



Glyphosate ban is possible

A ban on certain applications of products that contain glyphosate is legally possible, concludes Hanna Schebesta, associate professor in the Law group, in a second opinion requested by the parliamentary standing committee on Agriculture, Nature and Food Quality.

Back in 2018, a majority of MPs voted in favour of a motion to no longer allow glyphosate in products for spraying grassland, green manure crops and catch crops. However the minister of Agriculture said the motion could not be implemented because the ban would violate EU rules. The State Advocate also concluded it was legally untenable.

Schebesta, who had advised on the topic in the past, draws a different conclusion. After a new analysis of the legislation and case law, she concludes such a ban is possible. She points out that

‘Legally, a ban is certainly possible’

the Plant Protection Products and Biocides Act lets ministers draw up their own rules and that this does not affect

the independence of the Board for the Authorization of Plant Protection Products and Biocides. She also explains why the term ‘permissibility’ in European law should not be interpreted as a duty on the part of the member states to permit something. In this way, she picks holes in the various legal grounds.

No assessment

She explicitly does not discuss the substantive arguments for or against a ban. As she writes, ‘This report cannot assess the technical and scientific need for a restriction on certain applications of glyphosate-based crop protection agents. It only answers the question of whether the motion can be implemented from a legal perspective. This is certainly possible legally, regardless of whether it is desirable, effective or necessary.’ ME