

# Paraquat: towards a global ban?

Following the recent annulment of the EU authorisation of paraquat, the regulatory status of one of the world's most controversial herbicides is once again up for debate. **Elliott Cannell** of **PAN Europe** examines the implications for the EU and the broader international community.

On 11 July 2007, the European Court of First Instance delivered a landmark judgement on the controversial herbicide paraquat. Ruling that the European Commission's (EC) 2003 approval of the pesticide did not satisfy the requirements relating to the protection of human health, the Court overturned Directive 2003/112, thereby annulling the authorisation of paraquat across the European Union (EU)<sup>1</sup>.

The verdict represents an historic victory for Sweden, which spearheaded a legal challenge to revoke the EU-wide approval of paraquat, supported by Denmark, Austria and Finland. All four countries resolved to retain their national bans on the sale and use of the herbicide, despite Brussels' authorisation of paraquat four years ago.

While the Court's ruling will undoubtedly reinforce Sweden's resistance to the use of paraquat, as well as bolstering the five other EU states (see box) with a national prohibition, the immediate implications for the rest of the EU remain unclear. The Court's annulment has left the 15 European member states which previously used paraquat with no clear consensus position.

Furthermore, this period of legal limbo may well endure for some considerable time. On the one hand, the EC has until 11 September to mount an appeal. Such a challenge would substantially extend the current period of regulatory ambiguity. But worse still, paraquat manufacturers may seek to further delay a consolidated EU-wide ban by requesting that the pesticide be totally reassessed under Directive 91/414 – a process which last time went on for over a decade.

## Paraquat use in Europe

Sweden, Denmark, Austria and Finland each imposed their own national bans prior to the 2003 EU-wide approval<sup>11</sup>. Slovenia and Hungary also retain legislation preventing the use of paraquat, but joined the EU after Sweden had launched its legal challenge. Belgium, France, Germany, Italy, Netherlands, Ireland, United Kingdom, Greece, Portugal, Spain, Czech Republic, Malta, Poland, Slovakia and Romania all allowed the sale and use of paraquat in 2005<sup>12</sup>. Latvia, Estonia, Lithuania, Bulgaria, Luxembourg and Cyprus have no ban on paraquat, but are not known to use it. Norway and Switzerland have banned paraquat, but are not members of the EU<sup>13</sup>.

With no apparent agreement on how to interpret the interim legal situation, the regulatory status of paraquat within the EU, and to some extent the direction that the community will eventually follow, will now be determined by the way individual member states define their own regulatory responses at a national level. Crucially, they must decide whether to suspend paraquat until Brussels can decipher a new common position, or to maintain sales during the intervening period: a situation which leaves the European debate on something of a knife edge.

With the EU authorisation annulled, the EC has written to Member States instructing them to 'quite urgently – if not immediately – revoke their authorisations'<sup>2</sup>. Hence national policy makers sympathetic to the prohibition of paraquat are in a strong position to suspend sales. Germany and France immediately suspended the sale and use of paraquat, including pre-existing stocks<sup>3</sup>. The Netherlands immediately revoked the authorisation of paraquat, demanding that sale and application of pre-existing stocks be terminated by 1 December 2007.

The United Kingdom by comparison has acted much more conservatively, announcing its intention to revoke the authorisation of paraquat, but delaying such action whilst it clarifies whether this should be implemented immediately, or at the end of the appeal period<sup>4</sup>. Furthermore, in what seems a total contravention of the widely accepted 'precautionary principle', the UK has written to the Commission expressing that it does 'not believe that it would be equitable to remove the compound from the market', were its manufacturers to request a new scientific assessment of the pesticide.

## International implications

While global paraquat sales exceed US\$ 400 million<sup>6</sup>, Europe represents a comparatively limited customer base. Of the 3.4 million farmers said to use paraquat, less than 15% are based in the EU<sup>7</sup>, and Europe accounts for just 8% of global sales<sup>8</sup>.

Instead, the majority of paraquat is used by farmers in developing countries with those in Asia or Central and South America accounting for almost 75% of global usage<sup>9</sup>. A 2003 assessment placed Brazil, China, Thailand, India, Guatemala, Colombia, Malaysia, and Mexico all among the world's

biggest consumers of the herbicide, with Spain being the sole European representative among the global top 10<sup>10</sup>. Both Brazil and China account for more sales individually than the entire European block.

From an international development perspective, the significance of a potential EU-wide ban is further diminished when factors such as availability of safety equipment, health and safety protocols, and access to medical facilities are taken into account. For unlike their counterparts in the developing world, many of whom endure some of the worst standards in health and safety, European agricultural workers experience relatively low levels of occupational exposure to hazardous pesticides.

Of what significance then is a European ban on paraquat, when those most at risk from poisoning are farmers working in the developing world? The answer to the question is 'politics'. While the mathematics suggest the EU market is relatively small, its political ramifications are enormous. Just as paraquat manufacturers seized upon the EU approval of paraquat in 2003 to persuade Malaysia to reverse its ban, the prohibition of paraquat in the EU would provide labour rights and environmental campaigners with powerful ammunition to push for a global ban. Thus, the positions reached over the coming few weeks, by each of the 15 EU paraquat-using states, may prove highly significant.

## References

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For up-to-date information on the regulatory status of paraquat within the EU, see Paraquat Watch at [www.pan-europe.info](http://www.pan-europe.info)