Brussels, 31/07/2024

Dear Madame/Sir,

While congratulating you for your election as a Member of the European Parliament, we would like to draw your attention to the pressing matter concerning the export of banned and hazardous pesticides that is on the EU's agenda and needs processing further.

Loopholes in European Law allow chemical companies like Bayer and Syngenta to carry on producing hazardous pesticides for export long after they have been banned for use in the European Union to protect the environment or the health of its farmers and citizens.

In 2018 alone, more than 81,000 tonnes of pesticides containing 41 different hazardous chemicals banned from use on EU fields, have been exported from European factories for use in agriculture in other countries.

Every year, the EU also exports more than 10,000 tonnes of 'bee killing' neonicotinoid insecticides to poorer countries, despite having banned the use of these chemicals on its own fields to protect pollinators.

Recent reports have also shown that the EU is exporting, among other harmful pesticides, chlorpyrifos, a banned pesticide linked to brain damage in children, and chlorothalonil, a fungicide banned because of its potential to contaminate groundwater and cause cancer.

As emphasised by Virginijus Sinkevičius, then Commissioner for Environment, these chemicals, "*can cause the same harm to health and the environment regardless of where they are being used*". What is too dangerous for use in the EU is also too dangerous for use in other countries.

The overwhelming bulk of the EU's banned pesticide exports are destined for low- or middle-income countries (LMICs), with weaker environmental and health protection laws. In these importing countries the risk of human and environmental exposure is, almost without exception, much higher than in the exporting countries, where they have been banned, as UN agencies have warned. This issue is particularly problematic for vulnerable groups like childrens and women, representing more than half of the workforce in LMICs countries.

According to a statement endorsed by 35 United Nations Human Rights Council experts in July 2020, "the practice of wealthy States exporting their banned toxic chemicals to poorer nations lacking the capacity to control the risks is deplorable and must end."

The UN Special rapporteur on Toxics and Human Rights stressed that "the export of banned or restricted substances for use in importing countries that cannot or do not have adequate assurances that human rights will be respected, protected and fulfilled is exploitation and may violate the principle of non -discrimination".

The main destinations for these banned pesticides are the very same countries that export agri-food products to the EU. Like a boomerang, banned pesticides find their way back to European consumers via imported food, thus ending up on the dinner plates of EU citizens.

The EU is de facto supplying farmers in third countries with hazardous pesticides that are later used to produce food and agricultural goods that are exported to the EU, where their use is banned, therefore creating unfair competition for European farmers, weakening their transition toward agroecology as targeted by EU Green deal.

In October 2020, in its Chemicals Strategy for Sustainability, the European Commission committed that the EU will “lead by example” and ensure that hazardous chemicals banned in the EU “are not produced for export”. The initiative was expressly welcomed by the European Council in March 2021.

In May 2023, the European Commission launched a public consultation on possible legislative measures to ensure that “hazardous chemicals banned in the European Union” are no longer “produced for export”. The proposal to ban the production and export of pesticides that are banned in the Eu received overwhelming support.

The European Commission is currently doing an impact assessment and exploring different legal options. However, the European Commission did not yet conclude its work and did not deliver a legislative proposal in 2023, as it had committed in 2020.

In June this year, the European Council stressed that “the Commission has not fully delivered on the Chemicals Strategy [...] addressing emerging chemical risks and emerging health and environmental concerns and prohibiting the production for export of harmful chemicals not allowed in the EU” and urged the Commission “to keep a high level of ambition in the implementation of the strategy”.

In the meantime, Member States have taken the lead. France has prohibited the export of pesticides containing EU banned active substances. In 2023, Belgium has adopted an export ban for prohibited pesticides that will enter into effect in May 2025. Germany is also moving towards a legal prohibition on the export of banned pesticides.

It is of the highest importance that the European Commission now comes up with a proposal to stop the export of banned pesticides at EU level to avoid fragmentation and ensure harmonisation between national legislations, which is also in the interest of the EU’s chemical industry.

As shown by the example of France and a study published in April 2024, an export ban would neither endanger employment nor burden the economy in Europe, but will have a positive impact in third countries, improving the protection of human health and the environment.

Also, a legal opinion written by Andrea Hamann, Law Professor of the University of Strasbourg and expert on international dispute settlements and World Trade Organisation (WTO) law, concludes that WTO rules do not pose a legal obstacle to enacting an export ban on hazardous chemicals prohibited in the EU.

Even the chemical industry acknowledges the huge problems provoked by this toxic trade, although it keeps on lobbying to keep it going.

Current and future generations, within and beyond Europe, strongly need your political commitment to work towards a healthier future and safer agricultural practices for farmers, farm workers and consumers worldwide.

We thus urge you to consider the adoption of an EU ban on the production and export of pesticides and other hazardous chemicals that are banned in the EU as a priority and to request the Commission to deliver on its commitment and present a legislative proposal without further delay.

We are available for sharing additional information on the issue, for further questions and discussions.

Best regards

On behalf of the coalition

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