

Commissioner Vytenis Andriukaitis  
Commissioner for Health and Food Safety  
European Commission  
1040 Brussels

Brussels, 09 May 2017

Ref: 17FFS76

**Subject: National restrictions on imports from countries where authorised PPPs can be used**

Dear Commissioner Andriukaitis,

We are writing to you on behalf of a number of European agri-food chain associations, to express our concerns about the French national emergency measure for cherries imported from Member States or third countries where dimethoate Plant Protection Products (PPPs) are authorised for use in cherries.

This issue was initially raised with you in 2016 (ref: letters of 14th September and 27th October), when the initial emergency measures were put in place, and we would again highlight that this case sets an unacceptable precedent with a disrupting impact for farmers, for trade and for the internal market.

The latest restrictions were set out in the French Official Journal of 27th April 2017<sup>1</sup> and again include a blanket restriction on imports of cherries from countries where PPPs containing dimethoate are authorised. The measure is excessively far-reaching, and establishes trade restrictions highly incompatible with the World Trade Organisation (WTO) rules, which the EU is committed to comply with.

We fully support the view expressed by the European Commission at the SCoPAFF meeting of 6-7 April, that “...an EU wide emergency measure [is] disproportionate. In its view the conditions for a safeguard measure are not met as there are no indications for a serious health risk”. The proposed changes to the MRLs for dimethoate, which were voted following the recommendations of an EFSA review, underline the fact that these restrictions are unreasonable.

When such emergency measures are applied unilaterally, we understand that the Commission has to submit the measure within 10 working days to the SCoPAFF and we have noted that the issue will be discussed at the SCoPAFF meeting on 17-18 May. Given the disproportionate nature of this measure taken by the French authorities, we support the Commission’s view that these measures are disproportionate and request that the measures be revoked.

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<sup>1</sup> Arrêté du 24 avril 2017 portant suspension d'introduction, d'importation et de mise sur le marché en France de cerises fraîches en provenance d'Etats membres ou de pays tiers où l'utilisation de produits phytopharmaceutiques contenant la substance active diméthoate est autorisée en traitement des cerisiers (JORF n° 0099 du 27 avril 2017 ; texte n° 58 ; NOR: AGRG1710476A; <https://www.legifrance.gouv.fr/eli/arrete/2017/4/24/AGRG1710476A/jo/texte>)

The fact that a Member State decides to ban imports of products coming from countries where an authorised active substance can be used, and when the relevant EU MRLs for that substance are in place, is undermining the *acquis communautaire* and its legal certainty. If such approaches were extensively applied to PPPs, it would 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.

We stand ready to support the Commission in taking the necessary corrective measures to uphold the *acquis communautaire* and ensure legal certainty.

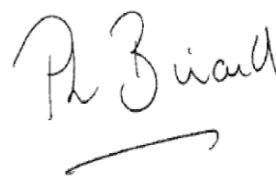
Yours Sincerely,



**Teresa Babuscio**  
Secretary General  
COCERAL



**Jean-Philippe Azoulay**  
Director General  
ECPA



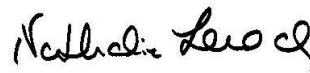
**Philippe Binard**  
General Delegate  
Freshfel



**Garlich von Essen**  
Secretary General  
ESA



**Mella Frewen**  
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**Nathalie Lecocq**  
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Head of Cabinet, Commissioner Andriukaitis  
Deputy Head of Cabinet, Commissioner Andriukaitis  
Deputy Director General, DG SANTE