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Conseil consultatif sur la cohérence
des politiques en faveur du développement

Opinion of the Advisory Council on Policy Coherence for Development (CCPD-ABCO)

Europe-wide roll-out of the Belgian measure banning the export of pesticides banned within the EU

Approved on 19/11/2024

Summary:

The opinion analyses the extension at European level of the ban on the export of prohibited pesticides, initiated by Belgium in response to environmental and health concerns and unfair competition in the agricultural and food sectors. Belgium is seen as a key player in promoting an EU-wide harmonisation of rules on the export of prohibited pesticides on the basis of legislation that will take effect in May 2025. Justifications include protecting the health of citizens and workers, the environment, and ethics, warning against double standards and negative impacts on the EU's reputation and sustainable development. This focus on the link between plant health and human health is in line with the One Health concept, which aims for transformative action through coherence between policies relating to human health, animal health, agriculture, food and the environment,...., so as to make them synergistic.

Introduction

01. This opinion concerns the generalisation of the measure banning the export of pesticides not approved at European level (EU Regulation 649/2012). Belgium has introduced relevant legislation in this area. In a context of vigilance about the elements of unfair competition on the markets for agricultural and food products, but also unfair competition in attracting investment in the chemical industry, the CCPD-ABCO proposes the generalisation of this measure in the form of a European directive accompanied by a European Union foreign policy working towards an international ban. This directive would ensure consistency between Belgian and European policies on the export and use of pesticides in the EU, while also protecting the environment and the health of people and workers in developing countries.

1. Presentation of the issues

02. On 19 November 2023, a Royal Decree was published in the Belgian Monitor banning the export of certain banned active substances to countries outside the European Union. This decree applies to a list of 15 substances, that are totally banned for export from Belgium and 10 additional substances that are also banned under European regulations. The list will be re-evaluated every two years in the light of new Belgian exports, to adapt to market developments. The list of these substances is "based on the finding of an unacceptable risk to health or the environment established by the relevant European bodies". The Royal Decree will come into force 18 months later, in May 2025.
03. This decree is motivated by the risks highlighted by scientific data on the impact of pesticides on the collapse of biodiversity and on human health. These scientific facts call for the full and complete application of European regulations on pesticides¹ and for a European Union external policy consistent with the knowledge of these risks to living organisms.
04. On 24 March 2023, this decree was the subject of an opinion issued by the Federal Council for Sustainable Development (FRDO-CFDD), which noted that "aspiring to harmonisation at European level should not prevent the adoption of regulations at national level, insofar as this is legally possible"² but which also supported the need for European harmonisation.
05. On 15 September 2023, the CCPD-ABCO opinion "*Coherent development policies for a just global transition*"³ called for the Green Deal to become a global food pact⁴, with a number of recommendations including *the elimination of policies that contradict the objectives of the Green Deal, such as the production and export of pesticides banned for use in Europe*.
06. The European Commission has launched an initiative entitled "*Hazardous chemicals - prohibiting production for export of chemicals banned in the European Union*". This initiative was subject to a public consultation from 8 May 2023 to 31 July 2023.
07. According to a report by the research firm Le Basic, global pesticide sales reached €65.8 billion in 2022, including €12.7 billion in sales in Europe and €6.6 billion in exports from Europe. In addition, pesticides banned in the European Union account for 2% of the total value exported by the seven main European producer countries, reaching a maximum of 4% for Belgium and the Netherlands⁵.
08. In France, a law came into force on 1 January 2022 banning the production, storage and circulation of certain plant protection products containing active substances not approved at European level for reasons relating to human or animal health and the environment. The arrangements for implementing this ban were set out in a decree published on 23 March 2022. The effectiveness of this French law is limited by the fact that it relates to "plant protection products" containing substances banned in the EU, but does not apply to active substances, leaving exporters free to sell active substances that will then be formulated in importing countries⁶. The French model is therefore an example of a legal formulation that

¹ Cf: in particular the appeal launched in France by 700 carers on 28 March 2024 "*Pour une seule santé (one health): les mots ont-ils encore un sens?*" <https://www.generations-futures.fr/actualites/pesticides-Appel-700-soignants/>

² FRDO-CFDD, "[Avis interdiction d'exportation de certaines substances dangereuses vers des pays non-membres de l'Union européenne](#)", 27 March 2023.

³ Date and source of "Just Transition" notice.... - CCPD-ABCO; point 3.3.1 page 16.

⁴ Date and source of "Green Deal..." notice - CCPD-ABCO

⁵ Report "EU pesticides export ban: what could be the consequences?", Le Basic, Paris, April 2024.

⁶ The biological effect of pesticides is determined by an active substance to which are added substances that facilitate handling, application and integration into the plant. It is this combination of active substance and adjuvants that makes up the crop protection product.

does not prevent exports⁷.

09. The German government has included a ban on pesticides in its government programme: "We will make use of the legal possibilities to ban the export of certain pesticides that are not permitted in the EU for reasons of protecting human health"⁸. In September 2022, the Minister for Agriculture announced in a press release that his cabinet (the BMEL) was preparing a decree to this effect under the Plant Protection Act⁹.
10. The regulation of pesticides used in plant health as a function of human health issues is in line with the One Health concept, a concept promoted by a WHO - WHOA (formerly OIE) - FAO - UNEP consortium, which aims for transformative action through coherence between policies relating to human health, animal health, agriculture, food and the environment...

2. Recommendations

11. Belgium has adopted an ambitious legislation banning the export of banned pesticides. This legislation could serve as a model for a European directive banning the export of pesticides banned in Europe.
12. The directive's specifications must be demanding in order to avoid circumventions such as those observed in France, i.e. directly targeting the active substances in question and not the finished products (plant protection products) and leaving open the possibility of including new substances in the future.
13. National initiatives can contribute to the European dynamic, as it takes time to implement a directive. However, it is important that these national initiatives are unified and underpinned by Europe-wide legislation to avoid any loopholes that would allow regulations to be circumvented.
14. The European Union should accompany the directive as proposed above by working towards an international ban on the marketing of pesticides, a fortiori for countries that do not ratify and respect the ILO Conventions on health and safety in the agricultural sector.

⁷ <https://www.publiceye.ch/fr/thematiques/pesticides/la-france-continue-dexporter-des-pesticides-interdits>

⁸ "Wir werden von den rechtlichen Möglichkeiten Gebrauch machen, den Export von bestimmten Pestiziden zu untersagen, die in der EU aus Gründen des Schutzes der menschlichen Gesundheit nicht zugelassen sind." (p. 151) in [Mehr Fortschritt Wagen](#), Government Agreement 2021-2025

⁹ [Özdemir: Exportverbot gesundheitsschädlicher Pestizide kommt](#), September 12, 2022.

3. Justifications

15. The aim is first to dry up the source (the export of pesticides), although a virtuous and complementary dynamic will be to prevent the import of agricultural products based on the use of these pesticides through the introduction of mirror measures.
16. The current double standards are harmful both to the populations of third countries and to European farmers. The latter are the victims of competition with more lax production standards in third countries, which allow lower purchase prices outside the EU. In the fight against precariousness in the agricultural world, it is vital to ensure that European policies are consistent.
17. A study¹⁰ commissioned in 2021 by the EU Development Committee recommends a ban on pesticide exports because the use of these products is dangerous and states that, in addition to respecting this fundamental ethical principle, the EU should also consider such a ban because the continuation of these exports damages its reputation. In addition, stopping these exports would make the EU's approach to regulating chemicals in developing countries more acceptable.
18. This same study points out that the use of pesticides has an impact on farmers' health, and that the exposure of farmers in developing countries is more damaging because they do not have access to protective equipment and, for the most part, are unable to read toxicity warnings. The annual volume of pesticides used worldwide exceeds two million tonnes¹¹.
19. The same study points out that the continued export of pesticides banned in Europe is slowing down the development and introduction of alternatives in the countries targeted by these exports.
20. Finally, this study reminds us that the argument that the use of pesticides contributes to global food security has not been proven and remains open to debate.
21. An export ban would be a barrier to trade under WTO rules. An exception to this principle of freedom of trade may be based on Article XX of the GATT, citing the following three reasons: a) necessary to protect public morals, b) necessary to protect human, animal or plant life or health, g) relating to the conservation of non-renewable natural resources if such measures are implemented with restrictions on domestic production and consumption¹².

¹⁰ <https://library.wur.nl/WebQuery/wurpubs/fulltext/548765>

¹¹ Sharma, A., Kumar, V., Shahzad, B. Tanveer, M., 'Worldwide Pesticide Usage and its Impacts on Ecosystem', SN Applied Sciences 1(11), 2019

¹² https://corporateeurope.org/sites/default/files/2023-11/Legalopinion%20_Exportban.pdf