Glyphosate renewal implementing regulation (DE)
Interpretation of specific provisions related to diversity and abundance of non-target species and biodiversity.

The implementing regulation renewing the approval of the active substance glyphosate (EU 2017/2324 of 12 December 2017), for the first time for an active substance, explicitly requires all EU-Member States to pay particular attention to:

"[…]

—the risk to diversity and abundance of non-target terrestrial arthropods and vertebrates via trophic interactions

Conditions of use shall include risk mitigation measures, where appropriate."

Although already covered by the legal requirements of Art. 4 of Regulation (EC) No 1107/2009, the specific provision regarding the diversity and abundance of non-target organisms has been included in the implementing regulation renewing the approval of glyphosate in order to point out the relevance of such risks particularly for this active substance, which is intensively and widely used in agriculture.

As no EU guidance to address these provisions is available so far, the German UBA has introduced a preliminary assessment scheme to identify in its own zonal product evaluations whether the intended use of a PPP requires additional measures to mitigate the abovementioned effects on biodiversity or not.

The chosen approach is fairly straightforward and is based on the assumption that the risk for the disruption of trophic interactions up to terrestrial vertebrates can be assessed by evaluating the product/active substance impacts on non-target plants and arthropods. The approach can be applied using available regulatory standard ecotoxicological data for NTAs/NTTPs. The implications of effects on insects for the food web are assessed based on the existing NTA in-field risk assessment guidance.

The UBA concept and its current implementation in the zonal product evaluation with DE as zRMS has been already shared with the environmental risk assessors/ecotoxicology experts of the other MS of the central zone in reply to a query of UK how to deal with the issue.).

As pointed out in the implementing regulation renewing the approval of glyphosate, the requirement for risk mitigation measures depends on the national conditions in each Member State. In our view, it particularly regards the potential of the agricultural landscape to compensate for risks arising from food web disruption and the actual conservation status of potentially affected species (e.g. farmland birds or arthropods).

UBA would be interested to know how environmental risk assessors and risk managers in the other MS of the central zone deal with this specific provision.

The German UBA takes *´risk …via trophic interaction´* in its regular environmental risk assessments into account. This was following the reassessment of glyphosate containing PPP as for Art 43 of Regulation (EC) No 1107/2009, requiring to pay particular attention to this point. In addition, due to the high relevance food web effects for non-target farmland species resulting from specific agricultural conditions in Germany and the critical conservation status of many species, German UBA is implementing the proposed concept also successively for other products with actives sharing a similar high risk to non-target organisms via trophic interaction as glyphosate. The proposed concept allows for the identification of such candidates.

Therefore, we would be also interested to learn how other MS see the need to tackle this problem also for products containing other actives than glyphosate but with similar risks - if justified by specific environmental and agricultural conditions in their territory.

It is our wish to discuss these issues with other MS - with the aim to possibly implement a harmonized preliminary assessment approach throughout the Central zone, which could be used until an EU guidance will be available.

We would like to drive MS attention also to another specific requirement in the implementing regulation for glyphosate, asking MS to minimize the use of products containing glyphosate in specific areas:

„Member States shall ensure that use of plant protection products containing glyphosate is minimised in the specific areas listed in Article 12(a) of Directive 2009/128/EC."

German UBA would be interested in sharing views on possible consequences also regarding this additional specific requirement.

In order to support the discussion and harmonisation process, the German UBA has set up a questionnaire exploring the MS's view on the measures to be possibly taken in order to address 'risks due to trophic interaction' in the specific provision for glyphosate but also regarding more general open issues.

The German UBA would kindly ask the MS to return the questionnaire to both 200@bvl.bund.de **and** **Einvernehmensstelle.pflschg@uba.de** until **30.04.2019**.

	Question	MS answer
1.	Do you as **risk assessors** consider the specific provision regarding the risk to diversity and abundance of non-target terrestrial arthropods and vertebrates via trophic interactions in the overall risk assessment for glyphosate products? 1a) If yes, how do you consider the specific provision in the risk assessment? 1b) If no, what are the reasons not to consider the specific provision in the risk assessment (e.g. no environmental concern, no risk assessment method available)?	1b) A harmonized methodology for the assessment of the risk to biodiversity is not available. Ctgb would support an initiative to develop a guidance for the assessment of the risk to biodiversity. For the time being, the Ctgb uses the present GDs for non-target plants and arthropods, until better assessment methods are available to assess effects on biodiversity.
2.	Do you as **risk manager** consider the specific provision regarding the risk to diversity and abundance of non-target terrestrial arthropods and vertebrates via trophic interactions in the risk management for glyphosate products? 1a) If yes, how do you consider the specific provision the risk management? 1b) If no, what are the reasons not to consider the specific provision in the risk management (e.g. no environmental concern, no management options available)?	1b) A harmonized approach (protection goals, management options) regarding biodiversity is not available. Ctgb would support an initiative to develop a harmonized approach for the management of the risk to biodiversity. As the risk to ecotoxicology was assessed based on the present GDs for non-target plants and arthropods no specific risk management measures were taken regarding biodiversity.
3.	Would you agree that products with other active substances than glyphosate but with similar broad-spectrum activity towards NTTP and NTA share similar risks to food webs via trophic interaction and would require similar considerations in risk assessment and/or risk management?	Once both a harmonized risk assessment methodology and management approach regarding biodiversity are available, they would certainly be applicable to other active substances with similar broad-spectrum activity towards NTTP and NTA.

4.	In case you consider that the risk via trophic interaction is relevant for the overall risk regulation, how should MS deal with the fact that no EU guidance is available so far?	As indicated under question 1. and 2. we consider it prudent to use the available and accepted GDs for non-target plants and arthropods.
5.	How do you deal with the requirement to minimize the use of products containing glyphosate in specific areas ("Member States shall ensure that use of plant protection products containing glyphosate is minimised in the specific areas listed in Article 12(a) of Directive 2009/128/EC."[1])?	In the Netherlands legislation prohibits the professional use of ppp's containing glyphosate outside the agricultural domain, such as the uses described in art.12(a) of Directive 2009/128/EC.

[1] 12 (a): areas used by the general public or by vulnerable groups as defined in Article 3 of Regulation (EC) No 1107/2009, such as public parks and gardens, sports and recreation grounds, school grounds and children's playgrounds and in the close vicinity of healthcare facilities;