

RESOLUTION ⁽¹⁾**on the impact of the illegal trade in phytosanitary products, seeds and other agricultural inputs on ACP countries' economies**

(2018/C 415/02)

The ACP-EU Joint Parliamentary Assembly,

- meeting in Brussels (Belgium) on 18-20 June 2018,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement) ⁽²⁾, as amended in 2005 and 2010 ⁽³⁾,
- having regard to the United Nations Summit on Sustainable Development and its outcome document adopted by the General Assembly on 25 September 2015 entitled 'Transforming our world: the 2030 Agenda for Sustainable Development', and in particular to Goal 2 of the Sustainable Development Goals (SDGs) set out therein, namely to end hunger, achieve food security and improved nutrition and promote sustainable agriculture ⁽⁴⁾,
- having regard to report A/HRC/16/49 of the UN Special Rapporteur on the right to food of 8 March 2011 entitled 'Agroecology and the right to food',
- having regard to the ACP-EU Joint Parliamentary Assembly Resolution of 21 December 2016 on challenges for family farming and small-scale agriculture production in ACP countries,
- having regard to the European Parliament resolution of 15 February 2017 on low-risk pesticides of biological origin ⁽⁵⁾,
- having regard to paragraph 56 of the Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on the new European Consensus on Development entitled 'Our World, Our Dignity, Our Future' of 30 June 2017 ⁽⁶⁾,
- having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants ⁽⁷⁾,
- having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁸⁾ and Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽⁹⁾,
- having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market ⁽¹⁰⁾,
- having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹¹⁾,
- having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency ⁽¹²⁾,

⁽¹⁾ Adopted by the ACP-EU Joint Parliamentary Assembly on 20 June 2018 in Brussels (Belgium).

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

⁽³⁾ OJ L 287, 4.11.2010, p. 3.

⁽⁴⁾ UN General Assembly resolution A/RES/70/1.

⁽⁵⁾ Texts adopted, P8_TA(2017)0042.

⁽⁶⁾ OJ C 210, 30.6.2017, p. 1.

⁽⁷⁾ OJ L 317, 23.11.2016, p. 4.

⁽⁸⁾ OJ L 230, 19.8.1991, p. 1.

⁽⁹⁾ OJ L 123, 24.4.1998, p. 1.

⁽¹⁰⁾ OJ L 309, 24.11.2009, p. 1.

⁽¹¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽¹²⁾ <http://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:02006R1907-20140410&from=en>

- having regard to the decisions⁽¹³⁾, resolutions and declaration adopted at the 106th session of the ACP Council of Ministers, held on 5-6 December 2017,
 - having regard to the United Nations Framework Convention on Climate Change, Resolution 70/1 of the United Nations General Assembly of 25 September 2015 and the outcome document of the sustainable development summit entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’, and in particular, Sustainable Development Goal No 2,
 - having regard to the International Plant Protection Convention (IPPC) of the UN Food and Agriculture Organisation (FAO), adopted in 1952 to prevent the introduction and spread of organisms harmful to plants⁽¹⁴⁾,
 - having regard to the International Labour Organisation (ILO) conventions on safety and health in agriculture, in particular Convention No 170 concerning Safety in the Use of Chemicals at Work⁽¹⁵⁾, and Convention No 184 concerning Safety and Health in Agriculture⁽¹⁶⁾,
 - having regard to Report A/HRC/34/48 of the UN Special Rapporteur on the right to food, of 24 January 2017⁽¹⁷⁾,
 - having regard to the UN FAO’s and World Health Organisation’s International Code of Conduct on Pesticide Management. Guidelines on Highly Hazardous Pesticides (Rome, March 2016),
 - having regard to the World Health Organisation (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) of 1995⁽¹⁸⁾ and the International Code of Conduct on Management of phytosanitary products, pesticides, seeds and other inputs (PPPSIs),
 - having regard to the declaration of the 9th WTO Ministerial Conference, held on 3-6 December 2013 in Bali, on public stockholding for food security purposes⁽¹⁹⁾,
 - having regard to the 2009 report by the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) entitled ‘Agriculture at a Crossroads’⁽²⁰⁾,
 - having regard to the Organisation for Economic Co-operation and Development (OECD) Network on Illegal trade of Pesticides,
 - having regard to the report of the Committee on Economic Development, Finance and Trade (ACP-EU/xxxxxx),
- A. whereas agriculture plays a key role in sustainable development, poverty reduction and the eradication of hunger in ACP countries;
- B. whereas the recommendations made by the UN Special Rapporteur on the right to food in his 2011 report entitled ‘Agroecology and the right to food’ show that agroecology has the power to double food production in entire regions within 10 years while mitigating climate change and biodiversity loss and alleviating rural poverty;
- C. whereas the development of intensive agriculture is dependent on scientific research — which is for the most part controlled by the agricultural chemicals and pharmaceutical industries — and the use of chemical substances, such as phytosanitary products or pesticides, seeds and other agricultural inputs;
- D. whereas the international community has introduced a number of legislative instruments establishing the international consensus on PPPSIs necessary for trade, food safety and human health; whereas, however, the use of illicit goods in food, notably illicit pesticides, around the world is growing and involves highly sophisticated criminal networks and organised crime;

⁽¹³⁾ Decision No 12/CVI/18 concerning non-tariff barriers

⁽¹⁴⁾ <https://www.ippc.int/en/history-of-the-ippc/>

⁽¹⁵⁾ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C170

⁽¹⁶⁾ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C184

⁽¹⁷⁾ http://www.cms.int/sites/default/files/document/UN-Human%20Rights%20Council_AHRC3448_Adversive%20effects%20of%20pesticides.pdf

⁽¹⁸⁾ https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm

⁽¹⁹⁾ https://www.wto.org/english/thewto_e/minist_e/mc9_e/desci38_e.htm

⁽²⁰⁾ http://www.fao.org/fileadmin/templates/est/Investment/Agriculture_at_a_Crossroads_Global_Report_IAASTD.pdf

- E. whereas the FAO and WHO estimate that in excess of 30 % of the pesticides sold each year in developing countries do not meet international standards and are often incorrectly labelled or not identified;
 - F. whereas a wide range of illicit products are on the market, including substances not approved by the local authorities and counterfeit, expired or adulterated products with falsified packaging or labelling;
 - G. whereas the uncontrolled use of PPPSIs has a damaging impact on the environment, human health and the economy of the countries concerned;
 - H. whereas the most obvious risks concern human health, particularly ENT diseases and diseases affecting the skin, the lungs and the digestive system, as well as cancer, the main victims being young people and women, of whom the highest numbers are in sectors of the food production sector in which PPPSIs are used;
 - I. whereas the report of the UN Special Rapporteur on the right to food shows that PPPSIs cause the death of some 200 000 people each year as a result of acute poisoning, with 99 % of cases occurring in developing countries;
 - J. whereas the use of pesticides that do not comply with international standards also undermines trust in agricultural products, and therefore also the potential for the further development of exports;
 - K. whereas legal agrochemicals including pesticides present safety challenges and health hazards throughout their product cycles, with the most severe potentially adverse consequences occurring during the storage, transportation and distribution, use and disposal stages; whereas the governments of ACP countries face major constraints in the development of an effective regulatory framework for PPPSIs, such as lack of data, insufficient budgets and human resources and inadequate implementation of laws, something that gives rise to large-scale trafficking in PPPSIs;
 - L. whereas the illicit trade reduces possible tax revenues, hampers cash flow control and weakens trust in public institutions, hence contributing to suboptimal access to foreign capital, higher-risk premiums for investments in domestic assets and a slower pace of economic development;
 - M. whereas most ACP countries have no legislation governing PPPSIs, and those that do have failed to establish appropriate and strict rules to deter trafficking in these products;
 - N. whereas many users of PPPSIs lack the requisite level of training or education to understand the technical characteristics of these products, and are thus unaware of their harmful effects on health, the economy and the environment;
 - O. whereas the global liberalisation of agricultural markets, the low price of illegal PPPSIs, the lack of training and knowledge among users and inadequate legislation and oversight by ACP countries go some way to explaining the proliferation of these illegal products on ACP markets;
1. Takes the view that it is essential to draw up a clear strategy to tackle the illegal trade in PPPSIs and to promote food security by supporting technological solutions leading to the development of local seeds appropriate to a given climate or geographical area, and producing organic PPPSIs; adds that this strategy should be based on support for agroecology and family farming which respects the environment and helps develop the social and solidarity-based economy;
 2. Urges the EU and the Member States to make operational the commitment made in the European Consensus on Development to support agroecology, including through the agriculture investment window of the European Investment Plan and the European Fund for Sustainable Development, and by reflecting this commitment in the next multiannual financial framework, in order to implement the spirit of the 2030 Agenda and the Paris Climate Agreement;
 3. Notes that in order to benefit from the possibilities offered by PPPSIs the development of agriculture, ACP countries should:
 - (a) familiarise themselves with the international and national regulatory frameworks governing PPPSIs;
 - (b) address a number of structural challenges hampering the legal and effective promotion of these products;

- (c) identify the risks associated with PPPSIs in order to prevent, manage the impact of and ultimately eradicate the illegal trade in PPPSIs on their respective economies;
 - (d) ban fumigation and lay down strict rules to protect water and biodiversity;
 - (e) lay down strict rules to protect the health of workers exposed to PPPSIs — with special attention being paid to women — and with a view to providing training for medical staff on the health effects of PPPSIs;
4. Calls for the use of organic fertilisers to be promoted and for agricultural practices using reasonable quantities of lawful PPPSIs to be adopted; calls, at the same time, on the ACP countries to reflect on the use of substances which, although legal, have been proven to have harmful effects on the environment, biodiversity and human health;
 5. Stresses the need to consolidate public scientific and technological expertise, that is independent of businesses, to help identify the actors and organised crime groups and networks involved in the illicit trade in PPPSIs, and to take concrete action to prevent and combat the importation, sale and use of illicit pesticides;
 6. Stresses the need for governmental control of externalities caused by improper use of PPPSIs;
 7. Calls for a ban on all PPPSIs that are harmful to bees and pollinators;
 8. Emphasises the need for a thoroughgoing review of the marketing authorisation criteria for PPPSIs, ensuring that the procedure is based on data and scientific evidence that is independent of industry, and that the precautionary principle prevails in all circumstances;
 9. Emphasises the need to establish measures to punish those responsible, within companies and administrations, for any concealment or manipulation of data for the purposes of obtaining a marketing authorisation;
 10. Calls for meaningful action to address trafficking and food insecurity through technical and financial assistance, and through tough action on the part of EU Member States to tackle the export, or transit through their territory, of counterfeit PPPSIs;
 11. Reiterates the urgent need for awareness-raising and training for farmers, small-scale producers and traders so that they appreciate the problem of illicit PPPSIs, their ineffectiveness and the danger they pose;
 12. Notes the importance of disseminating information about PPPSIs so as to enable producers, users and consumers to adopt prudent safety practices; takes the view that, to this end, awareness-raising should have a collective focus, and not be restricted to the professionals concerned;
 13. Stresses that ACP governments need to take measures to promote and reinforce legislation, in particular by creating a specific offence in order to establish criminal penalties for offenders, control the flow of illicit PPPSIs both within and outside their borders and set up laboratories and granaries at national level suitable for conserving local crops, which are more resistant to the local climate;
 14. Urges companies manufacturing and selling the products concerned to provide them in forms suitable for ACP farmers in terms of volume, concentration and packaging so as to facilitate their use, reduce their cost and minimise the risk of exposure, inhalation and ingestion; recommends that efficient waste disposal processes be organised in order to achieve these goals;
 15. Emphasises the need to bring in genuinely dissuasive criminal penalties for the distribution and sale of counterfeit or fake products, or products that do not comply with the legislation in force;
 16. Calls for stronger international cooperation with a view to determining measures to impose harsher penalties for the production, export or import of counterfeit or illicit products, and for failure to comply with intellectual property rules;

17. Calls on the ACP countries and the EU Member States to step up their mutual administrative support on customs matters in order to identify, as clearly as possible, the transport routes and storage locations used for counterfeit or adulterated PPPSIs, and to take joint action to close them down, in particular by monitoring deliveries and setting up joint investigation teams;
 18. Supports strengthening the regional approach in order to tackle counterfeiting more effectively since it is essential to establish regional laboratories in ACP countries and to enhance regional customs cooperation and information exchange networks on PPPSIs between ACP countries in the same region;
 19. Emphasises that regional cooperation, in particular when it includes the mutual recognition of type-approvals, makes it possible to ensure safe and sound free movement, which is vital for a regional and continental market;
 20. Advocates establishing, as part of ACP-EU cooperation, a common fund for public research that guarantees independence from industry, and development in the various sectors making up the field of agronomy, including secondary and higher education on agriculture, which would be used to strengthen the capacity of ACP countries to set up national PPPSI approval and certification processes, as well as information and training plans for farmers on organic crops;
 21. Calls for the introduction of a mandatory, effective and rigorous public system for quality control and the destruction of poor stocks, in accordance with WHO and FAO specifications as well as a PPPSI traceability mechanism in order to determine their composition and their origin and identify them;
 22. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the European Council, the African Union, the Pan-African Parliament, the regional and national parliaments, the regional organisations relating to ACP countries, the European Investment Bank and the World Bank.
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