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PRESS RELEASE

[Legal decision]

The government could ban the import of fruit and vegetables from non-EU countries containing residues of banned pesticides

Following a petition filed by the trade Association of French fruit and vegetable importers, the Conseil d'État today ruled that the Government was lawfully entitled to suspend imports of foodstuffs from countries outside the European Union that contain residues of certain pesticides banned in Europe. It ruled that the contested order was based on sound scientific evidence and fell within the framework established by European food safety legislation, which allows a Member State to take emergency precautionary measures to protect its citizens while informing the European Commission.

A number of pesticides have been banned from sale and use in the European Union for several years. This applies notably to five substances: carbendazim, benomyl, glufosinate, thiophanate-methyl and mancozeb. However, European law has until now permitted the import and sale of food products from third countries containing residues of these substances, provided that their levels remain below maximum thresholds known as “maximum residue limits” (MRLs), which were determined at European level in 2005 (Regulation No. 396/2005, article 35).

Considering that these thresholds were no longer in line with current scientific knowledge, the French authorities determined that the consumption of such food products posed a risk to the health of French consumers. After informing the European Commission, the ministers for agriculture and consumer affairs issued an order on 5 January 2026 suspending the import, introduction and placement on the market in France, whether free of charge or for a fee, of foodstuffs containing “quantifiable residues” of the five substances in question, according to a specific list of products, consisting mainly of fruit and vegetables, and including tropical fruit, citrus fruit, potatoes and cereals.

The order provides for the suspension to end as soon as the European Commission itself adopts appropriate measures or, failing that, one year after its effective start date. The trade association representing French fruit and vegetable importers appealed to the Conseil d'État to have the decision overturned.

French authorities may take emergency protective measures

In principle, the European Union sets the rules governing food safety. However, under European law, a Member State may take emergency measures to protect the health of its citizens without having to wait for the European Union to act.

Additionally, under French law, the French Rural and Maritime Fishing Code authorises the ministers for agriculture and consumer affairs to issue such a decree. In view of the above, the Conseil d'État ruled that the French authorities were legally entitled to take such an emergency measure.

The suspension order is based on sound scientific evidence

The Conseil d'État considered that the contested order was based on reliable, recent and accurate scientific data, drawn notably from studies conducted by the European Food Safety Authority (EFSA). This data establishes that there are risks to human health arising from the consumption of foodstuffs containing the residues of one or more of the active substances used in the plant protection products targeted by the order.

It further noted that, given the current state of scientific knowledge, it is difficult to determine with sufficient certainty an MRL level other than that set by the contested order. It also noted that other measures, including food labelling or consumer information, would be insufficient to protect human health. Lastly, the order was deemed sufficiently specific and the measures provided for – including those relating to inspections – did not appear to be unenforceable.

On these grounds, the Conseil d'État ruled that the measures adopted by the order were appropriate and proportionate, and did not breach either French or EU law. The appeal lodged by the trade association of French fruit and vegetable importers was, therefore, dismissed.

Decision No. 511530, Trade Association of French Fruit and Vegetable Importers, 13 May 2026