

**Voluntary Report** – Voluntary - Public Distribution

**Date:** March 27, 2023

**Report Number:** E42023-0010

**Report Name:** Regulation Published Lowering MRLs Due to Environmental Concerns

**Country:** European Union

**Post:** Brussels USEU

**Report Category:** SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports

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**Report Highlights:**

On February 15, 2023, Commission Regulation (EU) 2023/334 amending Annexes II and V to Regulation (EC) No 396/2005 lowering the maximum residue levels (MRLs) for clothianidin and thiamethoxam in or on certain products was published in the Official Journal (OJ). This Regulation enters into force on the twentieth day after its publication but will apply 36 months later in order to give food operators and third countries time to adapt. This means that as of March 7, 2026, imported products will no longer be able to contain residues of these two neonicotinoids. The proposed reduction in MRLs is not due to food safety concerns stemming from the presence of pesticide residues in imported foods, but rather based on a stated interest in protecting pollinators in countries outside of the EU.

## **General Information:**

[Commission Regulation \(EU\) 2023/334](#) reduces the current EU maximum residue levels (MRLs) for clothianidin and thiamethoxam to the limit of determination (LOD). The Regulation was published in the Official Journal (OJ) on February 15, 2023. It enters into force on the twentieth day after its publication in the OJ, but will only apply 36 months later in order to give food operators and third countries time to adapt. Imported products will no longer be able to contain residues of these two neonicotinoids as of March 7, 2026.

The proposed reduction in MRLs is not due to food safety concerns stemming from the presence of pesticide residues in imported foods, but rather based on a stated interest in protecting pollinators in countries outside of the EU. As the EU cites global pollinator concerns, it is considering environmental factors for the MRL setting process in the EU. As such, it is imposing third countries to comply with the EU's environmental standards as it affects imported foods.

Once MRLs are reduced to the LOD (typically 0.01 ppm) trade may be affected unless import tolerances are granted. However, the EU requires that even import tolerance requests for these neonicotinoids will have to “provide relevant information to demonstrate that the Good Agricultural Practices (GAPs) applying for the specific uses of the active substances are safe for pollinators.” That information, if submitted, would only be assessed on a case-by-case basis. However, it is unclear what “relevant information” would be considered and how it would be evaluated.

Third countries are concerned that this will lead to the further reduction of MRLs based on environmental standards versus food safety considerations. Moreover, the EU has already publicly identified three other substances for potentially similar action: imidacloprid, quinoxifen, and lufenuron.

## **Background:**

As of December 2013, the EU prohibited the use of three neonicotinoids (clothianidin, imidacloprid, and thiamethoxam) on crops attractive to honeybees such as rapeseed, sunflowers, and soybeans. In May 2018, the Commission further restricted the use of neonicotinoids except for the application in permanent greenhouses in the EU and banned a fourth one (thiacloprid) in January 2020, citing both acute and chronic risks to bees. Due to the EU's restrictions on outdoor uses, the chemical companies (registrants) withdrew their applications for the renewal of approval of clothianidin and thiamethoxam and the EU approval expired in 2019.

On January 20, 2021, the European Commission's Directorate General for Health and Food Safety (DG SANTE) held an information session with third countries as part of Farm to Fork Strategy efforts, to discuss for the first time the introduction of environmental factors into the EU MRL-setting process.

In a June 2022 press release, the Commission publicly announced that it would propose - for the first time ever - a measure to follow up on its commitment to take account of global environmental considerations when deciding on MRLs in food. The Commission noted that “imported food containing measurable residues of prohibited substances should, over time, not be marketed in the EU. This will contribute to a virtuous circle and encourage third countries to also limit or prohibit the use of these pesticides, already banned in the EU.”

On July 6, 2022, the EU notified the WTO TBT Committee of the draft regulation to reduce EU MRLs for clothianidin and/or thiamethoxam to the limit of determination (LOD) on the basis of EU concerns with global pollinator declines ([WTO/G/TBT/N/EU/908](#)). The U.S. Government (USG) submitted comments to the WTO notification, as well as many other third countries with similar concerns. The European Union responded to the USG comments on January 26, 2023.

[Refer to the Regulation Annex](#) for the specific crop groups and individual products for which the MRLs for clothianidin and thiamethoxam apply.

**Attachments:**

No Attachments.