



## **Denmark's answers to questionnaire from special rapporteur on the right to food**

### **1. National and international laws to regulate pesticides:**

EU Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market is directly applicable. National Act No. 294 of 2011 and Statutory Order 151 of 2014 contain national provisions implementing Regulation (EC) No 1107/2009.

EU Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides has been transposed through the national Chemical Act and the Environmental Protection act. Detailed rules have been laid down in Statutory Orders.

As required by Article 4 of Directive 128/2009/EC, a National Action Plan (NAP) to reduce risks and impacts of PPPs in Denmark has been drawn up. This is the fifth Danish NAP dating back to 1986 on this topic.

Link to present Danish NAP:

[http://eng.mst.dk/media/mst/69655/MST\\_sprøjemiddelstrategi\\_uk\\_web\\_let.pdf](http://eng.mst.dk/media/mst/69655/MST_sprøjemiddelstrategi_uk_web_let.pdf)

### **2. Measures taken to prohibit, ban, restrict and phase out pesticides that are harmful to human health.**

Pesticides are subject to authorisation in accordance with EU Regulation 1107 (see 1.), thus only pesticide that do not pose a risk to human health are authorised and appropriate risk mitigation measures are required and implemented through the authorisation procedure and label restrictions. Only authorised pesticides may be sold or used.

Re-evaluations are undertaken in accordance with EU Regulation 1107. Pesticides that no longer fulfil the safety requirements are phased out.

### **3. Particular efforts for vulnerable groups**

Restrictions on products for non-prof. use have been implemented in accordance with EU Regulation 1107 and EU Directive 2009/128/EC. Only ready to use products and products with a low hazard profile may be used by non-professionals.

#### *Reduction of pesticide use on public areas*

The Danish Ministry of the Environment has in 1998 entered into a voluntary agreement with the Danish local municipalities and local Regions with the view to

phase out the use of pesticides on public areas. The agreement was updated with a new agreement in 2007. This agreement has from 1998 until 2013 resulted in a reduction in the pesticide use of 90 pct. Further information can be found on our homepage

Link

<http://eng.mst.dk/topics/pesticides/reducing-the-impact-on-the-environment/use-of-plant-protection-produkts-on-public-areas/>

#### *Regulation of pesticide use on golf courses*

An amendment to the Chemical act was carried out in 2011 which allows the minister of the Environment to establish relevant regulations on the use of pesticides on golf courses. A national regulation setting a maximum level of the pesticide load on golf courses came into force by 15 Marts 2013 with the view to reduce the use and load of pesticides on golf courses. Since then the golf courses have each year submitted data on their pesticide use in 2013 to the Danish EPA. Furthermore there have been set restrictions on the regulation and authorisation on pesticides that can be used on golf courses.

#### *Differentiated pesticide tax*

In June 2012 a new law on taxes/levies on pesticides was adopted by the Danish Parliament. The tax is calculated on the basis of the health- and the environmental risk posed by the individual active substance and pesticide product. The tax system was developed with the view to cause a reduction in pesticide use but more importantly to cause shift in the types of pesticides used towards products of lower risk. The tax system includes information about the individual pesticides human health risks, their toxicity towards non-target organisms and risk to ground water. Thus the higher toxicity the higher tax on the individual products. The new tax regulation came into force by 1. July 2013.

#### *Inspection of pesticide application equipment*

The Danish Parliament has passed an amendment to the chemicals act by April 2011 to authorize the Minister for the Environment to make specific rules to implement a new regulation on inspection of pesticide application equipment. This was followed by the adoption of a national regulation on test of pesticide application equipment that was adopted in December 2012. Since then 7500 pesticide sprayers have been repaired and inspected if they are fulfilling a long list of requirements.

#### *Reduction in use of pesticides in private gardens*

The Danish government has for the past many years financed a large information campaign concerning use of pesticides in private gardens. There was a campaign in 2011. The purpose was, to inform the non-professional users about the difference in environmental and human health risk associated with the use of the various pesticides marketed for use in private gardens, in order to give the non-professional users knowledge enabling them to choose the products with the lowest risk.

A web site was established in 2011 in which we included a list of all the pesticides that could be used in private gardens. And based on their intrinsic properties, we ranked the pesticides in 5 categories, with the view to advise the owners of private

gardens on which pesticides to choose, in order to minimise the risk to the environment caused by the pesticides. Furthermore the web site contains information about safe and correct use of pesticides in private gardens etc. The ranking on the website was updated in 2012, 2013 and in 2014. In 2015 and 2016 new information campaigns was carried out.

A regulation that came into force in 2015 resulted in ban of a number of pesticides for use by non-professionals without a spraying certificate. Also from 2015 only ready-to-use pesticides could be kept on the shelf for self-service at the retailers whereas the concentrated products that need dilution have to be kept behind the counter or in locked cabins with the view for the customer to get in contact with the qualified sales personnel and thereby get advise on correct dilution, use, disposal etc. and guidance alternative methods to control pests. The sales personnel are required to take a short education regarding pesticide use.

#### *Pesticide residues on food*

Several information campaigns have been carried out with the view to inform the general public about the pesticide residues in food, maximum pesticide residues and control of residues. This takes place yearly.

#### *Education of professional users*

Every person that buys or uses professional pesticides are obliged to take an appropriate education and thereby acquire a certificate for this use.

### **4. Studies conducted concerning 3.**

DEPA has a research programme that funds research on pesticides with the purpose:

"The strategic research on pesticides should enhance the knowledge-base for overall research on pesticides in order to establish a solid knowledge-base for administration of legislation and action plans in the pesticides area."

For more information see:

<http://eng.mst.dk/topics/pesticides/grant-programmes/the-pesticide-research-programme/>

Research reports are available on our homepage.

<http://mst.dk/service/publikationer/engelske-publikationer/>

### **5. Information on hazardous substances.**

Our homepage provides information about pesticides.

An electronic register of authorised PPPs is published on the DEPA website at <http://mst.dk/virksomhedmyndighed/bekaempelsesmidler/bekaempelsesmiddel/database/bekaempelsesmiddeldatabasen/>

The register is updated continuously and contains all relevant information on authorised PPPs; product name, function, active substance(s), areas of use, off-label/minor uses and associated instructions. Labels are approved by DEPA and must contain appropriate classification and labelling information and instructions for use.

Professional users and sales personnel must take training courses. There has been a compulsory training and certification system for all professional PPP users for many years, based on a ten-day course for larger operators or a two-day course for users who spray for less than four hours per year. These courses include

examinations and a compulsory one-day follow-up course every four years. Approximately 12 approved schools provide these courses. DEPA defines the topics to be addressed in both initial and follow-up training, which cover the issues in Annex I of Directive 2009/128. Courses are tailored for specific user types e.g. farmers, green keepers, forestry workers and greenhouse sprayer operators. Sales personal must instruct non-professional users if they wish to buy concentrated products.

## **6. and 7 Good practices etc.**

See answers to the previous questions.

## **8. Reduce the use of pesticides in food production and incentives for ecological methods.**

Please see our national action plan.

[http://eng.mst.dk/media/mst/69655/MST\\_sprøjtemiddelstrategi\\_uk\\_web\\_let.pdf](http://eng.mst.dk/media/mst/69655/MST_sprøjtemiddelstrategi_uk_web_let.pdf)

Denmark has a long tradition of encouraging reduced use of PPPs and the use of alternative methods. This is done in collaboration with the Danish Agriculture & Food Council (LF) and SEGES (agricultural advisory service), a body funded in part by the State and serving Danish farmers, practically all of whom have their own paid advisors. SEGES operates a website which is widely used by farmers and retailers alike for advice and guidance on PPP-related matters. In addition, SEGES have developed three general IPM guidelines and ten crop specific IPM guidelines covering major crops. Finally, SEGES publish weekly bulletins during the growing season providing information on pest pressure and appropriate actions for major crops.

The cornerstone of the IPM policy in Denmark is a pesticide tax as mentioned above, which has been levied since 1996 and is used as an incentive to encourage farmers to think about reduced dosages, split applications, preventative measures, healthy crop rotations, choosing pesticides with the lowest load on the environment and human health etc. The target of the authorities is to reduce the pesticide load, with correlates to the use of specific PPPs, by 40% by the end of 2015 (not calculated yet by December 2016), as compared to 2011. An additional goal is to reduce the human health load from using substances of high health concern by 40% over the same period. DEPA has developed a sophisticated formula for calculating the rate of tax to be imposed on each PPP. The tax increases the cost of some few specific PPPs by several hundred per cent, thus creating an even wider price differential between Denmark and neighbouring counties.

Specific PPP quotas are set for all golf courses in an effort to reduce use in these public areas.

From 1998 until 2013 the agreement with the Danish local municipalities and local Regions with the view to phase out the use of pesticides on public areas has resulted in a reduction in the pesticide use of 90 pct in these areas.

The Pesticide Action Plan of the Danish Government has set aside DKK 2 million for per year for a grant program to assist applicants seeking authorisation for placing on the market of alternative (low risk) plant protection products in Denmark.

For more information see:

<http://eng.mst.dk/topics/pesticides/grant-programmes/alternative-pesticides/>

**9. Court cases or litigation in relation to the right to food**

To our knowledge there are no such cases in Denmark.

**10. Any additional information.**

See answers to the previous questions.

Yours sincerely,



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