

Brussels, 27 October 2016

Ref: 55/16

Subject: follow up on our concerns related to excessive national restrictions applied on imports from countries where authorised PPPs can be used

Dear Mr Miko,

On behalf of various European associations from the agri-food chain, we thank you for the reply¹ to our previous letters². Nonetheless, we want to reiterate our concerns on the trade-related issue triggered by the case of French restrictions applied on the EU authorised active substance dimethoate. We sense that there is the need to further assess not so much the specific case, but rather the general principle behind it, which is of common concern for all our sectors.

Our Associations share the commitment to ensure the food and feed supply to Europe in full compliance with the EU rules aiming to guarantee protection of public and animal health as well as the environment. However, unfair trade restrictions imposed by the competent authorities should be taken into careful consideration by the European Commission.

While national restrictions of uses of certain active substances are foreseen in the EU legal framework, the scope of the restrictions must be proportionate, without exaggerating with the enforcement of the precautionary principle. Unfortunately, this is not the case with the ban established by French authorities. The restrictions are excessively far-reaching and apply to products which originate in countries where an EU authorised active substance is authorised for the use on those products, regardless of the fact if the substance has been actually used or not. There is no provision in the WTO or in the European food safety law stating that the ban of produce can be based on the origin of product.

If such approach was extensively applied to Plant Protection Products (PPPs), it may have a detrimental impact on the implementation of the European legislative framework and consequently on the entire supply chain of agri-commodities in the EU.

¹ Ares (2016)5457897 of the 20 September 2016; Ares (2016)5472315 of the 21 September 2016

² COCERAL, ECPA, COPA-COGECA, FDE, FEDIOL, FRESHFEL, FRUCOM, CELCAA, GAFTA, letter reference 51/2016, of the 14 September 2016 ; FRESHFEL letter of the 1 September 2016

Our Associations deem necessary to draw again Commission's attention on the above recalled implications for farmers, traders and industry. We request the Commission to provide its responses to the following questions:

- What is the position of the Commission on imposed restriction of trade of agri-commodities based on their origin, but not on findings of residue of active substance? Does the Commission, the institutional body representing 28 WTO member countries, see it appropriate and within the scope of the WTO international trade rules?
- Does the Commission sense that national excessively restrictive measures may actually endanger the confidence in the entire system of the EU food law and jeopardise the principle of free movement of goods?
- Does the Commission actively engage in discussions with national authorities to highlight the detrimental impact on the entire agri-commodities supply chain caused by the immediate and non-proportionate application of art. 53 and art. 54 of the General Food Law?
- What is the position of the Commission with regards to the implications caused by such imposed measures to the farmers, traders and industry located both in the EU and outside the EU, who are growing and trading in line with the EU PPPs authorisations and comply with EU MRL?

Trusting that you will keep in due consideration our concerns and reply to our questions, we remain at your disposal for any further information you may need.

Thank you for your consideration.

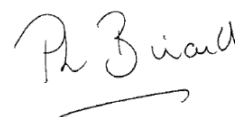
Yours Sincerely,



Teresa Babuscio
Secretary General
COCERAL



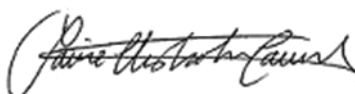
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On behalf of the following associations:



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