

CASE UPDATE

Double standards in the sale of pesticides

Hazardous Bayer pesticide: Germany failing to adequately monitor pesticides exports

Berlin, 15 March 2017– The German authorities’ duty to monitor the export of pesticides does not extend beyond their national borders. This is the argument put forward by the Chamber of Agriculture in North Rhine-Westphalia. In October 2016 the European Center for Constitutional and Human Rights ([ECCHR](#)) submitted a complaint to the Chamber calling on it to examine Bayer AG’s business practices. The Chamber’s department of plant protection was asked to assess if Bayer, in its sales of the toxic pesticide *Nativo 75 WG*, was in breach of good trading practices. In Europe Bayer sells *Nativo* with the warning that the product is “suspected of damaging the unborn child”. This warning is not given on the products sold in India by Bayer’s subsidiary Bayer CropScience Ltd..

“The Chamber of Agriculture assessed the export of *Nativo* under German pesticides law but failed to take into account the international provisions set down by the UN Food and Agriculture Organization (FAO),” says Carolijn Terwindt from ECCHR. “The German pesticides law requires that the FAO Code of Conduct on the Distribution and Use of Pesticides be taken into account when exporting pesticides.” This includes ensuring that German producers adequately inform foreign consumers of the dangers associated with the pesticide and the necessary precautionary measures to be taken.

The Chamber’s department of plant protection has responded that it is not obliged to further examine the complaint. In response to ECCHR’s submission, the Chamber launched an initial investigation into the export of *Nativo*. It found that Bayer sends the pesticide to India in “big bags”. “These do include a warning about the risks to unborn children but the warning – obligatory in the EU – is absent from the products as sold in India. Countries that export pesticides must ensure that good trading practices are adhered to,” emphasizes Terwindt. The Chamber of Agriculture could have at least informed its counterparts in India about the labeling problems so that they could examine the *Nativo* sales in their country.”

The Chamber admitted that there was no monitoring of pesticides between 2014 and 2016, stating that they had no “indication that there were any issues of note arising.” From October 2016 a national working group began working on a monitoring system.

The complaint to the Chamber is supported by ECCHR partner organizations [Kheti Virasat Mission](#) in India as well as [FIAN Deutschland](#), [MISEREOR](#) and [PAN Germany](#). These groups are calling on the German authorities to participate in ongoing monitoring proceedings against Bayer (and Syngenta) by a panel of experts from FAO and the World Health Organization. These proceedings came about after ECCHR submitted a [monitoring report to the panel](#) in October 2015. The panel will hold a hearing on the issue during its annual meeting in Delhi in April 2017.

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