by the MRLs Regulation and the Pesticide Regulation, we urge the Commission to:

1. Lower the MRLs to the default value of 0.01 mg/kg or to the relevant LOQ the MRLs of all food products for all reprotoxic substances no longer approved in the EU.
2. Swiftly ban substances classified, in accordance with the provisions in Regulation 1272/2008, as toxic to reproduction category 1B in accordance with point 3.6.4 of Annex II of the Pesticide Regulation.

A similar approach should be adopted for all hazardous substances falling under the cut-off criteria of Article 4(1) and Annex II, including those with endocrine disrupting properties.

We thank you for your attention to this important issue and urge immediate action that prioritises the protection of European consumers, citizens, the environment, and provides benefits beyond our borders.

Sincerely yours,

On the behalf of PAN Europe

Angeliki Lysimachou
Head of Science and Policy
Pesticide Action Network Europe

⁷ Dimethomorph; 01/10/2007-15/02/2025 (initially 09/2017); Flurochloridone: 01/06/2011-15/03/2026 (initially 05/2020)

Appendix

Substance name	CLP classification (date)	Status	Expiration of approval
Dimethomorph	Repr. 1B (2019)	Approved	15/02/2025
Flurochloridone	Repr. 1B (2018)	Approved	15/03/2026
Isopyrazam	Repr. 1B (2020)	Not approved	08/06/2022
Mancozeb	Repr. 1B (2019)	Not approved	04/01/2021
Cyproconazole	Repr. 1B (2015)	Not approved	31/05/2021
Thiacloprid	Repr. 1B (2015)	Not approved	03/02/2020
Glufosinate	Repr. 1B	Not approved	31/07/2018
Carbendazim	Repr. 1B, Mut. 1B (2019)	Not approved	30/11/2014