

## 1. Imports of pesticides residues

### Explanatory statement

When a substance is classified as dangerous for health, residues in food should be reduced to the lowest possible level, whether these are grown in the EU or in third countries. However, this is not always the case as shown by a study published in September 2024 by PAN Europe. Due to loopholes in EU pesticide policies, currently, about 65 EU-banned pesticides have MRLs above the default limit of quantification. The study detected 69 EU-banned hazardous pesticides in food sold in the EU, with 53 exceeding the EU's maximum residue levels<sup>1</sup>. Maximum Residue Limits should be automatically lowered to the limit of determination for all substances banned in the EU and products containing traces of pesticides banned in the EU should not be allowed to enter the European market.

### Amendment proposal

*Food and feed of plant and animal origin may only be imported from third countries if they comply with obligations related to the maximum residue levels (MRL) of pesticides in force for food and feed produced in the Union.*

*As soon as possible and by 1 January 2027 at the latest:*

*(i) import tolerances as defined in Article 3 (2) (g) of Regulation 396/2005 shall neither be granted nor maintained and*

*(ii) Codex Limits (CXL) as defined in Article 3(2)(e) of Regulation (EC) No 396/2005 shall neither be implemented nor maintained*

***(iii) MRL shall be lowered to the 'limit of determination' as defined in Article 3 (2)(f) of Regulation 396/2005.***

*with respect to active substances not approved in the EU for reasons related to consumer protection (including in particular active substances not satisfying the approval criteria set out in points 3.6.2 to 3.6.5 of Annex II to Regulation (EC) No 1107/2009) or for reasons related to environmental concerns of a global nature (including active substances not satisfying the approval criteria in points 3.7.1 to 3.7.3 and in points 3.8.2 to 3.8.3 of Annex II to Regulation (EC) No 1107/2009).*

## 2. Amend EC regulation 396/2005 on maximum residue limits to cover environmental issues.

### Explanatory statement

Regulation EC 396/2005 only considers consumer protection when setting MRLs. A step forward should be made to take also into account considerations relating to the protection of the environment (e.g. contamination of natural resources and impacts on biodiversity). A first step was taken with Commission Regulation (EU) 2023/334 of 2 February 2023, adopted based on

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<sup>1</sup> PAN Europe, september 2024 [https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/Report\\_Double%20standards%2C%20double%20risk.pdf](https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/Report_Double%20standards%2C%20double%20risk.pdf)

regulation EC 396/2005, that lowers the MRLs for clothianidin and thiamethoxam to the Limit of Determination intending to “reduce the threat to biodiversity in the global environment”. For more clarity, EC regulation 396/2005, the overarching legislation, should be amended to cover environmental issues.

### **Amendment proposal**

#### *Article 1- Subject matter*

*This Regulation establishes, in accordance with the general principles laid down in Regulation (EC) No 178/2002, in particular the need to ensure a high level of consumer protection **taking account of, where appropriate, the protection of the environment** and harmonised Community provisions relating to maximum levels of pesticide residues in or on food and feed of plant and animal origin.*

### **3. Extension of the scope of regulation (EC) 396/2005 to cover energy and ornamental uses.**

#### **Explanatory statement**

Regulation (EC) 396/2005 should be amended to apply to all imported agricultural commodities, particularly those intended for energetical or ornamental uses (such as flowers).

### **Amendment proposal**

#### *Article 2- Scope*

*1. This Regulation shall apply to products of plant and animal origin or parts thereof covered by Annex I to be used as fresh, processed and/or composite food or feed **and as energy or ornamental products** in or on which pesticide residues may be present.*

*2. This Regulation shall not apply to the products covered by Annex I where it may be established by appropriate evidence that they are intended for:*

*~~(a) the manufacture of products other than food or feed; or~~*

*(b) sowing or planting; or*

*(c) activities authorised by national law for the testing of active substances.*

*3. Maximum residue levels for pesticides set in accordance with this Regulation shall not apply to products covered by Annex I intended for export to third countries and treated before export, where it has been established by appropriate evidence that the third country of destination requires or agrees with that particular treatment in order to prevent the introduction of harmful organisms into its territory.*

*4. This Regulation shall apply without prejudice to Directives 98/8/EC (1 ), 2002/32/EC and Regulation (EEC) No 2377/90 (2 ).*

### **4. Ban the importation of products treated with banned pesticides in the EU**

#### **Explanatory statement**

A recent study by the [EU Tax Observatory](#) shows that while cereal and oilseed imports account for only 16.7% of European consumption by volume, their share in the pesticide footprint of

foodstuffs consumed in Europe is 46%. In other words, a kilo of cereals imported into the EU is almost four times more “intensive” in pesticides than a kilo of cereals produced on EU soil.

The problem is that current European legislation is based solely on detecting pesticide residues in finished products marketed in the EU (via MRLs) and has no impact on production methods. The fact that pesticides are not detected in products does not guarantee that they have not been used during the production process. According to experts, the amount of pesticide which actually reaches the plant is around 2%. So they may be present in the final product in concentrations too low to be detected. The MRL approach is also unsuitable for commodities such as hazelnuts due to the fruit’s protection by the shell and leaf bracts. As a result, it is possible to apply numerous products at high doses and late stages without detecting residues in the hazelnuts, except for highly systemic products. Hence, lowering MRLs may not be the most effective way of protecting the environment. A total ban on using these substances for imported products would produce better environmental results.

The ban should focus on the most hazardous pesticides. The criteria could include classification into a certain category and the severity of impacts generated by EU consumption based on sectors according to import volumes and quantities of substances used. Then, the ban could apply to all banned pesticides within the EU.

To do so, the Commission shall adopt a ban on imports of products treated with banned pesticides in the EU. The proposed amendment below is partly based on the [formulation of a compromise amendment voted by COM ENVI](#) (see article 36b new) in the context of the regulation proposal on the sustainable use of pesticides (“SUR Regulation”)

### **Amendement proposal**

*Imports of agricultural and agri-food products from third countries*

*1. Products grown with pesticides banned in the EU shall not enter the European market. Legislative proposals to end this regulatory divergence focus primarily on substances that meet any of the exclusion criteria set out in Regulation (EC) 1107/2009 (points 3.6.2 to 3.6.5, points 3.7.1 to 3.7.3 and point 3.8.2 of Annex II).*

*2. By the end of 2025 import tolerances as defined in Article 3 (2)(g) of Regulation 396/2005 for substances not approved under Regulation 1107/2009 for public health and environmental reasons shall be set at the limit of determination, as defined in Article 3 (2)(f) of Regulation 396/2005.*

## **5. Export ban**

### **Explanatory statement**

Currently, the EU produces active substances and pesticides for export whose use is banned from the European market because of their hazardous nature or environmental impact. This double standard violates EU environmental and human rights commitments. Regarding

pesticides, regulation EC 1107/2009 lays down requirements for the placing of pesticide products on the EU market, but it does not apply to pesticides produced in the EU for export to third countries. This leads to a situation where pesticides banned in the EU due to their hazardous properties are still manufactured by European companies and exported to third countries, mainly LMICs. In 2018, over 81,000 tonnes of pesticides containing 41 banned hazardous substances were exported from European factories for agricultural use in third countries<sup>2</sup>. This increased to approximately 120.000 tonnes in 2022<sup>3</sup>. The proposed amendment below is based on the [formulation of a compromise amendment voted by COM ENVI](#) (see article 36c new) in the context of the regulation proposal on the sustainable use of pesticides ("SUR Regulation")

### **Amendment proposal**

*Export of active substances and plant protection products not approved in the Union*

*The production, storage, circulation in the Union and export to third countries from the Union shall be prohibited for active substances and plant protection products for which the approval or authorisation under Regulation (EC) No 1107/2009 has been refused, revoked or not renewed for public health or environmental reasons.*

## **6. Use of antibiotics as growth promoters**

### **Explanatory statement**

According to a study published in Nature Communications<sup>4</sup>, in 2019, European livestock farms used an average of 56 mg/kg live weight of antibiotics per year, while those in North and South America consumed 101 mg/kg and those in Asia and the Pacific 215 mg/kg. In terms of volume, Asia consumes more than 66,000 t of antibiotics for its livestock (60% of the world total), South America 23,000 t, North America 8,200 t, Europe 7,500 t and Africa 5,800 t (i.e. 39 mg/kg).

Since 1 January 2006, the use of antibiotics as growth promoters has been banned in the EU<sup>5</sup>. Regulation (EU) 2019/6 of 11 December 2018 on veterinary medicinal products, which came into force in January 2022, contains measures to combat antimicrobial resistance, including a range of rules applicable to antimicrobial medicinal products<sup>6</sup>. Article 107(2) prohibits using these medicines in animals to promote growth or increase yield.

Article 118 extends this ban to third-world operators who import animals or animal products into the EU. However, this measure only concerns antibiotics, which are considered medicines, not additives. Thus, it only covers a tiny part of the uses of third-world producers who export their meat to the EU. The import requirement (i.e., mirror measure) of the regulation on veterinary medicines must, therefore, imperatively be supplemented by another one adopted, this time, within the framework of the European regulation on feed additives for animals :

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<sup>2</sup> PublicEye, Unearthed 2020. <https://www.publiceye.ch/en/topics/pesticides/banned-in-europe>

<sup>3</sup> Unpublished data

<sup>4</sup> <https://www.nature.com/articles/s41467-025-56825-7#additional-information>

<sup>5</sup> Regulation (EC) 1831/2003 of 22 September 2003 on additives for use in animal nutrition

<sup>6</sup> Article 107 of Regulation (EC) 2019/6 of 11 December 2018 on veterinary medicinal products

**Amendement proposal**

*“Animals or products of animal origin imported into the Union -*

*Article 5(4) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition shall apply mutatis mutandis to operators from third countries. Such operators shall not use antibiotics other than coccidiostats or histomonostats as feed additives in the case of animals or products of animal origin exported from such third countries to the Union. The Commission shall adopt delegated acts to supplement this Article by laying down the detailed rules required for its application.*