Consultation on stopping EU export of banned chemicals (including pesticides)

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EU considers prohibiting export of banned chemicals (including pesticides) – EU public consultation

Hazardous Chemicals – Prohibiting Production for Export of Chemicals Banned in the European Union: Call for Evidence

Update

The EU is considering whether new measures are needed in relation to the export of hazardous chemicals, including pesticides. Although certain chemicals are not authorised for use in the EU, they can be manufactured in the EU and exported to non-EU countries. The EU is now reconsidering this, and whether the current approach is aligned with its overall strategy on chemicals and green ambitions. It has launched a consultation (Call for evidence), open to all stakeholders, as part of an impact assessment on possible measures. **A specific questionnaire has been issued for non-EU stakeholders.**

What is changing?

The EU is considering revising existing legislation on the export of chemicals, including pesticides. An impact assessment will consider different possible approaches including:

- increasing information to non-EU countries to enable them "to better act on the risks identified under EU law by restricting or banning the chemicals concerned in the same way as in the EU" (Call for Evidence)
- revising rules under the existing Prior Informed Consent Regulation 649/2012 on the export of chemicals that are banned in the EU
- introducing a ban on the manufacture of hazardous chemicals that are not approved, or are prohibited on the EU market.

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Why?

In cases where chemicals are banned in the EU due to negative effects on human health or the environment, the EU is concerned that manufacturing and exporting those chemicals may contribute to negative effects in non-EU countries and globally.

However, chemicals may not be approved for use in the EU not only because they fail to meet regulatory requirements due to negative effects, but also because the manufacturer of the chemical simply does not apply for EU approval or re-approval (for example, for a pesticide that targets a pest not present in Europe).

The aim of new measures is to "promote safety and sustainability standards outside the EU, to further align the EU's internal and external policies, and to lead by example. The initiative will also contribute to a safer environment in the EU by potentially minimising the use in non-EU-countries of certain persistent and mobile chemicals that can cause cross-border harm" (DG Environment 2023).

Timeline

Stakeholders can reply to the consultation in 2 ways.

1. Respond to the specific questionnaire aimed at non-EU stakeholders by 10 July 2023.
2. Respond to the general public consultation by 31 July 2023.

The Commission proposes to adopt new measures in the fourth quarter of 2023.

Recommended Actions

If producers and agri-food suppliers in low- and middle-income countries consider that banning the export of certain pesticides not used in the EU could have an impact on them (positive or negative), this consultation is an opportunity to provide their feedback. The following questions are of particular interest:

- Which pesticides not authorised in the EU, but still being manufactured in the EU, are important to protect crop production in non-EU countries?
- What would be the impact of an export ban of these pesticides?
- How would producers likely be affected by an export ban? Are there alternatives, or would the same pesticides be imported from other manufacturing countries?

A specific questionnaire for non-EU stakeholders provides an easier and more relevant route to provide feedback, but must be completed before **10 July, 2023.** Alternatively, feedback can be

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provided via the general public consultation before **31 July 2023**.

Background

Chemicals are regulated under many pieces of EU legislation:

- REACH Regulation (1907/2006) on registration, evaluation, authorisation and restriction of chemicals
- Prior informed consent Regulation (649/2012) on export and import of hazardous chemicals
- Plant protection products Regulation (1107/2009) on placing plant protection products on the market
- Biocides Regulation (528/2012) on making biocidal products available on the market, and their use.

The trade in hazardous chemicals is currently largely regulated by Regulation 649/2012. Its underlying principle is that the importing countries decide whether to permit imports of certain chemicals, and the EU exporting countries must respect those decisions.

Resources

DG Environment (2023) Open Public Consultation on the production for export of hazardous chemicals banned in the EU. European Commission.

Regulation 649/2012 concerning the export and import of hazardous chemicals

Regulation 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

Regulation 1107/2009 concerning the placing of plant protection products on the market

Regulation 528/2012 concerning the making available on the market and use of biocidal products

Sources

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