

TEA & HERBAL INFUSIONS EUROPE

Formerly: European Tea Committee (ETC) and European Herbal Infusions Association (EHIA)



Hamburg, 20th April, 2026

Position of Tea & Herbal Infusions Europe | THIE on the European Commission's Simplification Package for Food and Feed Safety and Animal Welfare (Omnibus X)

After thoroughly reviewing the proposals, the European tea and herbal infusions industry demands:

- **A fair consideration of imports, particularly in relation to the proposed regulations on plant protection products and residues.**
- **A revision of the definition of "residue" in Regulation (EC) No 396/2005 with regard to so-called Multiple Source Substances.**
- **The implementation of an adequate impact assessment procedure before amending the provisions of Regulation (EC) No 396/2005 regarding import tolerances; the proposed changes will have significant effects on the availability of tea as well as herbal and fruit infusions in the EU and on the export of these products.**
- **Stronger engagement by the EU in the evaluation of plant protection products as part of the establishment of MRLs (Maximum Residue Levels) at the international level, particularly within the JMPR and Codex, to promote a global, universally acceptable and safe framework for international trade, rather than disconnecting the EU from international trade with the proposed import tolerance regulations.**

General Preliminary Remark

The initiative to simplify food safety regulations is generally welcomed by the tea and herbal infusions industry. The proposals contain a number of important and constructive approaches. However, the political and regulatory proposals are heavily influenced by a focus on growers and producers within the EU, while the import of raw materials and food products, which is essential for food supply in the EU, is insufficiently considered in the requirements.

The intended "level playing field" between domestic cultivation and imported goods must be guaranteed from the perspective of both the EU and third countries.

The Commission Staff Working Document SWD (2025) 1030 final emphasises the importance of effectively protecting crops from plant diseases and their spread. This need for protection exists for cultivation in third countries just as much as it does for cultivation within the EU. The Vision



for Agriculture and Food calls for a careful examination of any pesticide bans when no alternatives are available. In third countries, cultivation often occurs under different climatic conditions, requiring protection against other plant diseases and pests. These different challenges must be adequately considered in the regulatory proposals, such that approval of a substance within the EU cannot, by itself, be a suitable criteria for deciding on MRLs for imported goods. Instead, the question of the safety of potential residues must be decisive. Only in this way can fair plant protection be ensured for growers in third countries. This is necessary to ensure that the EU remains an important consumer market for third countries and that the diversity of food products within the EU can continue.

Thus, it is necessary to jointly develop forward-thinking solutions for plant protection with third countries and consider their legitimate interests if the EU wants to achieve the goals outlined in the Vision for Agriculture and Food.

Specifically:

1. Proposals to amend Regulation (EC) No 396/2005

a. General Comments – Definition of Residue

The tea and herbal infusions industry welcomes that, after almost 10 years since the REFIT process for pesticide legislation in the EU, an amendment to Regulation (EC) No 396/2005 is now being considered, at least in part, through OMNIBUS.

However, it is unsatisfactory that the fundamental issue of how a "residue" is defined remains excluded. The current definition of residues, which regulates findings of substances that do not, or predominantly do not arise from active pesticide use (so-called Multiple Source Substances), is overly broad and creates significant practical difficulties.

This applies equally to both, conventionally grown crops and organically grown crops. For conventionally produced products, the misleading impression is created that they are heavily contaminated with pesticides, even though the detected substances are unavoidable contaminations coming from natural sources or the environment. Additionally, the procedures for setting MRLs are tailored to the active use of plant protection products (GAP). When substances come from other sources, the processes for setting appropriate MRLs can take 10 years or more, even though there is agreement that the presence of the substance is due to sources other than pesticide use. Some current examples of this, which are particularly relevant for tea as well as herbal and fruit infusions raw materials, include phthalimide, trimesium or matrine from sophora roots in liquorice crops.

For organic crops, evidence of such substances, which clearly originate from sources other than active use, generally triggers extensive investigations into the source of the substance and leads to blocking of the affected goods. This results not only in significant delays and economic burdens but has now led to suppliers no longer being willing to deliver to the EU. Instead of promoting organic farming, as repeatedly emphasised by policymakers, trade in organically produced teas and herbal infusions is now seriously threatened by the inappropriate application of residue regulations.



The definition of residue in Regulation (EC) No 396/2005 should be limited to residues resulting from the active use of pesticides, in line with the definition in Regulation (EC) No 1107/2009. For Multiple Source Substances, the regulation should be applied in the area where the main source lies. This is usually a contaminant under the Contaminants Regulation.

The definition of "residue" is a fundamental issue that must be regulated first as it influences the further regulations.

Only by proceeding in this way can OMNIBUS's stated aim of simplifying food law ultimately be achieved.

b. Definition of GAP – Art. 3 (2) a) of the draft

The proposed reference to Directive 2009/128/EC should be removed in Art. 3 (2) a). This directive addresses the member states and, according to § 1 of this directive, establishes a framework for the sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment. It is implemented differently in various member states. Therefore, it is not suitable as a definition element for Good Agricultural Practice (GAP) either in terms of its purpose or its lack of specificity.

Additionally, the aim and purpose of Regulation (EC) No 396/2005 are to ensure a high level of consumer protection and harmonised community rules. The proposed amendment seeks to introduce environmental aspects into the MRL-setting process. This is not appropriate and goes beyond the purpose of Regulation (EC) No 396/2005. Environmental protection aspects play a role in the approval of plant protection products, but they have nothing to do with the admissibility and safety of residues.

c. Import tolerances - Art. 14 (2) e) of the draft

aa. Missing impact assessment procedure

The EU Commission launched a study in November 2025 to prepare for an impact assessment to examine the effects on the EU's competitive position and international impacts. However, the provisions of Regulation (EC) No 396/2005 regarding import tolerances are already set to be amended without awaiting the results of this impact assessment. The Joint Research Institute (JRC) has been tasked with the impact assessment and a hearing of the industry is only planned after the results are available.

This approach is not appropriate and is unacceptable from the tea and herbal infusions industry's perspective.

An impact assessment before changing the provisions is absolutely necessary. The justification COM 1030/2025 states: "This proposal is accompanied by a Commission staff working document that includes a detailed overview of the positive impacts of the proposed amendments of the relevant provisions of food and feed safety legislation." Such a focus on the positive effects of the proposal while excluding negative aspects is not a suitable basis for regulatory proposals.



The proposed changes to import tolerances will have significant implications for food from third countries, such as tea and herbal infusions raw materials, and are a serious intervention in international supply chains. Should the impact assessment show that the proposed measures are not adequate, the disrupted supply chains cannot easily be rebuilt. Therefore, the Better Regulation Guidelines of the Commission also foresee that, in the preparation phase before the Commission completes a proposal for a new legal regulation including changes to existing regulations, an impact assessment is conducted if significant economic, social or environmental impacts are expected. This is the case here. In this regard, an impact assessment BEFORE changing Regulation (EC) No 396/2005 regarding import tolerances is mandatory.

Moreover, tea and especially raw materials for herbal infusions are small harvests. Even the impact assessment by the JRC is unlikely to lead to realistic results for these crops as the JRC will not have the necessary information without industry support. While statistics for tea (*Camellia sinensis*) are publicly available through Eurostat, there are no official market data for raw materials for herbal infusions. Furthermore, experience shows that the EFSA databases on pesticide residues contain little data on tea and herbal infusions unless provided by the industry.

Tea (100%) and most raw materials for herbal infusions such as rooibos, mate or sweet blackberry leaves are exclusively products from third countries. They are not grown in the EU. About 80% of the raw materials for herbal infusions come from countries outside the EU, with the trend increasing. The main products are:

- Rooibos: South Africa (100%)
- Mate: South American countries (100%)
- Sweet blackberry leaf: China (100%)
- Hibiscus: Africa (100%)
- Lemongrass: Africa, Thailand and South America
- Ginger: Africa and Asia

Additionally, a large portion of the raw materials for herbal teas are not cultivated but are wild gathered. If these specific circumstances are not adequately considered in the impact assessment, these products will simply disappear from the EU market.

To ensure that all relevant aspects are thoroughly examined and that the political options are evidence-based and effective, an appropriate impact assessment for ALL AFFECTED CROPS must be conducted BEFORE changing the relevant regulations of Regulation (EC) No. 396/2005.

bb. Harmonisation of standards

The proposed changes to import tolerances are justified by the harmonisation of standards for crops from the EU and imports. However, the question arises as to how standards for the cultivation of crops that are not even grown in the EU, such as tea and many raw materials for herbal infusions, should be harmonised. The EU has no experience with comparable cultivation, climatic conditions or similar plant diseases and pests. Therefore, the simple transfer of standards



based on the conditions in the EU to cultivation in third countries is inappropriate and fails to acknowledge the plant protection needs in the producer countries.

This approach also overestimates the influence that EU importers have on growers in third countries. The example of tea (*Camellia sinensis*) clearly illustrates this: The EU imports less than 2% of the world's tea harvest.

The consumption of tea predominantly occurs in the tea growing countries themselves or in other consumer markets. However, if different rules - often based on Codex values - apply in the producer countries and other major consumer markets, the increasingly stringent requirements of the EU can no longer be enforced by suppliers. EU importers lack the economic power for this. Therefore, the EU is steadily losing importance as a market for such products from third countries.

cc. Inappropriate shifting of responsibilities to the industry

It is therefore essential that the EU becomes more active in the evaluation of plant protection products and the setting of maximum residue levels at the international level, such as with JMPR and Codex Alimentarius. The application of as similar standards as possible when evaluating plant protection products is essential for global trade in plant-based products. It is the basis for the necessary recognition of import tolerances and the adoption of Codex MRLs. Only in this way can the legitimate interests of effective plant protection on one hand and the production of safe food on the other be reconciled. This will ensure that the EU remains a relevant player in international trade and the supply of safe food to EU consumers will be guaranteed.

The changes proposed in the new Article 14 (2) e) for import tolerances and the restrictions on adopting Codex values, on the other hand, will lead to the isolation of the EU market for pure or predominantly third-country products, such as tea and herbal infusions raw materials. The responsibility of the EU for food from third countries cannot and must not be entirely shifted to the industry by imposing bans on plant protection products and further restricting import tolerances. Instead of influencing cultivation in third countries, as intended, the EU loses its importance as a market, and thus also its influence on food production in third countries. Therefore, the chosen approach is counterproductive and unsuitable for achieving the goals of the Vision for Agriculture and Food.

d. Transition periods - Article 14 (2a) and Article 18 of the draft

The tea industry welcomes the clarification regarding transition periods and sales periods for products that have been imported and manufactured under the previous law. This is particularly important for food items with a long shelf life, such as tea and herbal and fruit infusions. The harvest cycles for these products requires corresponding stockpiling. Furthermore, this helps avoid food waste and unnecessary consumer confusion.



e. Permanent MRLs in the case of monitoring data - Art. 15(1) and Art. 16 of the draft

The tea industry also welcomes the proposed change, which would no longer set MRLs based on monitoring data as temporary, but rather as permanent MRLs in certain cases. This will lead to significant administrative relief for both authorities and the affected industry, without compromising consumer protection.

2. Proposals to amend Regulation (EC) No. 1107/2009

a. General comments

In line with the announcement in the Vision for Agriculture and Food, the regulatory proposals aim to accelerate market access for new bio-pesticides and products containing them, in order to increase their availability for European farmers. The goal is to support the transition to more sustainable plant protection practices and reduce the use of more hazardous chemical pesticides. It is important not to focus solely on European farmers in these regulations. These same goals must also be actively promoted globally. As previously mentioned regarding residue issues, there is a need for increased international engagement by the EU in order to actively participate in the global framework for plant protection and, consequently, the use and residues of plant protection products. This is the only way to ensure the necessary supply of food in the EU from third countries, especially in light of the planned reduction in import tolerances.

b. Minor uses - Art. 51

The tea and herbal infusions industry welcomes the efforts to improve the provision of plant protection products for minor uses by amending Article 51. Smaller crops, such as various herbs for infusions, occupy a smaller cultivation area compared to the main crops in the EU, but are still important for the environment, farmers, producers and consumers. The current difficulties in ensuring adequate plant protection are leading to a reduction in cultivation areas for these crops.

Tea & Herbal Infusions Europe (THIE) – is the European Association representing the interests of producers, traders and packers of tea and herbal and fruit infusions, as well as extracts thereof. Tea is derived solely and exclusively from the shoots of varieties of the species *Camellia sinensis* (L.) O. Kuntze and produced by acceptable manufacturing processes. Herbal and fruit infusions materials are plants or parts of plants that do not originate from the tea plant (*Camellia sinensis* (L.) O. Kuntze) and are intended for food use by brewing with water.