



कृषि और प्रसंस्कृत खाद्य उत्पाद

निर्यात विकास प्राधिकरण

(वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार)

Agricultural and Processed Food Products  
Export Development Authority

(Ministry of Commerce & Industry, Govt. of India)

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**Subject: SPS Notifications G/SPS/N/AUS/428 dated 28<sup>th</sup> June 2017 concerning maximum residue levels of pesticides in food products.**

Sir/Madam,

The Government of India acknowledges the SPS notification – G/SPS/N/AUS/428 dated 28<sup>th</sup> June 2017 issued by Australia at the WTO concerning maximum residue limits of pesticides. India appreciates the Australian authorities for providing an opportunity to comment on this notification. We observe that the Food Standards Australia New Zealand (FSANZ) has proposed amendment to the maximum residue levels (MRLs) of various pesticides. In this regard, India would like to submit the following comments:

In Section 1: Point 1.1 states that the residue levels for pesticides are omitted. India finds pesticide – Fenthion in the omitted entries list. We would like to mention that it is registered for use in India on cereal grains, fruits, vegetables, and animal products. Hence, we are of the view that omission of MRLs for Fenthion would have a negative impact on India.

Under Point 1.5, India finds that the products along with the MRLs are omitted for certain pesticides. Out of these pesticides, we would like to mention that the following pesticides – Acephate, Carbaryl, Dichlorvos, Flusilazole and Trifloxystrobin are of concerns to India. Please below find the list of products for the above mentioned pesticides whose omission is likely to have a pose trade barrier to exports from India.



No.	Pesticides	Products
1.	Acephate	Cotton seed
2.	Carbaryl	Okra, leafy vegetables, Vegetables [except as otherwise listed under this chemical]
3.	Dichlorvos	Fruit, Tomato, Vegetables [except as otherwise listed under this chemical]
4.	Flusilazole	Grapes, Pome fruits
5.	Trifloxystrobin	Sweet pepper

Under Point 1.6, we find that the FSANZ has proposed MRLs for various pesticides. In particular, the agency has listed MRLs for 'All other foods except animal food commodities' for pesticides- Fenarimol, Fenvalerate, Flubendiamide, Hexythiazox, Metalaxyl, Myclobutanil, Spinetoram and Trifloxystrobin. We find that the agency has proposed varying residue levels as default levels in cases where no specific limits for products are fixed. However, India would like to mention that such listing of default levels for the products that are not listed poses restriction to trade on individual products. In this regard, we would like to request the Australian authorities to consider the products listed by Codex Alimentarius Commission (CAC) for the respective above mentioned pesticides. The products listed in the Codex may be exempted under 'All other foods except animal food commodities'. Hence, India would like to request the FSANZ authorities to consider the above mentioned comments so that it does not pose trade barrier to export of agricultural products from India.

In this context, India would like to rely on Article 5.4 of the WTO- SPS Agreement which denotes the following:

*Members should, when determining the appropriate level of sanitary or phytosanitary protection, take into account the objective of minimizing negative trade effects.*

Article 4.2 of the WTO- SPS Agreement mandates the following:

*Members shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures.*




India would like to request the Australian authorities to take into consideration the above mentioned comments. These comments are without prejudice to any stand that India may adopt on this issue later.

It may kindly be noted that the Ministry of Commerce & Industry, Government of India has assigned Agricultural & Processed Food products Export Development Authority (APEDA), to review the SPS Notifications made by the member countries.

Early response in this regard would be highly appreciated.

Yours faithfully,

  
(V.K. Vidyarthi)  
General Manager