

EU LEGISLATION ON THE AUTHORISATION AND USE OF PESTICIDES

Summary

The crop protection industry's aim is to maintain a workable and sustainable system of scientific, risk-based regulation, which protects people and the environment whilst ensuring that farmers have access to safe products so that consumers have a plentiful supply of affordable, fresh food.

Background

Crop protection products, or pesticides, are used to protect crops and keep them healthy. They are the equivalents of the medicines we use to safeguard our own health. They are available for use not only in agriculture, but also in horticulture, forestry, amenity and gardening. The crop protection industry invests heavily into researching and developing products that are target-specific, degrade quickly and do not accumulate in the food chain.

Without the use of pesticides, farmers would quickly find their crops infested, diseased, unattractive and therefore unmarketable. Crop protection makes it possible for farmers to grow high quality crops economically. As a result, we have improved self-sufficiency in cereals and other crops, reducing the need to import produce, thereby benefiting our trade balance and reducing our carbon footprint. Farmers are well aware of the risks and the benefits of pesticides and handle them with care in order to protect our health and the environment.

Pesticides are the most thoroughly tested and strictly regulated chemicals in Europe. Directive 91/414/EEC provides a stringent EU approval process, with the objectives of safeguarding the health and safety of consumers and users, protecting wildlife and the environment, and providing farmers with efficient crop protection products. Today, over 200 specific studies on a pesticide's human health and environmental impact must be completed and evaluated by regulators who must be satisfied that it poses no unacceptable risk to people or the environment before it can be approved. Regular reviews ensure that every product on the market meets the latest safety standards.

Two pieces of proposed EU legislation are currently close to final agreement in the Council of Ministers. The first is a Regulation to replace directive 91/414/EEC and the second is a Directive on use.

Proposal for a Regulation concerning the placing of plant protection products on the market (COM(2006)388)

In July 2006, the Commission issued its proposal (COM(2006)388) to replace Directive 91/414/EEC. The proposed Authorisations Regulation is expected to be signed off by the Council of Ministers in October 2009. A number of aspects are of concern to the crop protection industry:

- **Cut-off criteria:** The present EU authorisation system is based on the assessment of risk, ensuring the full evaluation of all properties of a pesticide and the likely exposure levels. The new legislation will introduce criteria that bans pesticides based on the fact that they have certain properties that classify them as hazardous. This fails to take all factors into account and will result in the loss of many products that are used safely today. The criteria include endocrine disruptors for which there is currently no agreed definition, leading to major uncertainty over how many pesticides will be lost. The legislation includes a derogation but this is likely to be very restrictive and of little practical use. The UK government (including the Prime Minister) has supported a science-based, risk assessment approach and has said that it will vote against the legislation in the Council of Ministers.

- **Comparative assessment and substitution:** The new legislation includes a system whereby certain products will be removed from the market if it is perceived that other products pose a lower risk. Some form of comparative assessment at user level could be a valuable tool to assist farmers in selecting the most appropriate products for their local conditions. However, when products meet the strict regulatory criteria they should be allowed on the market to maintain the diversity of choice required for sustainable agriculture.
- **Zonal evaluation and mutual recognition:** The new legislation introduces a system of compulsory mutual recognition of authorisations between Member States belonging to the same geographical zone (3 zones are proposed). While the industry feels there is no justification to limit these opportunities within pre-defined zones or to make it compulsory, we do believe that the zonal concept provides a framework for improved cooperation between Member States.
- **Parallel trade:** The crop protection industry welcomes the legislative provisions on parallel imports. Regulation should ensure that parallel imported products provide the same guarantees as other approved crop protection products, especially with regard to protection of human health and the environment.
- **Data Protection:** A sustainable system of data protection should stimulate investment in research and development. The industry supports a system where all interested parties have equal opportunities to generate and submit the required data.

Proposal for a Directive on the Sustainable Use of Pesticides (COM(2006)373)

The Proposal for a Framework Directive on the Sustainable Use of Pesticides was presented by the Commission in July 2006. The Framework Directive is intended to complement the approval process. It focuses entirely on the use phase of plant protection products and aims at further reducing risks from their use by encouraging sustainable practices. It takes account of subsidiarity and a key element of the approach is National Action Plans to be established by the Member States. The new legislation will ensure that in future the whole of the EU will operate to the same high standards which the Voluntary Initiative has helped to achieve in the UK. The Directive is expected to be agreed by the Council of Ministers at the same time as the Authorisations Regulation.

The industry welcomes the emphasis on risk reduction rather than arbitrary use reduction targets. We believe that the sustainable use of pesticides can best be achieved by further risk reduction measures and not through use reduction or prohibitions. There is no direct link between the quantities used and the risk involved; it's *how* the product is used that's important, not *how much*.