2025

Reciprocity of agricultural production standards in international trade

Report on the dialogue between agricultural sectors, NGOs and experts held on 4 June 2025 by MEPs Camilla LAURETI, Benoit CASSART, Charles GOERENS and Éric SARGIACOMO

Why is reciprocity of standards a strategic issue for the EU?
Which instruments are included in the European "toolbox" of reciprocity measures?
What are their strengths, weaknesses and risks?
What are the conditions for implementation, control and success?
What is the compatibility with WTO law?

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INTRODUCTION.

A REPORT RESULTING FROM A TECHNICAL DIALOGUE BETWEEN STAKEHOLDERS ORGANISED AT THE EUROPEAN PARLIAMENT

In his "Vision for the future of agriculture and food" presented at the start of 2025, the European Commissioner for Agriculture undertook to formulate proposals to demand greater reciprocity of agricultural production standards in trade.

European farmers are calling for this reciprocity of agricultural production standards and are asking to be put on an equal footing with imports in order to maintain their competitiveness on the markets and give credibility to their commitments in terms of the environment and public health. This essential condition for the coherence of European policies is, moreover, a central recommendation of the Strategic Dialogue on the Future of EU Agriculture.

On the other hand, critics of reciprocity believe that if the EU imposes its policy choices on its trading partners, this could lead to reprisals against our exports by countries that would have to comply with EU standards.

On 4 June 2025, MEPs Camilla Laureti, Benoit Cassart, Charles Goerens and Eric Sargiacomo organised a dialogue between representatives of agricultural sectors, NGOs and experts at the European Parliament in order to assess this risk, identify the precise "needs" in terms of reciprocity of standards in the various agricultural sectors, the legal tools available, the conditions for their implementation and the mistakes to be avoided.

During this discussion, participants shared their thoughts and work on these issues. Thanks to their contributions and expertise, a collective approach has emerged in favour of greater reciprocity of standards for farmers and greater coherence between the EU's trade policy and the sustainability objectives it has set itself.

The participants in this dialogue:

Panel 1: Identification of reciprocity needs (representatives of agricultural sectors and NGOs):

- Paul-Henri Lava, Deputy Secretary General, AVEC EU Poultry

- Daniel Pérez Vega, Trade and Animal Welfare Programme Officer, Eurogroup for Animals

- Franck Laborde, Chairman, CEPM, Maiz' Europ'

- Elisabeth Lacoste, Director, International Confederation of European Beet Growers (CIBE)

- Marta Messa, Secretary General, Slow Food

- Léa Auffret, Head of International, The European Consumer Organisation (BEUC)

Panel 2: Conditions for success (experts):

Mathilde Dupré, Co-director, Veblen Institute - "What capacity is there to monitor the application of reciprocity measures? "

Dorian Guinard, Senior Lecturer in Public Law, Grenoble Alpes University - "What are the limits of the current approach based on maximum residue limits?

Stéphanie Kpenou, Doctor of Law, Trade Policy Expert - "How compatible are they with WTO rules? "

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I.1 THE INCREASING DEPENDENCE ON IMPORTS OF EUROPE'S AGRICULTURAL SECTORS: A CHALLENGE FOR COMPETITIVENESS AND SOVEREIGNTY.

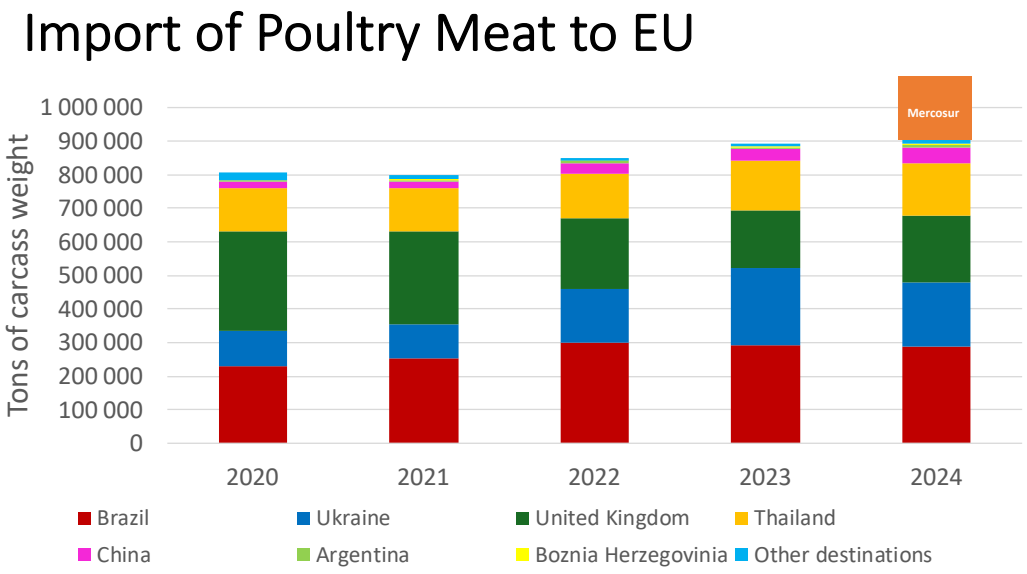
The European Union's food sovereignty has always been of major strategic interest, ever since the establishment of the Common Agricultural Policy. It is a central pillar of the European Union's strategic autonomy and an essential condition for the sustainability of our agricultural model.

However, the Covid-19 pandemic and the war in Ukraine have highlighted the vulnerability of some of Europe's agricultural sectors to the disruption of global trade flows. The European Union's growing dependence on imports for inputs to produce its food and for finished products to meet user demand on its market is raising many concerns.

The figures are clear in many agricultural sectors: - In 2023, the EU imported **almost 900,000 tonnes of poultry meat from third countries,** mainly from Brazil, Ukraine, Thailand and China. Application of the economic and political association agreement with Mercosur would increase this volume to 1.1 million tonnes, **or around 9% of EU poultry consumption.**

Because the EU mainly imports chicken fillets (and not whole chickens), **imported meat accounts for 25% of the fillets consumed** in the European Union (source: AVEC-poultry).

Poultry imports into the EU: trends and main suppliers. Source: AVEC-Poultry



Source: DG AGRI

- In 2023, the EU imported **over 340,000 tonnes of beef,** mainly from Mercosur. In theory, the EU remains self-sufficient in this sector, but quality imbalances (types of animal and types of muscle consumed within the EU) mean that it is dependent on imports. Current import levels represent only **5% of overall consumption, but a large proportion of imports focus on the "sirloin" market segment,** which accounts for only 18% of the carcass and around a third of its value (source: Interbev: French Interprofessional Livestock and Meat Association). Total imports and quotas currently provided for in trade agreements in force or in preparation represent almost half (44.5%) of EU sirloin production (by volume). This dependence on imports is set to worsen in view of the fall in overall production in the EU caused by the reduction in livestock numbers.

- In 2023, the EU imported **almost 150,000 tonnes of sheepmeat** and remains a net importer in this sector, even since the UK's exit, with an **average supply rate of 85%** (source: Interbev: French Interprofessional Livestock and Meat Association)

- In 2023, **the volume of sugar import tariff quotas granted by the EU amounted to 1.1 Mt of sugar, or 11% of the sugar consumed on its market.** The agreement signed with Mercosur provides for a duty-free quota of 190,000 tonnes in this sector, which will be added to the tariff quotas previously granted under other FTAs, for a total granted in 2025 under the FTAs **of 1.7 Mt,** which will exceed 11% of EU consumption. Imports from ACP/LDC countries that are exempt from duties and quotas must be added to this percentage. (source: CIBE - International Confederation of European Beet Growers).

Source: CIBE

- In the 2022/2023 marketing year, the EU became the world's leading importer of maize, with **26 million tonnes of maize imported.** The sector has lost one million hectares of maize over the last twenty years: now, **one in four tonnes of maize used in the EU comes from imports.**

I.2 A DEMAND DRIVEN JOINTLY BY FARMERS AND EUROPEAN CIVIL SOCIETY ORGANISATIONS: A CHALLENGE FOR COHESION.

The presentation of the European Green Deal, which aims to make the EU climate neutral by 2050 establishing an economic growth model decoupled from the use of resources, met with considerable resistance from the farming community. One of the main criticisms of this legislative package was the failure to take account of the difference in agricultural production standards that exists between European and imported products.

For farmers opposed to the Green Deal, if the EU imposes new constraints on European producers without making access to the European market conditional on compliance with its production standards for imported products, it will weaken its own agricultural production and facilitate production transfer to countries with less stringent environmental and health legislation.

For environmental, consumer and animal welfare associations, bringing trade policy into line with the requirements imposed on European farmers is essential if we are to meet our commitments in terms of sustainability (combating deforestation, protecting biodiversity, combating antibiotic resistance, etc.). Outsourcing impacts alone is not an appropriate response to the challenges identified, and could even prove counter-productive in terms of overall impact.

II. DISTORTIONS OF PRODUCTION STANDARDS IDENTIFIED AND OBJECTIVISED

II.1 THE EXAMPLE OF THE POULTRY SECTOR

Poultry is **the most imported meat** in the EU. If the EU-Mercosur trade agreement comes into force, **annual European poultry imports could exceed one million tonnes.** These imported meats are generally used as ingredients in **processed products** or for catering. For these outlets, European regulations do **not require the origin of the meat to be labelled.** As a result, consumers do not have the information they need to choose between European meat produced to strict EU livestock farming standards and imported meat produced to lower standards in terms of animal welfare, animal health and environmental protection.

When it comes to **animal welfare rules**, for example, **only European slaughter standards apply to imports**. Third country producers exporting to the EU are not obliged to apply European rules on poultry farming and transport. This applies in particular to the rules governing **the maximum density in hen houses.** This density is set at 42 kg/m2 in the EU and the average density is 39 kg/m2. In third countries exporting to the EU, in the absence of this rule, the density can be as high as 50 kg/m2.

In terms of animal health, European legislation imposes strict rules on producers in the event of the detection of **salmonella**: regulations (EU) no. 200/2010 and no. 200/2012 require the flock to be slaughtered under veterinary supervision and eggs not intended for human consumption to be disposed of, in order to avoid any potential contamination along the production chain. These measures, which have led to a very significant reduction in cases of salmonella in poultry feed and are very costly for European farmers, do not apply to third country producers exporting to the EU.

Animal Welfare

Requirement	EU Producers	Applies to Imports?	Comment / Update
General protection of poultry	Directive 98/58: Safe buildings, clean housing, ventilation, daily inspection	No	No equivalent required for exporters
Broiler-specific farm conditions	Directive 2007/43/CE: Stocking density, light intensity, litter, air quality	No	Not required of exporters
Stunning & slaughter	Reg. 1099/2009: Approved stunning methods, equipment requirements	Yes (equivalence required)	Still in force
Transport of animals	Reg. 1/2005: Max 12h journey, fitness to travel, space requirements, certified drivers	No	No mirror clause on transport

Animal Health

Requirement	EU Producers	Applies to Imports?	Comment / Update
Salmonella control	Reg. 200/2010 & 200/2012: National control plans, testing, culling if positive	No	Not enforced for third countries
Avian influenza measures	Reg. 429/2016 + 687/2020 etc.: Surveillance, emergency plans	Partial equivalence	DG SANTE audits reveal weaknesses in countries like Brazil & Thailand

Source: AVEC-Poultry

Similarly, **the use of antibiotics in livestock farming** differs between European livestock farms and livestock farms in third countries that export to the EU, despite the adoption of a unilateral reciprocity measure under **Regulation 2019/6 on veterinary medicinal products, which was intended to ban the use of antibiotics as growth promoters:** a practice banned in the EU since 2006. It has become clear that **the conditions for implementing this unilateral measure are insufficient** (see chapter IV.2.a).

Moreover, these farms exporting to the EU are still authorised to **use poultry-derived processed animal protein (PAP) in their feed.** However, European regulations lay down a "non-cannibalism" rule, prohibiting the use of poultry-derived PAP to feed poultry, the use of ruminant-derived PAP and strictly controlling supply chains for the use of pig-derived PAP. This is despite the fact that all these products are authorised for use in poultry feed in third countries. European producers are in no way calling into question the European rule, but believe that these distortions of production standards for animal feed give producers in third countries exporting to the EU a major competitive advantage: on average, the cost of animal feed accounts for 70% of the costs incurred by poultry farmers.

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Feed Regulation

Requirement	EU Producers	Applies to Imports?	Comment / Update
Animal proteins in feed	Pork/fish PAPs allowed; no cannibalism; strict segregation	No	Not enforced for exporters
Antibiotic growth promoters	Fully banned	No	Still allowed in e.g. Canada; sometimes classified as additives
HACCP in feed plants	Reg. 183/2005: Mandatory	No	No mirror clause
GMOs	Only approved varieties allowed	Yes	Subject to import controls

Source: AVEC-Poultry

As far as environmental regulations are concerned, **the recent Industrial Emissions Directive (IED)** has created new distortions of competition between European poultry producers and those in third countries. This directive requires European poultry farms with more than 40,000 birds to implement an environmental management system to check that they comply with emission levels in air, water and soil. Compliance with these "best available techniques" means heavy investment for EU producers. These rules do not apply to imported poultry. This means that **a production site can concentrate 19 sites with 36 barns, each containing 55,000 birds**, within a 15 km radius, **i.e. produce 39 million chickens in this area, without having to apply the IED Directive.** (source: AVEC-Poultry).

Environment

Requirement	EU Producers	Applies to Imports?	Comment / Update
Environmental permits (IED)	Dir. 2010/75: Required for farms >40,000 birds & slaughterhouses >50t/day	No	IED revision will widen scope
Environmental impact assessment (EIA)	Dir. 2011/92: Mandatory for new farms >85,000 broilers	No	Not imposed on importers
Fallen stock disposal	Reg. 1069/2009: Only approved methods (no burial/composting)	No	Practices diverge in exporting countries

Concrete example: Industrial Emission Directive

Source: AVEC-Poultry

II.2 THE EXAMPLE OF THE MAIZE SECTOR

Maize is the most widely produced cereal in the world. In the EU, one in five farmers produces maize, because it is often used to supplement livestock farming. In the 2000s, the EU imported around 5% of its maize requirements. Twenty years on, t**he EU has lost 10% of its** maize **production and now imports 25% of its needs**, mainly from Brazil and Ukraine. On the contrary, in Brazil, from where the EU imports 7 to 8 million tonnes of maize per year, maize production is increasing by 400,000 hectares every year.

Mercosur vs EU : major differences in farming system

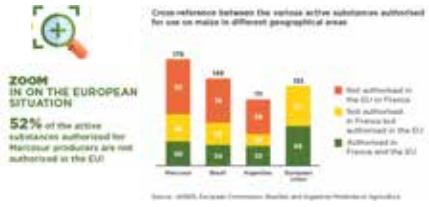
Source: CEPM – Maiz-Europ'

The differences between European and Brazilian farms are first and foremost **structural**: the average maize farm in the EU is 30 hectares in size, whereas **some Brazilian export farms can be as large as 500,000 hectares** (source: CEPM - Maiz'Europ').

Furthermore, **95% of Mercosur's maize production is GMO.**

As far as the use of plant protection products is concerned, **of the 178 active substances used on maize in the Mercosur countries, 92 are not authorised in the EU.** In other words, 52% of the active substances authorised for use on maize in the Mercosur countries are not authorised in the EU.

Mercosur vs EU : major differences in production standards



Source: CEPM – Maiz-Europ'

Structural differences and distortions of production standards between European farms producing maize and those in third countries exporting their maize to the European market generate a significant difference in production costs.

The average production cost of European maize is evaluated at €200/tonne, while that of Mercosur maize is evaluated at €100/tonne, i.e. half as much.

II.3 THE EXAMPLE OF THE BEET SECTOR

The European sugar beet sector is particularly sensitive to the effects of international trade. The EU is one of the **world's top five importers of sugar,** and European producers face particularly stiff competition, especially from the **world's** leading **sugar cane producers such as Brazil, Australia and many ACP/LDC countries,** which benefit from duty-free access to the European market.

While the **structural differences** between European family farms producing sugar beet in crop rotation and sugar cane exporting agri-holdings are not new, it appears that **divergences in production standards have been increasing for several years**. This is particularly true of **labour law and environmental standards.**

With regard to **the use of plant protection products** in particular, the scale of the distortions is growing rapidly. Within the EU, **35 active substances have been banned since 2018,** with none of these bans applying to third country producers exporting to the EU. As a result, the CIBE notes a loss of competitiveness in European production and fears a "transfer" of production outside the EU. Since 2007, the European sector has suffered **20 plant closures**. A **further 5 closures** have been announced for 2025.

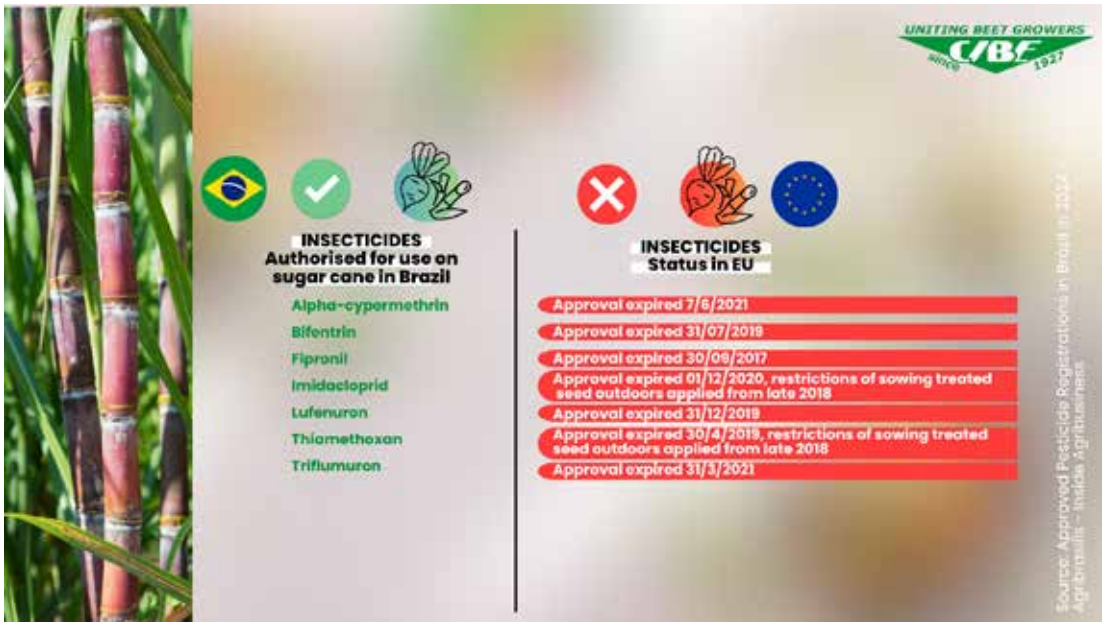
Source: CIBE

There is a long list of active substances authorised in third countries that export sugar to the EU but which are not, or are no longer, authorised in the EU. A number of examples are listed below:.

> Herbicides and insecticides authorised in Brazil but not in the EU:

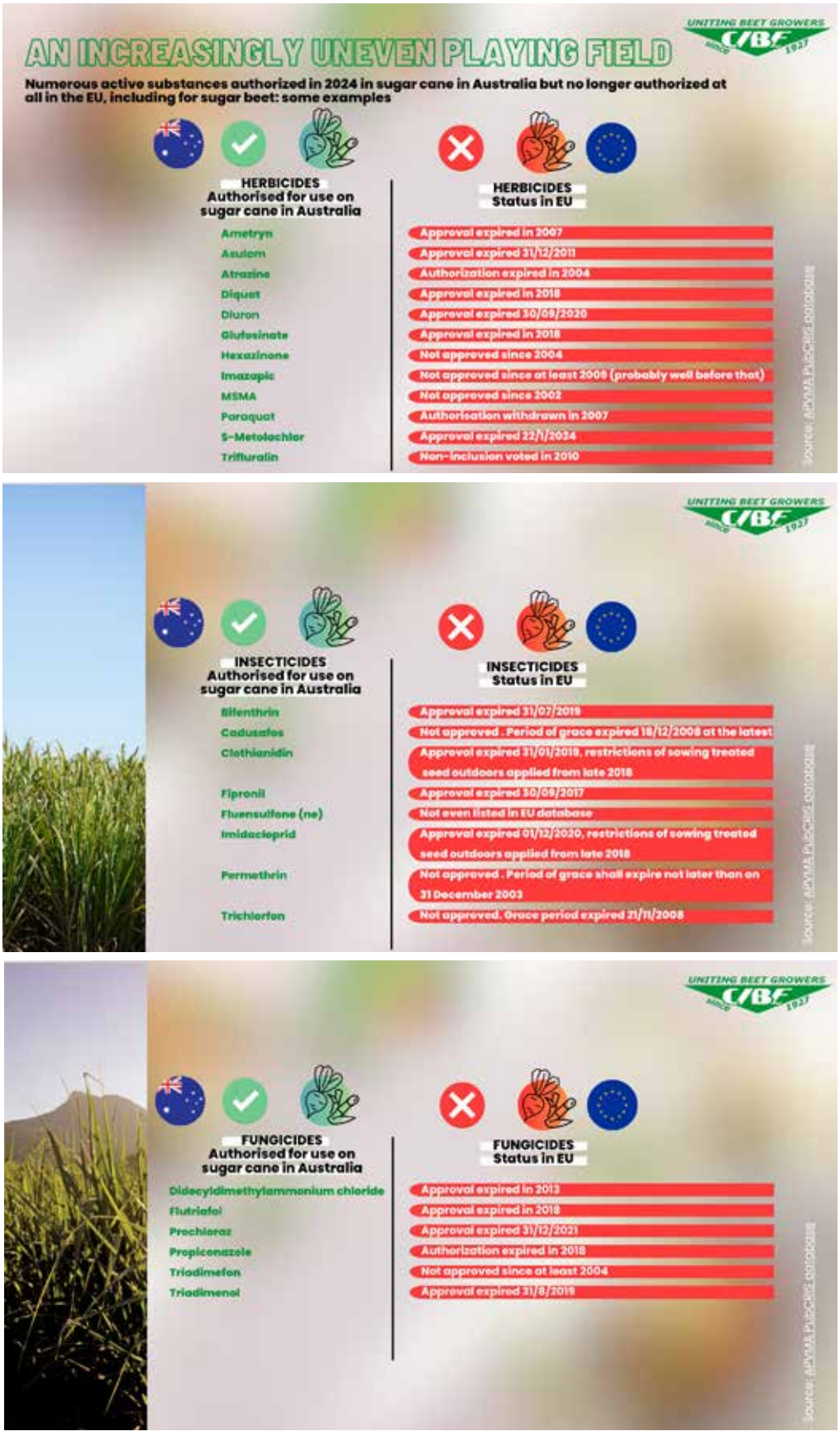
Source: CIBE

Source: CIBE



Source: CIBE

> Herbicides, insecticides and fungicides authorised in Australia and not authorised in the EU:



Source: CIBE

- Insecticides authorised in Guatemala and not authorised in the EU:

Source: CIBE

Until now, European rules governing the use of pesticides on imported products have focused mainly on the detection of residues, rather than on banning the use of substances that have been prohibited within the EU on the grounds that they are hazardous to health and/or the environment. In this way, the EU sets **Maximum Residue Limits** (MRLs) for each active substance. However, by focusing on the finished product rather than on the production methods, European regulations do not take into account **the "pesticide footprint"** of EU imports. It also ignores the issue of the loss of competitiveness of European production and the **risk of production transferring to countries with more permissive regulations**, highlighted recently by a study by the European Tax Observatory (see chapter IV.2.b). Furthermore, according to the CIBE, it is not possible to find traces of pesticides in sugar: the MRL regulations do not therefore make it possible to address the risks of "production transfer" in this case.

Finally, according to CIBE, ignoring these distortions in terms of production methods **compromises acceptance by European farmers** of European pesticide regulations and undermines their general level of confidence in EU policies.
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Other European agricultural sectors are affected by these distortions of standards

In addition to the 3 sectors represented at the dialogue organised on 4 June 2025 at the European Parliament by MEPs Camilla Laureti, Benoit Cassart, Charles Goerens and Eric Sargiacomo, other sectors of European agriculture are affected by these regulatory distortions.

This is the case, for example, in the **beef** sector, which is subject to **traceability** standards (individual identification and monitoring of animals), **animal welfare** standards (maximum transport times, etc.) and **animal feed standards** (ban on processed animal proteins; ban on antibiotics used as growth promoters) that are much stricter than those that apply to third countries that export their meat to the EU.

In addition, a study by the Veblen Institute has highlighted the distortion of standards between European and imported products in the **rice, sheepmeat, hazelnut and soya** sectors (Why are mirror measures urgently needed? - Institut Veblen/Veblen Institute).

III. INSUFFICIENT RECIPROCITY OF STANDARDS, PREVENTING THE EU FROM FULFILLING ITS COMMITMENTS.

III.1 SETTING REQUIREMENTS FOR AGRICULTURAL IMPORTS TO MEET OUR ENVIRONMENTAL COMMITMENTS

The NGO Slow Food has contributed to a study involving NGOs from six EU member states: Slow Food Germany and Italy, FNH and Veblen Institute (France), FeedbackEU (NL), CNCD 11.11.11., Humundi (BE) and SEO Birdlife (Spain). This study, entitled *"Double standards on our plates - Using mirror measures to mitigate the impacts of EU trade policy, for a sustainable food system"* aimed to **analyse the EU's dependence on imported agricultural products** on the one hand, and to reveal the hidden inequalities and **environmental damage caused by its trade policy** on the other.

In particular, the NGOs focused their analysis on imports of key products such as soya, beef, apples and rice. The following conclusions can be drawn from the case studies:

- The EU imports huge quantities of products treated with banned pesticides. For example, **over 50% of the herbicides used in rice production in India are not authorised in the EU.**
- The EU's trade policy **encourages the spread of antibiotic resistance,** which is a growing global health crisis, by facilitating meat imports from factory farms that misuse and overuse antibiotics.
- EU agricultural imports are **causing a loss of biodiversity** through deforestation and land grabbing, encouraged by the expansion of cash crops in exporting countries. These crops include **GM soya** in Brazil, which has a **glyphosate residue limit 200 times higher than the average EU crop.** 90% of the soya used to feed animals reared in the EU is imported.

According to the NGOs, because of this lack of reciprocity in agricultural production standards, the EU's trade policy is **inconsistent with the commitments made by the EU to promote sustainable food systems.** The EU's trade policy favours "cheap" imports, **reinforcing our dependence on** the supply chains of the world's main exporters, to the detriment of local, sustainable production.

This situation has two consequences: on the one hand, **environmental destruction is being outsourced or relocated to third countries;** and on the other, **European farmers** who are committed to, or would like to commit to, agro-ecological approaches **are becoming economically more vulnerable.** Indeed, the NGOs note that, in addition to the direct impact on the environment in third countries, these agricultural imports with no requirement for reciprocity of standards **are blocking the agro-ecological transition within the EU** and, on the contrary, encouraging farmers to produce at the lowest possible cost, by seeking to align themselves downwards with their international competitors. While the EU should, for example, be **encouraging agronomic systems based on several crops to improve their resilience** in the face of climatic and health hazards, current trade rules are pointing farmers in the opposite direction.

Finally, the NGOs point out in their study another major contradiction that could block the adoption of reciprocal standards: European companies are still allowed **to produce and export to third countries pesticides that are banned for use within the EU** (see chapter V.2), and which harm local workers and ecosystems. It is these same banned pesticides that European consumers find on their plates through imported crops.

III.2 SETTING REQUIREMENTS FOR AGRICULTURAL IMPORTS TO MEET OUR ANIMAL WELFARE COMMITMENTS

European citizens are concerned about animal welfare. According to Eurogroup for Animals, **over 90% of Europeans** believe that farming, transport and slaughter practices should comply with fundamental ethical requirements. A similar proportion **want European standards to apply to animal products imported into** the EU. However, EU trade policy currently ignores animal welfare concerns, **with the exception of slaughter regulations.** Apart from this piece of legislation, **there are no other import requirements relating to animal welfare,** and of all the trade agreements recently concluded by the EU, **only the EU-New Zealand FTA** makes market access conditional on this concern.

This means that our consumption of animal products in the EU is helping to fuel the most intensive, animal welfare-indifferent farming systems in third countries. Eugroup for Animals notes in particular that the EU imports huge quantities of poultry meat from Brazil and Ukraine, where the **exporting farms have very high stocking densities** and **practise mutilation** as well as **misuse and overuse of antibiotics**, particularly as growth promoters. The EU also imports beef from **feedlots,** which are ultra-industrialised feed yards. The case of beef illustrates the harmful effects of trade policy on animals: the market access opened up by the EU through hormone-free beef quotas **has stimulated the establishment of such feedlots in partner countries.** In Brazil, these feedlots, which did not exist before, now account for **25% of production**.

This trend could continue with the trade agreements in the pipeline, including t**he EU-Mercosur FTA**. However, this agreement contains a **tariff conditionality relating to animal welfare in the shell egg sector.** To benefit from tariff liberalisation, shell eggs must comply with the European directive on laying hens. Unfortunately, the scope of this conditionality clause is limited, as there is very little trade in shell eggs between the two zones. Most of the trade that will be stimulated by the EU-Mercosur agreement concerns other animal products such as beef and chicken, for which the quotas granted were n**ot conditional on compliance with animal welfare standards.**

For Eurogroup for Animals, **the announced revision of animal welfare legislation** represents an opportunity to meet the high standards expected by the public, whether for local or imported animal production. The "vision for agriculture" confirmed the European Commission's desire to revise EU standards and to seize the opportunity to apply these standards to imported animal products.

To achieve this, Eurogroup for Animals insists that the new legislation must be ambitious and go beyond banning cages if it is really to achieve its objective of improving animal welfare conditions on farms. This is a necessary condition to justify the reciprocity measures adopted in this context within the World Trade Organisation (see chapter V.2). Furthermore, Eurogroup for Animals notes that this legislation should be applied as soon as possible, in view of the free trade agreements being negotiated with Mercosur and India. Lastly, the conditions for implementing these new requirements relating to animal welfare production standards in third countries should be subject to an application and control system different from that in force within the framework of the slaughter regulations. This new system could, for example, strengthen current certification obligations by implementing a **public platform for animal welfare data and indicators.**

III.3 SETTING REQUIREMENTS FOR AGRICULTURAL IMPORTS TO MEET CONSUMER EXPECTATIONS

78% of European consumers believe that the same level of requirements should apply, in terms of production standards, to food produced within the EU as to imported food. This result comes from a study carried out by BEUC, the European Consumers Organisation, which brings together 44 consumer organisations in 31 countries.

European consumers are directly harmed by this non-reciprocity of standards in international trade. This is all the more true given that consumers are not always in a position to make informed choices when it comes to their food purchases, as there are still **gaps** in European **labelling** regulations. For example, the origin of meat is not compulsory when the meat is incorporated into processed products or served in restaurants.

Furthermore, this situation could worsen in the short term with the **proliferation of trade agreements.** While the new geopolitical context requires the EU to forge new partnerships, rushing into new agreements that do not impose conditions for access to the European market linked to compliance with sustainability standards could be detrimental to consumers.

According to BEUC, the EU should make progress in the short term on two priority issues: **import requirements relating to animal welfare and requirements relating to the use of antibiotics in livestock farming.** With regard to animal welfare, the announced revision of the framework legislation should make it possible to lay down new conditions for access to the European market. On the question of antibiotics, we need to respond to a real emergency in terms of human health. Indeed, BEUC notes that the reciprocity measure voted as part of Regulation 2019/6 of December 2018 on veterinary medicinal products has still not been implemented. This should be the case from September 2026, but very serious doubts persist as to the effectiveness of this measure and the protection of consumer health, given the implementation conditions envisaged (see chapter IV.2.a).

Like farmers, consumers are highlighting the central problem of **the inconsistency between the EU's trade policy and its food policy.** In BEUC's view, there is a strong incompatibility between the EU's internal and external policies, which are **preventing** it **from achieving the** sustainable food **objectives it set itself in the Green Dea**l.

IV - THE EUROPEAN TOOLBOX OF RECIPROCITY MEASURES

IV.1 DEFINITIONS AND COMPARATIVE ANALYSIS OF EXISTING RECIPROCITY TOOLS

A) UNILATERAL MEASURES: THE EXAMPLE OF THE BAN ON HORMONE-TREATED BEEF.

DEFINITION:
this is a measure adopted unilaterally in a European sectoral regulation, the aim of which is to make access to our market for imported products conditional on compliance with a specific European production standard, regardless of the origin of the products.

The EU banned the use of growth hormones in the livestock sector in 1981 and also banned imports of beef treated with certain growth-promoting hormones in 1988. This ban generated a lengthy trade dispute within the WTO and forced the EU to grant additional import quotas to its trade partners, but it has never been called into question.

To comply with this mirror measure, the EU is requiring its partners to set up **a dedicated channel for exports to the European market.** These specific channels operate as follows:
- They are placed **under the supervision of the health authorities of the producing country.**
- **Checks must be carried out on the production process and not on the finished products:** checking for growth hormone residues in meat does not guarantee that it has not been used. Third countries are required to draw up "inspection plans".
- **Third countries must implement a system of individual animal traceability between the last farm and the slaughterhouse** (European regulations require the European beef industry to have individual traceability throughout the life of the animal, from birth to slaughter).
- The European Commission (Directorate-General for Health & Food Safety - DG for Health) carries out **audits in third countries** to check compliance with these requirements.

Main strengths and weaknesses of the "unilateral measure" tool

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Reinforced traceability obligations within these export channels.	Risk of WTO attack and retaliatory measures (as in the case of hormone-treated beef): these measures must be fully justified.
Establishment of dedicated export channels to the EU in third countries.	Significant means of control required.
Reinforced traceability obligations within these export channels.	Audits by the DG for Health are rarely followed up by appropriate measures (e.g. audit carried out in 2014, 2019, 2022 in Canada - DG(HEALTH)/2019-6681).
Inspections on production processes and not just on finished products.	
Possible audits by the European Commission in third countries.	
Exportation of sustainable European agricultural practices.	

B) TARIFF CONDITIONALITY CLAUSES: THE EXAMPLE OF THE "PASTURE-RAISED CATTLE" CLAUSE IN THE EU-NEW ZEALAND AGREEMENT.

DEFINITION:
this is a tariff conditionality clause included in a commercial agreement. It makes access to a trade advantage (reduction or elimination of customs duties, including on a limited quota) conditional on compliance with one or more production standards.

A free trade agreement between the EU and New Zealand was signed on 9 July 2023 and came into force following its approval by the European Parliament on 1st May 2024. This agreement contains a tariff conditionality clause ("mirror clause") concerning the beef quota granted to New Zealand. This quota of 10,000 tonnes (7.5% customs duty) is only eligible for meat from "exclusively pasture-raised" cattle. It excludes meat "from cattle reared in feedlots".

The scope of this clause in the agreement with New Zealand is limited, as almost all cattle destined for meat production in New Zealand are raised on pasture.

Main strengths and weaknesses of the "tariff conditionality clause" tool

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Additional protection for sensitive agricultural sectors in bilateral trade negotiations.	This is a subject that has so far been absent from bilateral trade negotiations. Minutes of the Agrifish Council meeting of 9 December 2024: *"Mirror measures were not part of these negotiations with Mercosur,"stated Olof Gill, spokesperson for the European Commission on international trade.*
Little risk of retaliatory measures after the event.	Partial application of the reciprocity measure, only on a specific quota of products from a specific third country.
Clauses negotiated on a case-by-case basis, taking into account the specific characteristics of the trade partner.	uires "quid pro quos" to be granted in negotiations.

C) LOWERING THE MAXIMUM RESIDUE LIMITS TO THE DETECTION THRESHOLD: THE EXAMPLE OF EC REGULATION 2023/334 OF 2 FEBRUARY 2023 CONCERNING IMPORTS OF PRODUCTS TREATED WITH TWO BANNED NEONICOTINO RE: SEMAPHORE | FLYER FESTIVAL IDS (CLOTHIANIDIN AND THIAMETHOXAM).

DEFINITION:

Maximum Residue Limits (MRLs): To protect the health of European consumers, food products containing quantities of plant protection products in excess of the limits set by EC Regulation 369/2005 may not be sold on the European market. If EU farmers are banned from treating their crops with active substances that are not approved under European regulations, crops produced outside the EU can only enter the European market if the foodstuffs do not exceed the MRLs set by European regulations.

Import tolerances: These are MRLs based on the use of active substances outside the EU. Import tolerance requests may lead the European Commission to raise the MRLs for certain active substances, even when these substances are banned within the EU.

Note: lowering MRLs is a **means** that can be used to implement unilateral measures (see IV.1.a) or tariff conditionality clauses (see IV.1.b).

In 2020, the European Parliament addressed this issue as part of the CAP review. Its amendment calling for the adoption of mirror measures was rejected in the trilogue, but the subject was nevertheless the subject of a statement by the European Commission. In this statement, the Commission undertook to ensure that "Codex import tolerances and MRLs are assessed and revised for active substances that are not or are no longer approved in the EU" and to take "global environmental concerns into account, in accordance with WTO rules, when assessing import tolerance requests or revising import tolerances for active substances that are no longer approved in the EU". "

In line with this declaration, EC regulation 2023/334 was adopted in 2023 to lower the MRLs to the detection limit for two banned neonicotinoids: clothiandin and thiamethoxam. This regulation should apply in 2026. This represents a step forward: for the first time, the European Union has taken account of environmental damage caused outside the EU to justify these measures.

However, this regulation also has a number of limitations. For example, crops intended for animal feed are not subject to MRLs, nor are agricultural products intended for energy or ornamental use. On the other hand, the non-detection of neonicotinoid residues in finished products (sugar, for example) does not guarantee that these substances are not used.

Main strengths and weaknesses of the "lowering MRLs to the detection limit for active substances banned in the EU" tool

+	-
Cross-disciplinary application to all imported products treated with the banned substances concerned, from all third countries.	No ban on the use of substances: the non-detection of residues does not guarantee that these substances are not used.
Consideration of environmental and/or health impacts outside the EU. .	No control over the production process.
Little or no additional means of control are required..	Inadequate response to the problem of unfair competition for European farmers.
	No MRLs for crops used as animal feed.
	Possible attacks at the WTO

D) DUE DILIGENCE OBLIGATIONS: THE EXAMPLE OF EU REGULATION 2023/1115 ON IMPORTED DEFORESTATION (EUDR)

DEFINITION:
the due diligence mechanism requires economic operators to check that the products they place on the European market comply with a certain number of requirements, by collecting information relating to their production process (e.g. geolocation data, etc.), carrying out a risk assessment and, in the event of a non-zero risk, adopting risk mitigation procedures and measures. The competent authorities designated by the Member States shall be responsible for monitoring the proper implementation by economic operators of their due diligence obligations.

Note: the due diligence mechanism is a **means** that can be used to implement unilateral measures (see IV.1.a) or tariff conditionality clauses (see IV.1.b).

EU Regulation 2023/1115 to combat imported deforestation is based on this mechanism. It provides for different due diligence obligations depending on the "risk levels" assigned to each country. It also imposes an obligation on operators to report publicly each year on their due diligence systems (products concerned and volumes, results of their risk assessments, risk mitigation measures).

The real challenge in applying this regulation lies in the performance of the traceability systems put in place in the various countries. In the case of beef, for example, the current traceability system in Brazil does not allow for the collection of information on where the animals were reared, before the final rearing stage (before entering the slaughterhouse): the "feedlot". However, it is the breeder farms at the very start of the production chain that present the greatest risk of deforestation.

Main strengths and weaknesses of the "due diligence" tool

+	-
Cross-disciplinary application to all imported products treated with the banned substances concerned, from all third countries.	Mechanism ineffective in the absence of effective traceability systems.
Implementation by economic operators. .	Significant administrative burden for companies
No additional means of control required at EU level.	Significant means of control required in the member states.
Adaptation of requirements to the risk levels of third countries.	

E) COMPLIANCE SYSTEMS: THE EXAMPLE OF EUROPEAN REGULATIONS ON ORGANIC FARMING.

DEFINITION:

The compliance system introduced by EU Regulation 2018/848 is based on the negotiation of international agreements aimed at harmonising the levels of requirements for the production and labelling of organic products, which apply equally to EU member states and third countries.

Note: the due diligence mechanism is a **means** that can be used to implement unilateral measures (see IV.1.a) or tariff conditionality clauses (see IV.1.b).

The competent authorities designated by the producer countries are responsible for monitoring compliance with the obligations set out in the international agreement.

In the absence of such agreements, third countries wishing to export their products to the European market must comply with European production rules. They must also have a "certificate of conformity" issued by the supervisory authorities designated by the European Commission.

Main strengths and weaknesses of the "compliance system" tool

+	-
Total and cross-disciplinary reciprocity of production standards.	The system specific to organic production requires many more means of control if it is to be extended to all imported agricultural products and to all third countries exporting to the EU.
Transparency on production methods, labelling and control procedures.	
Controls delegated to partner countries based on "specifications".	

IV.2 ENCOURAGING BUT INSUFFICIENT RECENT INITIATIVES

A) DECEPTIVE RECIPROCITY ON THE USE OF ANTIBIOTICS IN LIVESTOCK FARMING.

To combat the development of antibiotic-resistant bacteria, the EU reduced the number of antibiotics authorised for use **as growth promoters in livestock production** to four in 1999. These substances, which are usually added to foods at sub-therapeutic doses, are monensin, salinomycin, avilamycin and lavospholipol. Authorisation for these 4 antibiotics used to facilitate cattle fattening **ended on 1 January 2006** with the implementation of the new EC Regulation 1831/2003 of 22 September 2003 on additives for use in animal nutrition.

Articles 107 and 118 of EU Regulation 2019/6 were intended to make this ban on antibiotics used as growth promoters a condition of access to the European market for all imported animal products.

Article 118

Animaux ou produits d'origine animale importés dans l'Union

1. L'article 107, paragraphe 2, s'applique, mutatis mutandis, aux opérateurs des pays tiers et ces opérateurs n'utilisent pas les antimicrobiens désignés visés à l'article 37, paragraphe 5, dans le cas des animaux ou des produits d'origine animale exportés à partir de ces pays tiers vers l'Union.

2. La Commission adopte des actes délégués conformément à l'article 147 en vue de compléter le présent article en établissant les modalités requises pour l'application du paragraphe 1 du présent article.

Article 118

Animals or products of animal origin imported into the EU

1. Article 107(2) shall apply mutatis mutandis to operators in third countries and such operators shall not use the designated antimicrobials referred to in Article 37(5) in the case of animals or products of animal origin exported from those third countries to the Union.
2. The Commission shall adopt delegated acts in accordance with Article 147 in order to supplement this Article by laying down detailed rules for the application of paragraph 1 of this Article.

Article 107

Utilisation des médicaments antimicrobiens

1. Les médicaments antimicrobiens ne sont pas administrés de manière systématique ni utilisés pour compenser de mauvaises conditions d'hygiène, des conditions d'élevage inappropriées ou un manque de soins, ou pour compenser une mauvaise gestion de l'exploitation.

2. Les médicaments antimicrobiens ne sont pas utilisés chez les animaux pour favoriser la croissance ou augmenter le rendement.

Article 107

Use of antimicrobial medicinal products

1. Antimicrobial medicinal products are not routinely administered or used to compensate for poor hygiene, inappropriate farming conditions or lack of care, or to compensate for poor farm management.
2. Antimicrobial medicinal products are not used in animals to promote growth or increase yield.

However, in June 2025, almost seven years after the adoption of this regulation, **this unilateral measure** has **still not been applied.** This should be the case from **3 September 2026, albeit incompletely.**

Under the i**mplementing regulation adopted on 29 January 2024,** enforcement will be limited to **the production of a veterinary self-certificate provided by exporters.** The implementation of dedicated and controlled production channels, along the lines of the European ban on hormone-treated meat, has not been adopted by the European Commission. In view of the risks of **corruption** and the **shortcomings of traceability systems** observed during previous audits in certain third countries, fears have been expressed within the EU as to the reliability of such certificates.

Model self-certificate which third-country operators will have to complete from 03/09/2026"

ANNEX
PART 1

Annex 3 to Implementing Regulation (EU) 2020/2235 is amended as follows:

in Chapter 1 (Model "BOV"), Part II is amended as follows:

a) the following part II.1.a is inserted:

[II.1.a **certificate concerning Commission Delegated Regulation (EU) 2023/905** [to be deleted when the European Union is not the final destination of the fresh meat]

I, the undersigned official veterinarian, declare that I am aware of the applicable requirements of Regulation (EU) 2019/6 of the European Parliament and of the Council and Delegated Regulation (EU) 2023/905 of the Commission and certify that the fresh meat of domestic bovine animals (including species belonging to the genera Bison and Bubalus and their crossbreeds), described in Part I have been produced in accordance with these requirements, and in particular that the animals from which the meat is derived have not received antimicrobial medicinal products intended to promote growth or increase yield, or antimicrobial medicinal products containing an antimicrobial included in the list of antimicrobials reserved for the treatment of certain infections in humans set out in Commission Implementing Regulation (EU) 2022/1255 in accordance with Article 3 of Delegated Regulation (EU) 2023/905, and originate from a third country and a region of a third country included in the list established in accordance with Article 5(2) of Delegated Regulation (EU) 2023/905.] ".

(a) In the notes to Part II, the following note is added:

(16) Applicable to consignments entering the EU from 3 September 2026.

Furthermore, this unilateral measure provided for in EU Regulation 2019/6 **will not cover all uses of antibiotics in livestock farming.** Legally, the same antibiotic substance used in livestock farming can be considered as an antimicrobial "medicinal product" or as an "additive" in animal feed. However, the use of antibiotics as additives in animal feed is not covered by the unilateral measure in EU Regulation 2019/6. The scope of this measure is therefore limited: **monensin,** which has been banned in the EU since 2006, could, for example, as a **dual-use substance** well known for its growth-promoting effects, continue to be authorised in farms exporting to the EU on condition that they declare that it has been used for therapeutic purposes or as a feed additive.

IV.2 ENCOURAGING BUT INSUFFICIENT RECENT INITIATIVES

B) AN MRL-BASED APPROACH THAT IS INEFFECTIVE IN THE FACE OF ENVIRONMENTAL CHALLENGES AND UNFAIR COMPETITION FOR FARMERS.

Regulation (EC) No. 296/2005 defines the European rules that apply to Maximum Residue Limits (MRLs) for pesticides. It is based entirely on the logic that the lowest possible MRLs (0.001 to 1.005 mg/kg) should be set for substances considered dangerous, including substances banned within the EU but still authorised by farmers in third countries who export to the EU.

However, even when set at the lowest level, **MRLs do not prohibit the use of active substances considered dangerous** to human health and/or the environment. Regulation (EC) No. 296/2005 therefore does nothing to combat the competitive distortions suffered by European farmers, prevent environmental destruction in third countries or reduce the pesticide footprint of our European consumption.

A r**ecent study by the EU Tax Observatory**[1] shows that while cereal and oilseed imports account for only 16.7% of European consumption by volume, their share of **the pesticide footprint of foodstuffs consumed in Europe is 46%.** In other words, **a kilogram of cereals imported into the EU is almost four times more pesticide-intensive** than a kilogram of cereals produced on EU soil.

European regulations based on MRLs, **which have no impact on production methods, do not prevent production from transferring** to third countries with the laxest pesticide policies. This is why, according to the Observatory's estimates, **a reduction in the use of pesticides in the EU without an associated reciprocal trade measure** aimed at strictly banning the import of products treated with banned substances could be counter-productive: **it would increase the total pesticide footprint of European consumption** as a result of this transfer of production.

According to Dorian Guinard, senior lecturer in public law at Grenoble-Alpes University and a specialist in environmental law, the current shortcomings of European regulations are highlighted by **the sharp rise in legal disputes on the subject of pesticides.** In his view, the CJEU ruling of 25 April 2024 ("PAN Europe v BASF Nederland and Adama") foreshadows an explosion in litigation that has already been observed in certain member states such as France.

There are, however, regulatory ways of avoiding such disputes. For example, **Articles 53 and 54 of Regulation (EC) No. 178/2002**, one of the key texts in the Hygiene Package, are not widely used at EU level. They authorise **a ban on imports of foodstuffs that present a serious risk to human health and the environment.** Such a "safeguard clause" was recently renewed in France to ban imports of products treated with the insecticide thiacloprid.

1 https://www.taxobservatory.eu/www-site/uploads/2025/03/How-Border-Adjustments-Can-Strengthen-the-EUs-Agricultural-Policy-4.pdf

V - CONDITIONS FOR IMPLEMENTATION AND SUCCESS

V.1 THE KEY ISSUE OF CONTROLS: TAKING INSPIRATION FROM THE BAN ON HORMONE-TREATED BEEF

The presentation of the "toolbox" of reciprocity measures demonstrates this: **the tools to be mobilised can be different depending on the issues targeted and the products concerned.** When it comes to production methods that can be detected on finished products, border controls or checks at the point of sale can be carried out. However, in other situations it is **also** necessary **to control production processes.**

This is the approach taken by the EU in implementing its unilateral ban on the import of hormone-treated meat, adopted in 1988 and **fully applied since 1996.** In third countries exporting animal products to the EU, this measure has led to **the creation of dedicated** hormone-free **supply chains**. These channels are the responsibility of the health authorities in the exporting country and are **regularly monitored by the DG for Health. This monitoring relates to production methods and the traceability requirements** implemented to ensure compliance with these production methods and not to imported finished products.

As part of this control system, the EU has imposed **specific traceability requirements** on its trade partners: for example, cattle raised in third countries whose meat is sold on the European market must **be individually identified.** Although this individual traceability requirement is not fully in line with that which applies within the EU, which involves the identification and tracking of cattle from birth to slaughter, this particular requirement applied to imported meat enables the EU to **detect any non-conformities within the dedicated channels in third countries.**

This system works. The audits carried out by t**he DG for Health in the beef sectors dedicated for export to the EU in Canada on three occasions in 2014, 2019 and 2023** highlighted a number of breaches of the traceability requirements laid down by the EU. This was also the case during the last audit carried out in **Brazil in 2024,** when a non-compliance was detected concerning the use of a prohibited substance, **oestradiol 17β**, for certain categories of beef exported to the EU.

Unfortunately, **the political response to these audits is often inadequate.** The recommendations repeated by the DG for Health in Canada in 2014, 2019 and 2023 have not been followed and have not led to any safeguard measures. Similarly, the non-compliance regarding oestradiol 17β highlighted in the audit carried out in Brazil in 2024 did not trigger any measures on the part of the EU: Brazil itself decided to suspend its exports to the EU for the categories of meat concerned.

V.2 THE QUESTION OF WTO COMPATIBILITY: NO INCOMPATIBILITY IN PRINCIPLE, BUT CONDITIONS TO BE MET.

There is no incompatibility in principle between the reciprocity measures aimed at imposing requirements on EU agricultural imports and WTO law. WTO rules recognise the **legitimate right of states to set their own level of health and environmental protection.** In the event of a dispute, the WTO's decision therefore depends entirely on the ability to justify the measures taken, in light of several criteria laid down in the GATT, the Agreement on Sanitary and Phytosanitary Measures and the Technical Barriers to Trade Agreement.

Firstly, these measures **cannot be justified on economic grounds.** The EU could not therefore justify adopting new import requirements on the grounds of unfair competition for its producers. On the contrary, it is possible to justify such measures **on the grounds of public interest: health, environment, conservation of natural resources and public morality.** By way of example, the European Commission has justified the unilateral measure adopted on imports of products treated with the two neonicotinoid substances, clothianidin and thiamethoxam, by the need to protect global biodiversity, which it describes as an "issue of global interest", pursued in the context of international commitments as defined by the Kunmong-Montreal Global Biodiversity Framework.

Once this legitimate objective has been demonstrated, it must be proved that the measure adopted is **proportionate to that objective.** In this respect, it is possible to envisage a more ambitious European approach than the current approach based on MRLs in terms of reciprocity of standards for the use of pesticides: a ban on imports of products treated with certain pesticides considered to be particularly dangerous could in fact be considered proportionate to the **objective of protecting consumer health.**

The pursuit of the legitimate objective and this requirement of proportionality nevertheless presuppose a high degree of **consistency.** For example, the EU should not be able to adopt reciprocity measures on the use of dangerous pesticides aimed at restricting its imports in the name of environmental protection if, at the same time, it authorises the **production and export of these same pesticides to third countries,** thereby contributing to environmental degradation in those countries. This is the case, for example, with clothianidin and thiamethoxam, which are still produced and exported by the EU.

Finally, another condition for the validity of reciprocity measures under WTO law is that these measures **must not arbitrarily or unjustifiably discriminate between WTO members.** With regard to pesticides, if the EU were to adopt reciprocity measures, there would be no de facto discrimination, since the substances in question are already banned from use by farmers in the EU, and would therefore be banned irrespective of whether European or third-country producers were involved.

In the light of these various criteria, the measure adopted in 2023 to limit European imports of products treated with clothianidin and thiamethoxam represents both **political progress and a bad example.** It is political progress, because it has prompted the European Commission, for the first time, to justify a reciprocity measure on the basis of a legitimate environmental protection objective, by stating that the conservation of biodiversity is a global public interest. But this reciprocity measure is also a bad example in several respects. Firstly, because covering only two specific substances is difficult to justify: the measure could be considered **out of proportion to the legitimate objective** pursued. Secondly, because there is a kind of **inconsistency between the objective pursued and the means chosen by the EU,** the lowering of MRLs, which does not prohibit the use of these substances. These two shortcomings argue in favour of a more comprehensive and ambitious approach to future reciprocity measures.

ANNEX
THE TOOLBOX OF RECIPROCITY MEASURES

Summary table

TOOL	+	-
Unilateral measure	Cross-disciplinary application to all volumes imported for the product(s) concerned and all third countries exporting this/these product(s) to the EU.	Risk of WTO attack and retaliatory measures (as in the case of hormone-treated beef): these measures must be fully justified.
	Establishment of dedicated export channels to the EU in third countries	Significant means of control required.
	Reinforced traceability obligations within these export channels.	Audits by the DG for Health are rarely followed up by appropriate measures (e.g. audit carried out in 2014, 2019, 2022 in Canada - DG(HEALTH)/2019-6681).
	Inspections on production processes and not just on finished products.	
	Possible audits by the European Commission in third countries.	
Tariff conditionality clause	Exportation of sustainable European agricultural practices.	This is a subject that has so far been absent from bilateral trade negotiations.
	Additional protection for sensitive agricultural sectors in bilateral trade negotiations.	Minutes of the Agrifish Council meeting of 9 December 2024: *"Mirror measures were not part of these negotiations with Mercosur,"stated Olof Gill, spokesperson for the European Commission on international trade.*
	Little risk of retaliatory measures after the event.	Partial application of the reciprocity measure, only on a specific quota of products from a specific third country.
	Clauses negotiated on a case-by-case basis, taking into account the specific characteristics of the trade partner.	Requires "quid pro quos" to be granted in negotiations.
Lowering MRLs	Cross-disciplinary application to all imported products treated with the banned substances concerned, from all third countries.	No ban on the use of substances: the non-detection of residues does not guarantee that these substances are not used.
	Consideration of environmental and/or health impacts outside the EU.	No control over the production process.
	Little or no additional means of control are required	Inadequate response to the problem of unfair competition for European farmers.
		No MRLs for crops used as animal feed.
		Possible attacks at the WTO

ANNEX
THE TOOLBOX OF RECIPROCITY MEASURES

Summary table

TOOL	+	-
Due diligence	Cross-disciplinary application to all volumes of imported products covered by the obligation of due diligence.	Mechanism ineffective in the absence of effective traceability systems.
	Implementation by economic operators.	Significant administrative burden for companies
	No additional means of control required at EU level.	Significant means of control required in the member states.
	Adaptation of requirements to the risk levels of third countries	
Compliance system	Total and cross-disciplinary reciprocity of production standards	The system specific to organic production requires many more means of control if it is to be extended to all imported agricultural products and to all third countries exporting to the EU.
	Transparency on production methods, labelling and control procedures.	
	Controls delegated to partner countries based on “specifications.	.

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Conception : Turbulences •