

TOUGH NEGOTIATIONS AHEAD AS MEPs BACK BANS ON PESTICIDES

Len Copping reports on the result of the MEPs vote on pesticide regulation taken on 5 November and some reactions to the vote

The European Parliament's environment committee approved a ban on pesticides that are toxic to human health, setting the stage for a showdown with EU member states which favour a more lenient approach. The Environment Committee voted to reject the Council's common position and impose greater regulations on pesticides during a session on the placing of Plant Protection Products on the Market Regulation. Other impacts on the vote include: rejection of the zonal concept whereby the EU would have been divided into three zones with greater harmonisation of products within a zone; support for ten-year record keeping, requirement to make records available to neighbours and pesticide passports despite the huge bureaucratic burden this would impose on farmers; reduced timescale for the candidates of substitution process down to five years and rejection of a large number of amendments that would have greatly reduced the effects of this legislation for procedural reasons.

Background:

Amid growing public concern over the impact of pesticides, the Commission presented in July 2006 a 'pesticides package' aimed at protecting human health and the environment from their dangerous or excessive use in agriculture. The package includes a new Regulation (http://ec.europa.eu/food/plant/protection/evaluation/com2006_0388en01.pdf) to tighten pesticide usage and authorisation rules in Europe and a Framework Directive (http://ec.europa.eu/environment/pps/pdf/com_2006_0373.pdf) laying down common objectives and requirements for sustainable use of pesticides.

The proposed regulation for the new approval process has proved to be particularly controversial on two points:

- **Cut-off criteria** for substances used in the production of pesticides (a market ban on substances that pose potentially severe risks to human health and the environment) and;
- **Mutual recognition** of authorised products within specified geographical zones.

Adopting their position on 5 November 2008, MEPs were also mindful to introduce sweeteners for the negotiations to take place ahead of a second reading on the pesticides 'package' in January 2009. This mainly includes the possibility for member states to reject pesticides authorisation granted by other EU countries and allow the continued usage of toxic substances when they are proven essential for crop survival.

Voting on a report on the sustainable use of pesticides, MEPs introduced a compromise amendment stating that national action plans for reducing the volume of pesticides used should include quantitative targets. A minimum

50% reduction target is proposed for 'active substances of very high concern' and those classified as 'toxic or very toxic'. The compromise was agreed between the Green and Socialist groups with a comfortable majority, paving the way for difficult negotiations between the Parliament and the Council. The French Presidency said it was still hoping for a second reading agreement.

The committee's report on the authorisation process restates MEPs' support for hazard-based criteria for deciding approval of the most dangerous substance and recommends additional cut-off criteria for immunotoxic and neurotoxic substances, if the risk is proven significant for at least one in a million citizens. Four-year authorisations of hazardous substances would however still be allowed, in case bans pose serious risks to plant health.

The report also:

- **Rejects the idea of zonal mutual recognition of products.** Instead, it asks for more harmonisation for products authorisation and allowing each member state to decide, within 180 days, whether it wants to authorise a substance on its territory.
- **Asks for better protection of bees.** Pesticides producers would need to prove that a substance does not present acute or chronic risk to bees before a product is authorised.
- Proposes the establishment of an '*electronic field pass*' which would oblige farmers to inform retailers of the pesticides they use.

While both the environment committee and the Council support a ban on the most dangerous substances, the committee's recommendation on the authorisation process differs greatly from the common position (<http://register.consilium.europa.eu/pdf/en/08/st11/st11119-re08.en08.pdf>) reached by the Council on the zonal mutual recognition of products.

The Council backs the establishment of three geographical zones (North, Centre, South) where agricultural, plant health, environmental and climatic conditions are comparable, inside which mutual recognition of products should take place. It would allow for exceptional five-year authorisations of hazardous substances in case bans pose serious risk to crop survival.

According to the **European Commission**, the EU executive's impact assessment showed that the proposed legislation could lead to a ban of 22-27 carcino-, muta- and teratogenic substances, as well as endocrine disrupting ones. It also noted that the Council's current amendments propose regular approval of the substances if exposure is negligible and

exceptional approval (for five years) if there are serious risks to plant health. It also said that most substances would anyhow continue to be available until around 2016.

A Syngenta spokesman underlined the industry's progress on R&D and renewed products, but stressed that substitution of banned substances would take time as it takes up to 10-12 years of research to get a new molecule on the market. Regarding the proposed zonal authorisation system, which would introduce mutual recognition of products in defined geographical areas, Syngenta argued that one zone would be a very good and strong idea and would make everybody's (farmers, industry, policymakers) lives easier.

In the UK, the National Farmers' Union (NFU) has expressed its dismay and disappointment at the environment committee vote in the European Parliament which will further restrict the number of essential crop protection products that will be available to farmers and growers in future. The proposals mean there could be further restrictions on vital crop protection products - already one of the most heavily regulated groups of chemicals in the EU. This could result in a reduction in crop yield and quality, and in prices for household staples such as potatoes and broccoli going through the roof. MEPs agreed to include a number of detrimental measures including:

- An extension of the list of products that will be taken off the market even though they have been safely used by farmers for many years.
- Limiting the possibility of an effective response to serious plant health threats by not allowing vital contingency measures such as derogations.
- Failure to call for a full EU-wide impact assessment despite individual country assessments highlighting the devastating impact removal will have on production.
- MEPs also resurrected and voted to support a range of issues on the use of crop protection products, like use reduction targets and pesticide taxes, which were rejected by their fellow MEPs last year

NFU President Peter Kendall said the NFU is very disappointed with the position taken by the environment committee, which has failed to understand that having an armoury of plant protection products available to farmers and growers is vital to ensure that a sufficient supply of safe and affordable food is produced to meet rising world demand. If this position is supported in the forthcoming plenary vote by all MEPs a great number of vital products could be lost which will threaten the viability of some sectors of the industry. However, it is somewhat reassured that at least one-third of the environment committee agrees with the NFU that legislation should be based on sense and science and voted against this report. The NFU always knew the environment committee would be difficult and all resources will now be focussed on convincing the full parliament to reverse these changes and to approve a responsible and sensible report.

The European Crop Protection Association (ECPA) stated that while some of the more extreme cut-off criteria proposed by the Parliament were strategically dropped to ease the passing of the regulation, the remaining criteria were still ideologically driven and had no scientific or practical basis. It restated that additional cut-off criteria would lead to an

unnecessary ban on a number of products which have been shown to meet high safety standards and are currently being used safely by European farmers. It also deplored that the three-zone authorisation concept was removed and exemptions were introduced which would allow member states to reject a pesticide authorisation granted by other member states easily. In addition, ECPA argued that amendments adopted for the Sustainable Use Directive would fix arbitrary use reduction targets which had already failed in the past. Pesticide use responds to real, local pest management needs, not to targets. Hence, the way forward is through improving practices.

Taking a different view, the Health and Environment Alliance (HEAL) and Pesticide Action Network Europe (PAN Europe) deplored that the Committee backed away from previous commitments to eliminate hazardous pesticides from use in food produce instead agreeing a substantially diluted set of proposals. They argued that a complex set of loopholes and derogations now added to the text could bring substantial delays in replacing the worst pesticides. Such derogations include the inclusion of immunotoxic and neurotoxic substances to the cut off criteria only if the risk is proven significant to one in a million citizens, which is very difficult to assess according to HEAL. The committee also diluted the Parliament's first reading agreement ban to use pesticides in and around public places (schools, parks, etc.) to a ban in public places alone and not around them.

If the EU pesticides review goes through as it currently stands, food prices will at worst more than double, according to a new industry-funded impact assessment. Conducted by EuroCARE GmbH, a German consultancy on the agricultural economy, the study predicts huge increases in basic commodity prices if the review is adopted without changes. The study predicts a 20%-69% increase in wheat prices, 19%-58% in potato prices and significant increases for animal products, which are expected to be affected by increased feed imports. These results are quite similar to a recent study from Italian research institute Nomisma (<http://www.euractiv.com/en/environment/study-suggests-pesticides-crucial-eu-food-supply/article-17006>). The findings of the Nomisma study, which argued that stringent EU rules on pesticides will lead to a decline in European agricultural self-sufficiency, ever-increasing food prices and job losses in the agri-food sector, were rejected by environmental activists, who derided the study as professional scaremongering. The EuroCARE economic analysis is a prediction of a situation assuming that no pesticide is substituted and that policies remain the same and the Nomisma study was also based on the worst case scenario. Whether or not the currently proposed pesticides review would actually lead to reduced agricultural productivity and higher food prices remains to be seen, but the European pesticides industry is calling on the Commission to carry out an impact study on the revamped proposal before adopting any major changes.

Next steps:

- **13 January 2009:** Parliament's second reading on the 'pesticides package' scheduled.
- **Mid-2010:** The legislation could enter into force.