



Russia's invasion of Ukraine: challenges in the enforcement of food legislation - Pesticides MRL -

Advisory Group

Brussels, 6 May 2022 (Webex)

***Disclaimer:** Enforcement of Maximum Residue Levels falls under the merit of the National Authorities of the EU Member States. This document contains only the views of the author. It is not intended to produce any legally binding effects. Only the European Court of Justice has jurisdiction to give preliminary rulings concerning the validity and interpretation of acts of the institutions of the EU pursuant to Article 267 of the Treaty.*

Background

- Ukraine is a major source of imported cereals (maize/corn, wheat, rye, oats, barley), and oilseeds (sunflower, rapeseed and soyabeans) for several Member States, and trade is severely reduced due to Russia's invasion of Ukraine. Trade associations reached out to the Commission in early March to alert on the risk of shortages for cereals/grains.
- On 11 March 2022, the Standing Committee on Plants, Animals, Food and Feed (SCoPAFF), section Phytopharmaceuticals – Pesticide Residues, held an extraordinary meeting to discuss possible measures to be taken with regards to expected shortages of food and feed supply in the EU ([summary report](#)).
 - **A number of Member States signalled that they would have critical feed supply issues in the short term for some cereals/grains** and that they needed to find alternative source of imports. Providing certain flexibility for MRLs would facilitate imports from e.g., the Americas.
 - Other Member States signalled that they do not face shortages, so **the situation vary greatly between Member States.**

Temporary MRLs: Article 18(4)

- **Article 18(4) of Regulation (EC) No 396/2005 (MRL regulation) enables Member States to set national temporary MRLs (tMRLs) in exceptional circumstances to authorise the placing on the market and/or the feeding to animals within its territory of non-compliant food or feed, provided that such food or feed does not constitute an unacceptable risk.**
 - National measures must be immediately communicated to the Commission, EFSA and the other Member States.
 - National risk assessment must be shared showing that **those measures are maintaining a high level of consumer health protection in the EU.**
 - Adequate controls and enforcement measures must be in place to ensure that the commodities are used as intended and remain on the national territories.
- EFSA is supporting discussions with Member States on national risk management measures and had prepared a preliminary analysis in preparation of the extraordinary meeting of the SCoPAFF on 11 March 2022.

Temporary MRLs: Measures taken

- In March 2022, **Spain and Portugal notified measures under Article 18(4) setting national tMRLs for a few substances on maize for use for feed only, for a duration of 6 months.**
 - Spain: Instruction 6/PCF/2022
 - Portugal: Despacho n.º 28/G/2022
- At the meeting of the SCoPAFF on 11-12 April 2022 ([summary report](#)), Spain and Portugal provided extensive explanations and assurances to the Commission, EFSA and the other Member States that **their measures would pose no risk to consumer health and that appropriate controls were in place.**



Temporary MRLs: Measures taken

- According to national risk assessments, **no residues are expected on products of animal origin.**
 - Maize containing residues between the EU MRL and the tMRL can be integrated into composite feed only at a **maximum percentage of 45%**, and cannot be further processed.
- Control programmes are implemented in Spain and Portugal.
 - **Imports of feed are systematically controlled at the border** by checking each consignment. Traceability is ensured through the Trade Control and Expert System (TRACES).
 - Under the coordinated EU programme, **samples of plant and animal origin products are regularly taken.** The commodity milk, which is relevant for children, will be controlled throughout the year 2022
- Maize had been imported from third countries other than Ukraine in the past and control data had showed only few findings for the substances of concern.

Next steps

- **Increased imports from other third countries have not yet materialized.** Member States are to immediately inform the Commission and other Member States when such imports start and signal any change of the situation, e.g., unexpected findings in feed/food of animal origin.
- **EFSA will publish a technical report** on the results of EFSA's analysis performed in preparation of the extraordinary meeting of this Committee on 11 March 2022, explaining the methodology used and also deal with possible further flexibilities for Member States taking national measures.
- **The Commission is monitoring closely the evolution** of the situation together with Member States.

Thank you

Disclaimer: Enforcement of Maximum Residue Levels falls under the merit of the National Authorities of the EU Member States. This document contains only the views of the author. It is not intended to produce any legally binding effects. Only the European Court of Justice has jurisdiction to give preliminary rulings concerning the validity and interpretation of acts of the institutions of the EU pursuant to Article 267 of the Treaty.



© European Union 2020

Unless otherwise noted the reuse of this presentation is authorised under the [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/) license. For any use or reproduction of elements that are not owned by the EU, permission may need to be sought directly from the respective right holders.