

The Fair Trade Movement's contribution to the European Commission feedback period on EU Regulation No 649/2012 on the export and import of hazardous chemicals

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About the Fair Trade Advocacy Office (FTAO):

The Fair Trade Advocacy Office (FTAO) leads political advocacy for the Fair Trade Movement at the EU level. It has the purpose of promoting justice, equity and sustainable development at the heart of trade structures and practices so that everyone, through their work, can maintain a decent and dignified livelihood and develop their full human potential.

The FTAO is a joint initiative of Fairtrade International, the World Fair Trade Organization, and the World Fair Trade Organization-Europe.

The Fair Trade Advocacy Office welcomes the draft delegated act amending Regulation (EU) No 649/2012 on the export and import of hazardous chemicals, yet emphasises that export notifications, as provided under Regulation 649/2012, are insufficient when it comes to guaranteeing the protection of health and the environment from hazardous chemicals. Exporting chemicals known to be harmful to human health and the environment constitutes a clear violation of the human right to a safe, healthy, and sustainable environment—particularly when such exports are directed to countries in the Global South, where the capacity to regulate and control hazardous substances is often limited. On 23 July 2025, the International Court of Justice (ICJ) reinforced this right, declaring it a binding norm of international law. This is especially pertinent with regard to the export of hazardous pesticides to the Global South, where their widespread use frequently results in loss of life, serious health risks, and significant environmental damage.

Consequently, the EU should introduce a ban on the production and export of hazardous chemicals, in particular, hazardous pesticides. We call on the European Commission to fully align EU rules with its own health and environmental standards as well as international human rights legislation.

In line with its commitments to policy coherence for development, the EU should prohibit the manufacture and export of pesticides that are banned within its borders due to their harmful effects on human health and the environment. These bans exist because such substances pose serious risks—including cancer, reproductive harm, developmental disorders in children caused by endocrine disruption, and the contamination of natural resources.

Yet, instead of removing these chemicals entirely from production and the market, they continue to be exported to third countries, despite their use being prohibited in Europe. Reliance on export notifications or consent requests offers insufficient protection for local communities and ecosystems, while also failing to address the deeper, systemic problem at hand.

In some cases, smallholder farmers and small producers in third countries may have no choice but to use harmful pesticides—sometimes even those banned in the EU—because the prices they receive for their crops are so low that they cannot afford safer and sustainable alternatives. These low prices are often the result of purchasing practices and market structures driven by EU operators, traders, and buyers, who prioritise low costs over sustainability. Therefore, while banning the export of hazardous substances is a necessary step, it is not enough on its own. The EU must also address the underlying economic pressures by promoting fair purchasing practices and more equitable market structures that enable producers to invest in safer, more sustainable farming methods, such as agroecological or organic production.

In its Vision for Agriculture and Food, the Commission pledged to address “the issue of the export of hazardous chemicals, including pesticides, that are banned in the EU.” We urge the Commission to honour this commitment by introducing a policy instrument that prohibits such exports, while also providing support measures to enable smallholder farmers and producers to access safer alternatives—where these exist. A blanket export ban alone will not resolve all challenges and could lead to unintended negative consequences. To prevent this, the Commission should carry out ex-ante impact assessments to ensure that appropriate accompanying measures are in place from the outset.

We urge the European Commission to fulfil its long-standing commitment to ban the export of hazardous pesticides and to honour its pledge to work closely with trading partners—particularly least developed and developing countries, “to accompany the transition towards the more sustainable use of pesticides, to avoid disruptions in trade, and to promote alternative plant protection products and methods.” Farmers in low- and middle-income countries must be supported in moving away from hazardous chemicals and towards safe, healthy, and sustainable alternatives—especially Integrated Pest Management, agroforestry, and agroecology—so that they are not exposed to greater risks of crop loss or compelled to source dangerous pesticides from other suppliers.

We also urge the European Commission to act on the EU’s pledge to “use all its diplomacy, trade policy, and development support instruments” to drive the global phase-out of pesticides no longer approved in the EU and to promote low-risk substances and pesticide alternatives. A concrete step towards this goal would be active participation in the soon-to-be established Global Alliance on Highly Hazardous Pesticides, an internationally agreed initiative aimed at eliminating such pesticides in agriculture and advancing the transition to safer alternatives.

Therefore, we call on the European Commission to ensure that any pesticide banned in the EU for health or environmental reasons is automatically added to Annex V of Regulation (EU) 649/2012, “Chemicals and articles subject to export ban” under Article 15.2, which prohibits their export elsewhere.

In addition, we wish to highlight that this double standard extends beyond pesticides and other chemicals. A 2024 briefing endorsed by hundreds of civil society organisations, including the Fair Trade Advocacy Office, revealed that the current EU legal framework still allows companies to profit from the production and export to non-EU countries of goods considered too dangerous or unsuitable for the EU market and its citizens—such as unsafe toys, single-use plastic products, or intrusive AI systems (see: <https://www.greenpeace.org/static/planet4-eu-unit-stateless/2024/09/54eba298-toxic-double-standards-ngo-briefing-sept.-2024-with-corrections.pdf>).

We therefore urge the European Commission to take a more comprehensive approach to addressing this double standard by closing all existing loopholes through horizontal EU legislation that prohibits the export of goods from the EU that are banned for sale, use, or consumption within the EU.

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