

## Press release:

### Government position following the annulment of the withdrawal of the authorisations for placing on the market for plant protection products containing the active substance glyphosate (07.04.2023)

On 30 March 2023, the Administrative Court confirmed the judgment of the Administrative Tribunal of 15 July 2022 annulling the decisions to withdraw the the authorisations for placing on the market of eight plant protection products containing the active substance glyphosate.

As a result of this annulment, the placing on the market and use of the said plant protection products will be authorised again from the date of the judgment. The members of the Government have taken note of this decision.

The Grand Duchy of Luxembourg was the first European country to implement its intention to withdraw the marketing of plant protection products containing glyphosate, the most widely used active substance among herbicides. Indeed, following the withdrawal of the authorisations for placing on the market for plant protection products containing the active substance glyphosate from 1 February 2020, the use of existing stocks was no longer permitted from 1 January 2021.

By banning the use of glyphosate on Luxembourg territory, the Ministry of Agriculture, Viticulture and Rural Development had implemented an element of the **National Action Plan on Sustainable Use of Plant Protection Products (NAP)**.

The NAP calls for a 30% reduction in the use of 'big movers' – which include glyphosate – by 2025. The latest figures, including the 2020/21 season, show a reduction of 36%.

For the government, it is important to underline that Luxembourg's farmers, winegrowers and market gardeners have shown in recent years that it is possible to cultivate fields and vineyards without using products containing glyphosate. It therefore encourages them to continue along this path in order to contribute to a more sustainable agriculture. The strategic plan for the CAP 2023-2027 foresees several measures to reduce the use of plant protection products. These will be available to farmers, winegrowers and gardeners from 2023.

The government is also considering an additional ban on the use and a further withdrawal of these plant protection products. To this end, the relevant ministries have initiated a cooperation with a research partner. In addition, existing bans are being tightened. For example, to further protect underground drinking water sources, the government has now decided that from today on, the use of plant protection products containing glyphosate will also be banned in the close and remote protection zones.

Furthermore, in the framework of discussions at EU level, Luxembourg will continue to work towards ensuring that the current EU approval of glyphosate, which is due to expire in mid-December 2023, will not be renewed.

Notwithstanding the specific actions, Luxembourg already has a regulatory framework aimed at protecting its citizens and the environment from the negative effects of the use of plant protection products.

## Current laws and measures

- **Public areas:** Since 1 January 2016, *the law of 29 December 2014 on plant protection products prohibits* the use of plant protection products in **public areas**, i.e. public roads and

places open to the public or assigned to a public service. This ban also applies to products containing glyphosate.

- **Protection of nature:**

- In the context of *the Grand-Ducal Regulation of 1 August 2018 establishing protected biotopes, habitats of community interest and habitats of species of community interest for which the conservation status has been assessed as unfavorable, and specifying the related measures of reduction, destruction or deterioration*, the use of pesticides is considered as such a **reduction, destruction or deterioration of protected biotopes** and habitats of community interest, which implies that the use is not legal.
- In most cases, the use of pesticides is prohibited in **protected areas of national interest**. The regulations for each protected area specify the relevant bans.
- In addition, the Ministry of the Environment, Climate and Sustainable Development recommends that all interested parties consult the "Ouni Pestiziden" campaign, which is dedicated to the elimination of pesticides from state, municipal and private land.

- **Water protection:**

- **Protection zones for groundwater bodies ("Drénkwaasserschutzzon")**
  - The application of plant protection products is prohibited in the *immediate protection zones* (zone I) and the *close protection zones with high vulnerability* (zone II.v1).
  - As of today, the use of plant protection products containing glyphosate is also prohibited in the *close protection zones* (Zone II) and the *remote protection zones* (Zone III).
- In the protection zone around **Lake Haute Sûre**, products containing glyphosate are completely banned.

- **State-owned land ("Pachtvertrag"):** Lease agreements between the State and third parties prohibit the use of pesticides under penalty of nullity of contract.

### **New and forthcoming dispositions:**

In addition to the government's aspired general ban, the following provisions will come into force in the near future:

- **Subsidies for not using plant protection products (Eco-schemes 2023-2027):** Under the agricultural, environmental and climate measures, premiums are paid for not using plant protection products containing active substances identified as "*big movers*", including glyphosate.
- As of **1 January 2024**, a provision of the Grand-Ducal Regulation of 9 February 2022 amending the Grand-Ducal Regulation of 26 September 2017 on the **sale, use and storage** of pharmaceutical products will enter into force. This provision stipulates that only a limited list of active substances will be authorised for non-professional use, such as low-risk active substances and active substances authorised for organic production. Glyphosate is not on this list and will be banned from non-professional use from this date.

Finally, the government would like to emphasise that tap water is systematically analysed for the presence of harmful substances in order to ensure that tap water is of good quality and complies with standards.