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Joint statement

Chlorpyrifos: EuroCommerce, FoodDrinkEurope, Foreign Trade Association and FRUCOM request a sufficient transitional period for long shelf life products

On 21 January 2016, the European Commission published Regulation 2016/60 reducing significantly the chlorpyrifos maximum residue levels (MRLs) to the limit of determination for various raw food commodities, *de facto* banning the use of this pesticide thereon. The new, stricter levels will apply from 10 August 2016, which may be interpreted as meaning that only food products meeting the new MRLs can be marketed in the EU after that date. This decision was made following the conclusion of the EFSA reasoned opinion from 2015 suggesting the reduction of MRLs for chlorpyrifos in a number of food commodities to the limit of determination including for table grapes. Exceedance of the acute reference dose (ARfD) was reported based on a **very conservative risk assessment**.

Previously, chlorpyrifos was legally used both in the EU and in third countries to treat various crops. This fresh produce has been used for further processing, extending products shelf life significantly. These derived products with an extended shelf life are still being marketed, traded and used as ingredients by the EU industry. As such, the **lack of sufficient transitional period** in Regulation 2016/60 will have a **negative effect on the availability of certain long shelf life food products in the EU**. These products include:

- Turkish dried grapes from previous crops. All stocks of this product may have to be withdrawn from the EU market after 10 August 2016. Dried grapes from this year's harvest will not reach the market till end October 2016, creating a **market shortage** which cannot entirely be filled by other origins¹.
- raspberries, blackberries and grapes harvested in South America under the existing rules for the use of chlorpyrifos are now available in Europe for the production of various composite foods.
- residue monitoring data also show that the stricter chlorpyrifos MRLs will have an impact on the availability of dried pears, peaches, tomatoes, peppers, apples, currants, raspberries, boxthorn and schisandra.

The commodities mentioned above are used as an ingredient in various processed foods such as chocolate, fine bakery wares/biscuits, snacks and nut mixes, cereals, meal components, mincemeats, herbal and fruit infusions, Christmas puddings, frozen desserts, ice-cream, breakfast cereals, cooking sauces, cereal bars, sauces, pickles and chutneys and ready meals. As an example, a wide range of Christmas products (mince pies / mincemeat fruit fillings, puddings, cakes) are routinely made over a year ahead of sale for maturation reasons – all of these products could become illegal and need to be destroyed. This will bankrupt some businesses who have done nothing wrong – jobs will be lost, and the environmental impact of sending thousands of tonnes of product to landfill as **food waste will be enormous**.

¹ Turkey is the main exporter of dried grapes to the EU, supplying 186.303 tons in 2014 (56% of total imports). Source: Eurostat.

Given that there are few viable alternatives, **a longer transition period is needed to ensure ongoing supply to consumers.** This will allow food producers to continue making these processed foods using these (currently legal) commodities.

For 2016 crop, food business operators and the Turkish authorities (in the case of grapes) are taking all the **necessary measures to ensure that only food products compliant with the new chlorpyrifos MRLs are marketed, traded and used for further processing.** However, it is still necessary to provide sufficient time to use existing stocks, legally manufactured but soon to become potentially non-compliant.

To avoid legal uncertainty, the economic operators are further requesting that the term ‘placing on the market’ is applied as per the definition in Regulation 178/2002 on General Food Law², to ensure that food products which have been legally produced using ingredients which were compliant at the time of production/ placing on the market can continue to remain on the market as compliant food product.

EuroCommerce, FoodDrinkEurope, Foreign Trade Association and FRUCOM request:

- **extension of transitional period for foods for which the chlorpyrifos MRLs will be reduced after 10 August 2016, in order to address crop and processing cycles. This will allow the EU industry and trade to adapt to the new requirements and to avoid massive food withdrawals and food waste;**
- **clarification of the status of processed foods, using ingredients concerned by the reduction of the MRLs to the limit of determination, having a shelf life longer than 10 August 2016;**
- **agreement on the interpretation of placing on the market as per Regulation (EC) N° 178/2002, according to our understanding that processed ingredients and finished products which are held for sale or transfer by manufacturers or in the distribution network before the date the new legislation applies will benefit from the derogation and can be sold through.**
- **better engagement with economic operators when deciding on issues directly affecting their activities.**

EuroCommerce is the principal European organisation representing the retail and wholesale sector. It embraces national associations in 31 countries and 5.4 million companies, both leading multinational retailers such as Carrefour, Ikea, Metro and Tesco and many small family operations. Retail and wholesale provide a link between producers and 500 million European consumers over a billion times a day. It generates 1 in 7 jobs, providing a varied career for 29 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognised European social partner for the retail and wholesale sector.

FoodDrinkEurope represents the European food and drink industry, the largest manufacturing sector in the EU in terms of turnover and employment. It aims to promote the industry's interests to European and international institutions, contributing to a framework addressing, inter alia, food safety and science, nutrition and health,

² The term “placing on the market” is defined in General Food Law (REGULATION (EC) No 178/2002) in the definition it includes the holding of food for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves.

environmental sustainability and competitiveness. Further information can be found on our website www.fooddrinkeurope.eu.

*The **Foreign Trade Association (FTA)** is the leading business association of European and international commerce that promotes the values of free trade and sustainable supply chains. FTA represents over 1,700 retailers, importers and brand manufacturers to promote and defend free trade and supports their international business by providing information and practical solutions towards sustainability in the international supply chain.*

***FRUCOM** officially represents European traders (importers, agents, brokers and other traders and industrial operators) in a series of products including dried fruit and edible nuts. Founded in 1960, FRUCOM represents the common interests of more than 300 companies across the EU. Further information about the association can be found in our website www.frucom.eu.*