



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Circular Economy & Green Growth
Sustainable Chemicals

Brussels,
ENV.B.2/CDA/2021

Dear Sir, Madam,

Thank you for your letter of 21 June 2021 in which you call on the European Union to ban the export to third countries of hazardous pesticides, which are prohibited for use in the European Union.

Please note that the European Union fully implements the United Nations Rotterdam Convention on the Prior Informed Consent (PIC) procedure for certain hazardous chemicals and pesticides in international trade through Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals. The Regulation is in line with the core elements of the Convention and implements the export notification requirement and the PIC procedure, which is built on the principle that it is for importing countries to decide whether to consent to the import of certain chemicals (including pesticides) and that exporting countries must respect those decisions. The Regulation goes even further by requesting the explicit consent of importing countries before allowing the export for a lot more chemicals than required by the Convention (currently about 120 versus 52). This mechanism bans the export of those chemicals if the conditions of the Regulation are not met and allows the importing countries to take their own decision whether to allow the import and consequently the use of those chemicals.

Moreover, Regulation (EU) No 649/2012 also requires the exchange of information on exported chemicals by three mechanisms: the export notification, the labelling requirement for exported chemicals and the notification of final regulatory action to the Secretariat of the Convention. Those mechanisms ensure that importing countries receive a variety of information on the regulatory action taken in the EU, on the results of the risk assessment and on the intrinsic properties of exported chemicals. Please note that the labelling requirement applies to all chemicals when exported and not only to those listed in the Regulation.

Furthermore, we would like to emphasise that the Chemicals Strategy for Sustainability adopted by the Commission on 14 October proposes the EU to lead by example, and ensure that hazardous chemicals banned in the EU are not produced for export, including by amending relevant legislation if and as needed. The European Commission is currently considering various options for implementation of this objective. As part of this discussion the European Commission will consider the various elements at stake, which include the scope of the EU ban (a particular active substance, which is no longer approved in the EU for use in plant protection products may still be allowed for other uses in the EU, e.g. in biocidal or veterinary medicinal products), and the fact that

producers in third countries may face production conditions and pest pressures different from those in the EU.

In addition to the envisaged action on the export of certain hazardous chemicals, the EU will act in other areas with the aim to strengthen the sound management of chemicals, including pesticides, and waste at the international level. The EU considers that global strategic objectives and targets are needed for an ambitious international framework that addresses the current fragmentation and fosters coherent policies and action by all relevant international organisations, governments and stakeholders, including industry. A renewed Strategic Approach to International Chemicals Management is the essential multilateral agreement that will allow to fully address the sound management of chemicals throughout their life cycle. While it is important to use relevant international standards, guides and methodologies when developing EU rules, unless they are ineffective or inappropriate, it is at the same time fundamental to mainstream the sound management of chemicals and waste in the work programmes of all relevant international organisations. This will allow the EU to promote consistent policies and actions under the UN's 2030 Agenda, in line with EU's international commitments.

The EU will continue to actively engage and play a leading role in the international work that aims at achieving the goals and targets of the 2030 Agenda, inter alia by:

- stepping up its international advocacy to meet the 2030 Agenda's goals and targets for the sound management of chemicals, in particular by having a leading role and promoting the implementation of existing international instruments as well as EU standards globally;
- striving for the adoption of global strategic objectives and targets for the sound management of chemicals and waste beyond 2020 to reflect life cycle approaches for chemicals, in line with the post-2020 global biodiversity targets;
- promoting, together with industry, the implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (UN GHS) as the means for identifying chemical hazards and communicating them to operators, workers and consumers;
- proposing to introduce, adapt or clarify criteria/hazard classes in UN GHS;
- promoting the development of common standards and innovative risk assessment tools internationally, notably with the OECD, and promoting their use under international frameworks, inter alia to shift further away from animal testing.

Moreover, the EU will leverage its weight in the world to advocate safe and sustainable-by-design approaches globally, to level the playing field and to increase the market share for companies that produce and use safe and sustainable chemicals.

Closer international cooperation and coordination is also imperative. The European Commission is committed to supporting the capacity of EU partner countries to meet their international obligations under the chemicals related international instruments and to adopt and enforce high environmental, health and social standards. The EU's external action will promote and mainstream the sound management of chemicals through their life cycle and the transition to a toxic-free and circular economy, as essential cross-cutting elements for sustainable development and taking into account policy coherence for development.

Finally, sharing the EU's knowledge base is important to support developing countries, but also for the benefit of mutual acceptance of data among OECD and other relevant countries. This is key to avoid duplication of work, save resources and support international standards. The existing knowledge base and experience of EU agencies, within their mandate and resources, shall also be put to the benefit of EU international policies and leadership.

As concrete actions, the EU will:

- promote the sound management of chemicals through international cooperation and partnerships, in bilateral, regional and multilateral fora, including through cooperation with Africa, as well as cooperation with neighbours and other partners to support their capacity to assess and manage chemicals in a sound manner;
- promote due diligence for the production and use of chemicals within the upcoming initiative on sustainable corporate governance.

Please be assured that achieving the sound management of chemicals and waste at global level at the latest by 2030 is of utmost importance to the European Union and that we will pursue this objective in all relevant policy areas.

Yours faithfully,

Cristina de Avila
Head of Unit