

foodwatch



Veblen Institute
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Reforms

Residues of pesticides banned in the EU in imported food: ending a dangerous and unjust double standard

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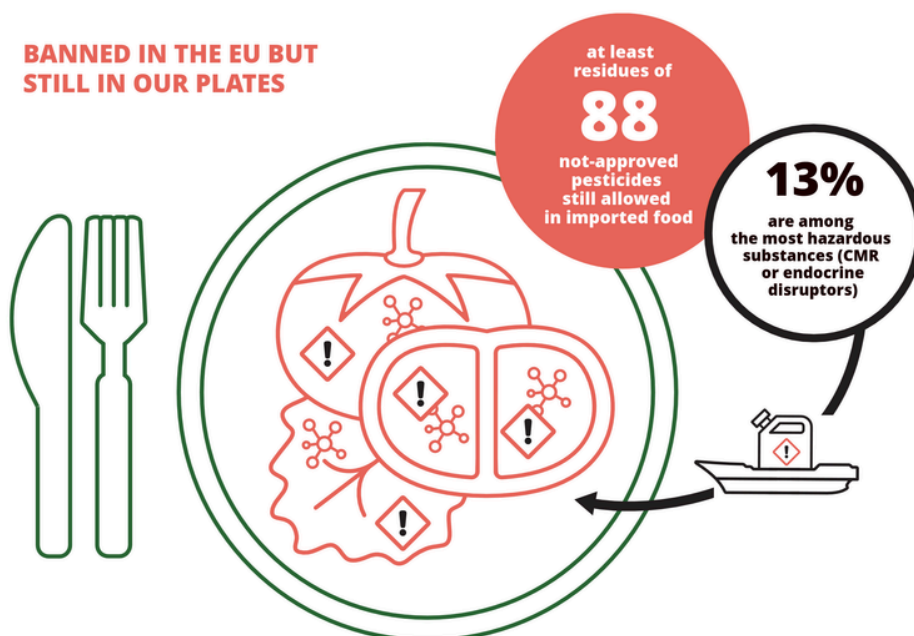
An independent [legal opinion](#) commissioned by PAN Europe, foodwatch and the Veblen Institute concludes that the EU practice of allowing residues of banned pesticides in imported food is highly questionable from an EU law perspective. Today, residues of more than 88 hazardous pesticide substances banned in the EU are still permitted in imported food. The European Commission not only can, but also has a legal duty to take immediate action to end this double standard, which continues to allow residues of harmful substances ending on citizens' plates and treats EU farmers differently from their third-country competitors.

The Food and Feed Safety Simplification Omnibus proposes some measures to address this situation. However, the proposal on the table is deeply insufficient in scope and largely symbolic. Under this proposal, the vast majority of banned pesticides would continue to enter the EU through imported food, while the overall legal framework on pesticides and their residues would be significantly weakened. As such, it is therefore not acceptable. The newly released legal opinion shows that action to end the presence of residues of banned pesticides in food is already possible today under existing EU law.

Context

The [EU Regulation](#) governing pesticide authorisations in the EU (Regulation 1107/2009, hereafter referred to as the Pesticides Regulation) aims to ensure a high level of protection for human health, animal health, and the environment. It requires paying particular attention to the protection of vulnerable groups, such as children, as well as ecosystems and biodiversity. This is why it foresees an automatic ban of highly harmful substances, including those that can cause cancer, damage DNA, disrupt the functioning of the hormone system, or harm reproduction. It also allows the regulator to ban substances linked to other health or environmental concerns, e.g. substances highly toxic to bees, or with effects on brain development or the immune system.

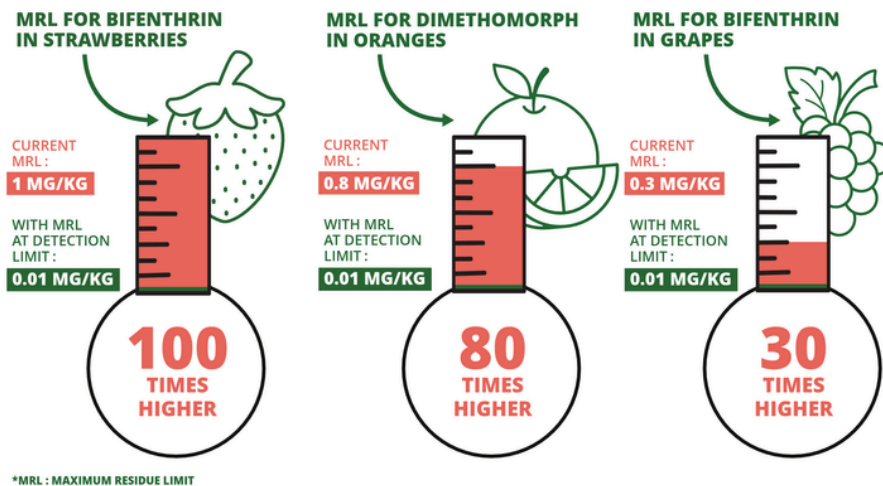
Yet, today, European consumers continue to be exposed to residues of hazardous pesticides banned on our market *via* food. Residues of at least 88 pesticide substances banned in the EU continue to be permitted in imported products⁽¹⁾. Alarming, 13% of these substances are classified as carcinogenic, mutagenic and toxic for reproduction (CMR) or endocrine disruptors, for which no human exposure should be permitted, and no residues should be detectable according to the Pesticide Regulation. Six PFAS pesticides, known as “forever chemicals,” are also among those for which food residues are still allowed.



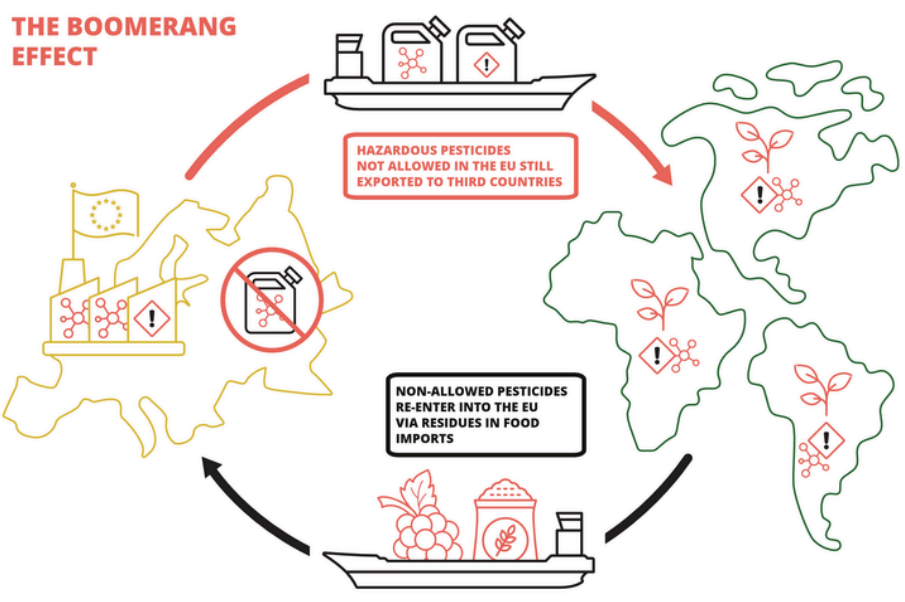
¹ List: <https://www.pan-europe.info/resources/other/2026/04/list-based-banned-and-restricted-active-substances-included-prior-consent> This figure of 88 EU-banned pesticides refers to the pesticide active substances listed under Regulation (EC) 649/2012 (the PIC Regulation). This consists of substances explicitly banned or severely restricted in the EU, other non-approved substances classified as highly toxic, and substances listed under the Rotterdam Convention. Substances covered by the PIC Regulation are subject to export notification requirements when shipped to third countries. However, the PIC Regulation does not encompass all pesticide active substances that lack approval under the EU Pesticide Regulation. Many substances have never received a formal ban decision, either because an application for EU approval was never submitted, or because a previous approval expired without a renewal request. These substances therefore fall outside the PIC framework despite not being permitted for use in the EU. When this broader category of unapproved substances is also taken into account, a total of 46 pesticides banned or no longer permitted in the EU are found to be authorised in at least one imported product type.

This can happen because the presence of pesticide residues in food products is governed by another piece of regulation, which establishes maximum residue limits, or MRLs, for each product (Regulation 396/2005, hereafter referred to as the MRL Regulation). **Currently, when a pesticide is banned in the EU, its residue limits are not automatically reduced accordingly.** Instead, the Commission casually sets import tolerances for pesticides used in third countries, or adopts residue limits established internationally by the Codex Alimentarius Commission (CXL). This approach is also applied to highly toxic substances. The Commission builds on its own [guidelines](#) to claim that it is not obliged to automatically set MRLs to the lowest possible levels when a pesticide is banned. This is contradicted by the newly released legal opinion.

EU'S LARGE TOLERANCE FOR RESIDUES OF BANNED PESTICIDES IN FOOD IMPORTS



While this double standard undermines consumer protection in Europe, it also exports harm abroad, damaging ecosystems, exposing workers and communities in third countries, and placing European farmers at an unfair competitive disadvantage. At the same time, EU-based companies are still allowed to manufacture banned pesticide substances for export, profiting from regulatory loopholes. Ensuring protection of human health and the environment from pesticides prohibited in the EU requires a coherent response addressing both the export of such substances toward third countries and the import of food products containing their residues.



For years, many organisations, including ours, have [called](#) on the European Commission to end this double standard. So far, the Commission, citing regulatory limitations, has failed to take comprehensive action. One [isolated step forward](#) was the recent lowering of the MRLs of two banned bee-toxic neonicotinoids, clothianidin and thiamethoxam (in force as of March 2026). While this measure is welcome, it is far from sufficient to ensure that all imported food fully complies with EU legal requirements (based on article 3(2)(g) and article 17 of the MRL Regulation). Similarly, to date, the European Commission has yet to deliver on its promise made in the 2020 Chemicals Strategy for Sustainability to fully halt the export of banned pesticides.

Take-away points from the legal opinion

To clarify the legal situation regarding residues of banned pesticides in food, our organisations commissioned an independent legal opinion. The findings **confirm that, under the current EU legal provisions, the Commission not only has the power, but also the obligation to stop allowing these residues.**

For pesticides banned for public health concerns:

- The current practice of allowing residues of EU-banned pesticides, whether based on international standards (CXLs) or import tolerances, is unlawful. The definition of import tolerances under the MRL Regulation (article 3(2)(g)) clarifies that these cannot be applied to substances that are not approved in the EU for public health reasons. Meanwhile, according to the General Food Law (Regulation 178/2002, article 5(3)), international standards must not be taken into consideration when they would result in a lower level of protection than that determined appropriate under EU law.
- Allowing such residues also conflicts with Article 17 of the MRL Regulation, which requires the automatic deletion of MRLs following the revocation of an active substance in the EU. This interpretation was recently confirmed by the Court of Justice of the European Union (case T-629/20), the study highlights.
- Finally, the Commission's practice violates fundamental EU legal principles, including the principle of regulatory equivalence between the Pesticide Regulation and the MRL Regulation, and the principle of non-discrimination. The latter must in this context protect EU farmers from unfair competition by third-country producers.

For pesticides banned due to environmental concerns:

The situation is more complex, as the MRL Regulation was originally designed to protect consumers, not the environment. However, recent action by the Commission shows that change is already possible within the current framework. According to the legal opinion, revising the MRL Regulation to explicitly include environmental protection would remove remaining ambiguities and strengthen future action.

Moreover, to effectively address environmental concerns, the MRL Regulation should not be limited to addressing pesticide residues in products intended for food. It should cover all agricultural production, including crops grown for animal feed, energy and ornamental purposes, to ensure a coherent and comprehensive approach, as our organisations have long emphasised.

Conclusion

The conclusions of this legal opinion are particularly timely in the context of the regulatory changes proposed for pesticides residues in food by the European Commission through the Food and Feed Safety Simplification Omnibus. The latter are presented as a step forward to empower the Commission to forbid the presence of residues of pesticides banned in the EU in imported products in the future. However, according to the legal opinion, the European Commission can and must already act today.

Furthermore, a close scrutiny of the changes proposed in the Omnibus reveals their limitations and symbolic nature. First, the Commission's ability to revoke MRLs is introduced as a derogation. Second, action would depend on the outcome of an impact assessment carried out substance by substance. And third, it would only apply to "cut-off" substances (i.e. substances falling under automatic bans due to the high level of concern), which represent a small fraction of the total. As a result, the majority of banned pesticides could continue to enter the EU through imported food.

Overall, the legal opinion confirms that current practices allowing residues of banned pesticides in food for trade reasons are highly questionable from an EU law perspective, particularly for substances banned on public health grounds. These MRLs should be "deleted" according to EU law. For environmental risks, action is also already possible but should be further strengthened through legislative revision. To address this longstanding failure, the Omnibus must introduce a clear, binding obligation for the Commission to automatically prohibit residues of any pesticide not approved in the EU, regardless of the reason for the ban and across all food products. Anything less would perpetuate a system that knowingly allows harmful substances onto European plates and undermines the EU's own standards.