



For a legal
ban on
the export of
pesticides
prohibited in
the EU

HIGHLY HAZARDOUS PESTICIDES AND DOUBLE STANDARDS IN THE PESTICIDE TRADE

CALL FOR ACTION

Pesticides are biologically highly active substances. Their purpose is to inhibit the development of living organisms – unwanted insects, plants, moulds and other fungi – or to kill them. This effect is intentional, but pesticides also harm so-called non-target organisms such as bees, amphibians, and even us humans. Pesticides contaminate soils, air, and water. In some regions of the world, pesticide contamination has become a human rights issue. Highly hazardous pesticides (HHPs) are particularly problematic.¹

Particularly affected: the Global South

Highly hazardous pesticides are a danger everywhere in the world. However, the risk posed by HHPs is particularly high in the countries of the Global South: the reasons for this are well known. These include – besides others – lack of access to, or impossibility of using, protective clothing, lack of expertise on the part of users, lack of access to clean water and medical care, misuse of empty pesticide canisters, improper disposal of residual amounts of pesticides and pesticide waste after use, and improper storage of pesticides.

A new scientific study on unintentional pesticide poisonings found that around 44% of all farmers and farm workers worldwide are subject to pesticide poisonings, with particularly high rates in South and East Asia and East Africa.⁶ Although only about 25 per cent of the global amount of pesticides are used in so-called developing countries,

To prevent highly hazardous pesticides that have long since been banned here from continuing to endanger people and the environment in other regions, we call for ➤➤➤

99 per cent of all fatal poisonings occur in these countries.⁷ Nevertheless, Germany exports pesticides to the developing world that are banned in the EU and in Germany itself in order to protect the population and the environment.

In the view of many civil society organisations⁸ and renowned UN experts⁹, these double standards in the pesticide trade need be abolished urgently. In the EU, 183 highly hazardous pesticide active ingredients are currently explicitly banned (as of November 2020)¹⁰. Other pesticide active ingredients are »not approved«, often because they have lost their approval for environmental or health reasons. An example is clothianidin, which lost its approval due to the risk it poses to bees¹¹.

German companies are involved in the export of pesticides that are banned or not authorised in the EU. Thousands of tonnes of such pesticides are exported from Germany every year¹².

Legal regulations to ban exports are overdue

According to a recent survey, approximately 385 million people suffer from unintentional pesticide poisonings every year, at least 10,000 of which are fatal.¹³

In addition, according to WHO and FAO, there are hundreds of thousands of suicides by intentional ingestion of pesticides.¹⁴ The availability of highly hazardous pesticides plays an important role in this. These figures are also an expression of a generally high pesticide exposure of the rural population in the global South, resulting in long-term health damages, which are hardly recorded. Even under EU conditions – apart from personal suffering – pesticides cause health costs of more than a hundred billion euros every year.¹⁵ The particular danger in the export of HHPs to third countries results from the combination of their highly hazardous chemical properties and the lack of possibilities or measures to protect the health and environment, as described above.



Legislation to ban exports is possible

»» In France, beginning on 1 January 2022, Law No. 2018-938 (EGalim Law) prohibits the production, storage and export of pesticides containing active ingredients not authorised in the EU, based on health and environmental reasons.¹⁶ This proves that EU member states can act at the national level and enforce regulations that prevent the export of banned pesticides.

»» In Switzerland, an amendment to the Chemicals Risk Reduction Ordinance (Chem-RRV) has come into force¹⁷, which bans the export of five problematic pesticide active ingredients.¹⁸

»» The European Commission's draft Chemicals Strategy, published on 14 Oct. 2020,¹⁹ contains a commitment to prevent in the future the export of hazardous chemicals banned in the EU, and to amend legislation if necessary.

»» An expert opinion of the Scientific Service of the Bundestag of 3 March 2020 comes to the conclusion that in Germany too, the legal prerequisites exist for export restrictions similar to those in France. According to the Scientific Service, the current Plant Protection Act (PflGSchG), with its article 25 (para. 3 no. 2) allows the enactment of regulations on export bans by ordinance²⁰.

Calls for a legislative solution are growing louder

Already in 2017, the UN Special Rapporteur on the Right to Food, Hilal Elver, highlighted in her report²¹ that harm to people through the export of toxic substances is a clear violation of human rights. She called for a binding regulation to avoid double standards. This demand is supported by the UN Special Rapporteurs on toxics and human rights, Baskut Tuncak (2014 – 2020)²² and his successor in office, Marcos Orellana (since 2020)²³.

Recently, three independent reports have been published, which support the demands of the Special Rapporteurs, providing numerous details, including the PAN study, »Toxic Exports – The Export of Highly Hazardous Pesticides from Germany to the World«.^{24, 25, 26}

In a letter of 27 October 2020 initiated by PAN Germany and the INKOTA Network, 60 civil society organisations called upon Federal Minister Julia Klöckner and Federal Minister Peter Altmaier to commit themselves to such an export ban.²⁷ This call is supported by tens of thousands of people who signed the appeal, Stop the Export of Poisons²⁸.

Highly hazardous pesticides (HHPs)

Highly hazardous pesticides (HHPs) are defined by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) as representing a particularly high acute or chronic health or environmental hazard, or, under normal conditions of use, causing severe or irreversible damage to health or the environment.² Identification as HHPs is based on internationally recognised classification systems, that of the WHO for acute toxicity and the Globally Harmonized System (GHS)³ for chronic hazards such as carcinogenicity, mutagenicity (ability to damage genetic material), and ability to damage to fertility and/or unborn life. So far, the FAO and WHO have not published a substance list based on their own definitions. This gap was closed with the publication of the PAN HHP list by Pesticide Action Network (PAN) International in 2009.⁴ The PAN HHP list, which is updated regularly, is based on the FAO/WHO criteria. It takes into account the classifications of other recognised authorities and contains supplementary environmental criteria for bee hazards and aquatic toxicity.

Institutions such as the FAO, WHO and the Strategic Approach to International Chemicals Management (SAICM)⁵ have recognised the need for a gradual ban on HHPs, as only avoiding their use can ensure the safe protection of health and the environment.

References / Notes

- 1 For all Links mentioned in the document applies: last access 15 December. 2021
- 2 FAO/WHO (2016): Guidelines on Highly Hazardous Pesticides, <http://www.fao.org/3/a-i5566e.pdf>
- 3 Global Harmonized System of Classification and Labelling of Chemicals (GHS), <https://www.unece.org/fileadmin/DAM/trans/danger/publi/ghs/rev08/ST-SG-AC10-30-Rew8e.pdf>
- 4 http://pan-international.org/wp-content/uploads/PAN_HHP_List.pdf
- 5 Strategic Approach to International Chemicals Management (SAICM) <http://www.saicm.org/>
- 6 Boedeker, W. et al. (2020): The global distribution of acute unintentional pesticide poisoning: estimations based on a systematic review. BMC Public Health 20, 1875, <https://doi.org/10.1186/s12889-020-09939-0>
- 7 Human Rights Council (2017): Report of the Special Rapporteur on the right to food. Human Rights Council, 34th session, 27 February – 24 March 2017. A/HRC/34/48. <https://reliefweb.int/sites/reliefweb.int/files/resources/1701059.pdf>
- 8 <https://pan-germany.org/pestizide/zivilgesellschaftliches-buendnis-fordert-exportstopp-fuer-verbotene-pestizide/>
- 9 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26063&LangID=E>
- 10 ECHA, Chemicals subject to PIC, <https://echa.europa.eu/de/information-on-chemicals/pic/chemicals>. Based on REGULATION (EU) No 649/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2012 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R0649&from=DE> concerning the export and import of hazardous chemicals, which, among other things, aims at taking responsibility in international trade of hazardous chemicals in order to protect human health and the environment from potential harm.
- 11 COMMISSION IMPLEMENTING REGULATION (EU) 2018/784 of 29 May 2018 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance clothianidin. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0784&from=DE>
- 12 https://www.bvl.bund.de/SharedDocs/Downloads/04_Pflanzenschutzmittel/meld_par_64_2019_EN.html
- 13 Boedeker, W. et al. (2020), see Note no. 6
- 14 WHO/FAO (2019): Preventing suicide: a resource for pesticide registrars and regulators. <https://www.who.int/publications/i/item/9789241516389>
- 15 Trasande et al. (2016): Burden of disease and costs of exposure to endocrine disrupting chemicals in the European Union: an updated analysis. Andrology 4: 565-572 doi: 10.1111/andr.12178
- 16 Etats Généraux de l'Alimentation (EGAlim) Artikel 83 (2, IV) <https://www.legifrance.gouv.fr/dossierslegislatif/JORFDOLE000036562265/>
- 17 <https://www.newsd.admin.ch/newsd/message/attachments/63249.pdf>
- 18 Atrazin, Diaphenothiuron, Methidathion, Paraquat, Profenofos; these active ingredients are also prohibited in the EU.
- 19 https://ec.europa.eu/environment/strategy/chemicals-strategy_en
- 20 Wissenschaftliche Dienste des Deutschen Bundestags (2020): Export nicht zugelassener Pflanzenschutzmittel Rechtliche Regelungen in Frankreich und Deutschland. Ausarbeitung WD 5 - 3000 - 015/20 <https://www.bundestag.de/resource/blob/689790/5d86d62bfff8866bae6864f2d8ea2b977/WD-5-015-20-pdf-data.pdf>
- 21 Human Rights Council (2017): Report of the Special Rapporteur on the right to food. <https://undocs.org/A/HRC/34/48>
- 22 SAICEM (2019): Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. SAICEM/OEWG3/3/INF/23. <https://www.saicm.org/Portals/12/Documents/meetings/OEWG3/inf/OEWG3-INF-23-Special-Rapporteur.pdf>
- 23 Marcos A. Orellana (2020): Opening remarks at the 75th Session of the UN General Assembly 27 October 2020, United Nations Special Rapporteur on human rights and hazardous substances and wastes, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26432&LangID=E>
- 24 <https://pan-germany.org/pestizide/giftige-exporte-die-ausfuhr-hochgefaehrlicher-pestizide-von-deutschland-in-die-welt/>
- 25 <https://www.publiceye.ch/en/topics/pesticides/banned-in-europe>
- 26 https://webshop.inkota.de/sites/default/files/pdf/broschuerе_pestizide_web2auflage.pdf
- 27 <https://pan-germany.org/download/offener-brief-an-bundesministerin-julia-kloeckner-und-bundesminister-peter-altmaier-fuer-ein-gesetzliches-verbot-des-exports-von-in-der-eu-verbotenen-pestiziden/>
- 28 <https://pan-germany.org/pestizide-uebersicht/giftexporte-stoppen/>



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Eingetragen im Vereinsregister des Amtsgerichts Hamburg unter der VR-Nummer 10702

Bernhard Scholter (ViSdP), 2020
Text: Peter Clausing and Susan Haffmans; Translation by Peter Clausing and Claire Robinson;
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We thank Misereor for the financial support of this publication.
PAN Germany is responsible for the contents of this publication.

A healthy world for all. Protect humanity and the environment from pesticides. Promote alternatives.