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Managing glyphosate effects complies with European laws

Assessing and managing the effects of glyphosate on diversity and abundance of non-target species fully complies with European and national laws.

Glyphosate is expected to have a particularly strong impact on non-target organisms by disrupting food webs in agricultural areas.

The risks of intended uses of plant protection products (PPP) containing glyphosate are considered tolerable where they can be compensated by 'healthy' landscapes with a sufficient share of diverse and ecologically relevant structures. In landscapes lacking such compensation areas, authorization of PPP with glyphosate might still be possible - in conjunction with the implementation of effective risk mitigation options ensuring that the requirements and conditions for approval are met.

A recent legal opinion has concluded that the implementation at Member State level of additional risk mitigation measures compensating the effects of PPPs on non-target organisms complies with European and national laws.

Rationale

Active substances in PPP can only be approved in the EU if the intended uses in the field do not cause unacceptable effects on the environment, the diversity of non-target species and the ecosystemⁱ.

The German competent authorities involved in the peer review for the active substance glyphosate as Rapporteur Member State have communicated in their Assessment Report for the European Member States, the European Food Safety Authority (EFSA), the European Commissionⁱⁱ and the European Parliamentⁱⁱⁱ that the intended uses of glyphosate-based PPP can cause unacceptable effects on the diversity and abundance of non-target species in agricultural areas.

This is due to the mode of action of glyphosate and to the widespread range of its intended uses. Glyphosate is a broad-spectrum herbicide that eliminates not only unwanted weeds but also all wild plants common to agricultural fields. Wild plants are crucial in agricultural areas since they

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are the basis and support of functioning food webs ranging from insects to farmland birds. Diverse communities are the drivers that deliver essential ecosystem services in agricultural areas like pollination or pest control. Despite all efforts and against the defined targets, biodiversity indicators for agricultural landscapes have substantially declined in the last decades, especially regarding farmland birds, but also common butterflies and wild bees^{iv}.

The impact of glyphosate intended uses on the diversity and abundance of non-target organisms through the disruption of food webs has been discussed by European Member States and EFSA in the peer review of the active substance. The competent authorities agreed that strong concerns exist and advised that such risks should be tackled by appropriate management measures^v.

When authorizing plant protection products (PPP) expected to have a strong impact on non-target organisms, Member States can implement appropriate risk mitigation measures to ensure a 'safe' PPP use. Risk management is an agreed and successful instrument to reduce risks of PPP - but needs to be tailored to the identified problems. Regarding the impact of PPP on the diversity and abundance of non-target organism arising from food web disruption, effective risk mitigation measures are available but have not yet been integrated into the authorization procedures of PPP^{vi}.

We argue that in the process of the renewal of approval of the active substance glyphosate, the inclusion of a specific provision will inform and encourage Member State to pay particular attention to the risk for the abundance and diversity of non-target organisms via food web interactions and to implement appropriate risk mitigation measures when needed.

By doing this, Member States might take the typical agricultural context of their country into account and decide whether further action is required to insure that the requirements and condition of approval set out in the European legislation are met.

A recent legal opinion^{vii} has concluded that the implementation at Member State level of management measures dedicated to mitigate the risk for non-target organisms resulting from food web disruption complies with European and national laws.

The following considerations are the basis for the conclusions:

- Unacceptable effects on non-target organisms arising from the disruption of food webs are to be considered by the national competent authorities when assessing the possible authorization of plant protection products.
- The assessment of effects on non-target organisms is not limited by specific assessment methods and decision criteria laid down in EU secondary legislation. These criteria, together with the recognition of assessment methods by EFSA, establish a minimum harmonization,

but do not aim at giving an exhaustive description of the status of current scientific and technical knowledge.

- In their decision on the authorization of a plant protection product, Member States shall apply the precautionary principle and guarantee a high level of protection. Member States need to ensure that no unacceptable effects on diversity and abundance of non-target species occur.
- Both European and national plant protection legislation contain provisions that allow Member States to adopt risk management measures to restrict the use of plant protection products.
- In particular, risk mitigation measures that ensure an acceptability of risks to the abundance and diversity of non-target organisms comply with the principle of proportionality.

Particular reference is made in the legal opinion to non-binding measures, such as information activities laid down in the National Action Plans for the Sustainable Use of Pesticides^{viii}. Such measures can contribute to the protection of non-target species but are not sufficient to ensure compliance with legal authorization requirements. The Common Agricultural Policy (CAP) also aims at improving the sustainable management of natural resources in agricultural landscapes. The impact^{ix} of CAP implementation measures might therefore also contribute to increasing the potential of landscapes to compensate the effects of PPP. However, the wide choices between different greening and agri-environment measures for Member States might include instruments about which ‘questions have been raised about the implementation modalities and their impact on the environment, particularly biodiversity’^x. By agreeing on minimum requirements, ecological focus area or agri-environment measures can be accounted for when assessing the landscape potential to compensate the effects of PPP use. The ongoing discussions on necessary amendments in the future CAP after 2020 bear the chance to maximize the relevance, coherence, and ultimately effectiveness of the CAP implementation related to the central environmental targets.

We conclude that assessing and managing the effects of PPP on non-target species arising from disrupted food webs is essential to ensure that the requirements and conditions for approval set out in the European PPP legislation are met. This approach fully complies with European and national laws and needs to be implemented in the current decision on the possible renewal of approval of the active substance glyphosate.

ⁱ EC, 2009. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC 1107. OJ L 309/1

ⁱⁱ DE, 2015. Final addendum to the Renewal Assessment Report - public version - Risk assessment provided by the rapporteur Member State Germany and co-

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- iii European Commission, 2016. EU's Pesticide Risk Assessment: The Case of Glyphosate. Workshop at European Parliament. DG IPOL [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/587309/IPOL_STU\(2016\)587309_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/587309/IPOL_STU(2016)587309_EN.pdf)
- iv EEA, 2016. Have the declines in common species in Europe been halted? Abundance and distribution of selected species. Retrieved 16.09.2017. <https://www.eea.europa.eu/data-and-maps/indicators/abundance-and-distribution-of-selected-species/abundance-and-distribution-of-selected-4>
- v EFSA, 2015 Conclusion on the peer review of the pesticide risk assessment of the active substance glyphosate EFSA Journal 2015;13(11):4302. doi:10.2903/j.efsa.2015.4302
- vi SETAC 2013. MAGPIE Mitigating the Risks of Plant Protection Products in the Environment. Alix, A. et al. (eds) Proceedings of the MAGPIE Workshop.
- vii Klinger, R., K. Borwieck & C. Douhaire, 2017. Rechtsgutachten zur Einführung von Anwendungsvorbehalten zum Schutz der Biodiversität im Rahmen von Zulassungen nach dem Pflanzenschutzgesetz. Final Report for the German Environment Agency 3716674320. Available at http://www.bmub.bund.de/fileadmin/Daten_BMU/Pool/Forschungsdatenbank/fkz_3716_67_432_rechtsgutachten%20einfuehrung%20anwendungsvorbehalten_bf.pdf
- viii EC, 2009. Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides. ELI: <http://data.europa.eu/eli/dir/2009/128/2009-11-25> Pesticide use directive and national action plans
- ix EU, 2017. Report from the Commission to the European Parliament and the Council on the implementation of the ecological focus area obligation under the green direct payment scheme. SWD (2017) 121 final. 29.3.2017
- x European Commission, 2016. Mapping and analysis of the implementation of the CAP. DG Agriculture and Rural Development 1365 EN