

Answer (including background information) to the question of

5.1.2.e Woo

Germany d.d. January 9th 2018

Subject: Glyphosate for non-professional use

Date: February 13th 2018

Question: Did the Ctgb withdraw authorisations for amateur uses concerning PPPs containing glyphosate?

Answer: No. There is legislation on this subject.

Background information:

Since March 31st 2016 by national law¹ it is forbidden for professional users to use plant protection products on sealed areas/surfaces: this is a political decision² and not a Ctgb decision. This prohibition is meant to reduce the use of plant protection products in The Netherlands to protect the surface- and drinking water. This general prohibition is focused on all plant protection products that can be used by professional users. Non-professional users – amateur users – still can use the permitted plant protection products including the ones that contain glyphosate.

Since the 1st of November 2017 this prohibition has been extended meaning that all plant protection products can not be used on sealed areas/surfaces and also not on open areas/surfaces by professional users³.

But there is an important and substantial exception. Professional users in the field of agriculture still can use all the permitted plant protection products⁴ including glyphosate.

Both the extension of the prohibition and the exception for professional users in the field of agriculture are decisions from the Ministry of Infrastructure and environment and were discussed profoundly in the parliament⁵.

In The Netherlands there is no specific prohibition on PPP's containing glyphosate.

The Ctgb holds the position that there is no scientific reason to decide for a prohibition – a total ban - on the use of glyphosate⁶.

¹ In the Besluit gewasbeschermingsmiddelen en biociden (Bgb) <http://wetten.overheid.nl/BWBR0022530/2017-11-01> which is a ministerial decision (Algemene Maatregel van Bestuur) based on the law (Wet gewasbeschermingsmiddelen en biociden) on the articles 78 and 80a.

² <https://zoek.officielebekendmakingen.nl/stb-2016-112.html> is the part of legislation in which these prohibitions were decided and explained (Nota van Toelichting) by the vice-minister of infrastructure and environment together with the vice-minister of economic affairs on the 9th of March 2016. The explanation holds a short analysis on the EU-law concerning this kind of prohibition.

³ In article 27b, paragraph 1, of the Bgb this prohibition is mentioned.

⁴ In article 27b, paragraph 4, of the Bgb this specific exception is mentioned.

⁵ <https://zoek.officielebekendmakingen.nl/kst-27858-327.html>

⁶ <https://www.ctgb.nl/actueel/nieuws/2017/09/12/ctgb-advies-ez-over-glyfosaat>

Although the prohibition already came into effect, the branche organization Nefyto⁷ – on behalf of several chemical companies - has come up with objections together with Artemis⁸ and at this moment there is a lawsuit from Nefyto/Artemis against the Kingdom of The Netherlands concerning this general prohibition because of the negative effects of this prohibition⁹. They state that the prohibition is illegal because it is in violation of both national and EU-law.

⁷ Nefyto = dutch crop protection association.

⁸ This is a NGO promoting the use of biological plant protection products (de belangenvereniging van producenten en distributeurs van biologische bestrijders, bestuivers en van gewasbescherming van natuurlijke oorsprong).

⁹ See the press release of October 13th 2017: <https://www.nefyto.nl/getattachment/711d674f-ee6c-438f-90cc-0845a8f9ca3f/Persbericht-Artemis-en-Nefyto-starten-juridische.aspx>