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Germany Announces Glyphosate Phase-Out Plan

Report Categories:

Trade Policy Monitoring

Sanitary/Phytosanitary/Food Safety

Agriculture in the News

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SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports

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Report Highlights:

Germany has presented a plan to phase out glyphosate and terminate its use in Germany by December 31, 2023, as part of an “action program for the protection of insects.” This report provides background and details on the proposed measures.

On September 4, 2019, the Federal Ministry of Food and Agriculture (BMEL) and the Federal Ministry for the Environment, Nature Conservation, and Nuclear Safety (BMU), which share oversight responsibilities for glyphosate, presented a joint plan to phase out glyphosate and terminate its use in Germany by December 31, 2023.

The proposal is part of a larger action plan for the protection of insects. In respect to glyphosate and other crop protection substances, the measures include:

A. Germany plans to **ban the use of plant protection products containing glyphosate in Germany** after December 31, 2023. The date coincides with the expiration of the EU approval for plant protection products containing glyphosate, plus a transition period. At that point, the use of glyphosate will be illegal in all of the European Union (EU), unless the EU (Council plus European Parliament) extends the approval in 2022. (Note: The last approval was only possible because of Germany's vote in favor.)

B. Starting 2020, Germany will implement the following glyphosate reduction strategy:

- 1) The use of glyphosate and substances with the same working mechanism will be prohibited
 - a. in private gardens and parks,
 - b. in specified nature protection zones and in protected ecologically sensitive areas,
 - c. in public areas¹, and
 - d. for desiccation.
- 2) The use of glyphosate and substances with the same working mechanism will be severely restricted for pre-planting and post-harvest use (stubble treatment).
- 3) Areas owned by the federal government shall not be treated with pesticides and biocides unless
 - a. The area is used for research,
 - b. Not using these substances would endanger safety in traffic, health, or food security.

If pesticide application is necessary, the most modern and conservative technology has to be used to ensure the least possible application.

¹ Public areas are defined in paragraph 17 of the German plant protection law (*Pflanzenschutzgesetz, PflSchG*) This definition includes public parks and gardens, green spaces in public buildings, public sports grounds including golf courses, school and kindergarten grounds, playgrounds, cemeteries and areas in the immediate vicinity of facilities of the health service.

C. Starting 2021, there will be additional restrictions on pesticide use:

- 1) Herbicides as well as insecticides with a negative impact on biodiversity will be banned in nature protection zones and in protected ecologically sensitive areas.
- 2) Pesticide use shall be banned within 10 meters of water. If the area consists of permanent pasture, the protection zone is reduced to 5 meters. Federal states may grant exception for water-rich marsh land.
- 3) Highly biodiverse permanent pastures, extensive non-commercial fruit tree orchards, and drywalls shall be added to the list of protected biotopes, which entails restrictions on pesticide use.
- 4) The rules for pesticides application in especially sensitive areas shall be extended to biocides.

The proposal names the efficiency of glyphosate in killing plants as the reasoning for its ban, as glyphosate would also kill plants that are considered important feeding grounds for insects.

Comment: The proposed measures are not yet law. The transposition into law will occur over the next couple of months. While the proposal is not legally binding yet, it is politically binding. As a result, the measures as such are more or less fixed but the implementation details are still up for discussion. The way the implementation details are crafted will have a large impact on the future competitiveness of German farmers. Some voices in German agriculture fear that the proposed restrictions are part of a bigger move against all agro-chemicals that will make it difficult for farming to remain economically viable in the future.

A number of regulations or ordinances have to be changed in order to implement the proposed measures. Most of the changes affecting glyphosate will occur through changes to the “crop protection application regulation.” All changes to this regulation are subject to the agreement of five ministries and the approval of the Bundesrat (comparable to the U.S. Senate). The five ministries include Food and Agriculture (BMEL), Environment (BMU), Economics and Energy (BMWV), Labor and Social Affairs (BMAS), and Health (BMG).

The export of U.S. food and agricultural products may be affected starting January 1, 2024, when the maximum residue level for glyphosate will fall to the detection limit, unless the authorization for glyphosate is extended at the EU level prior to December 15, 2022, or the EU grants import tolerances for glyphosate to third countries.

Background:

The use or prohibition of glyphosate has been a contentious issue between the center-left Social Democratic Party of Germany (SPD) held Ministry of the Environment (BMU) and the center-right Christian Democratic Union (CDU)/Christian Social Union (CSU) held Ministry of Food and Agriculture (BMEL).

On November 27, 2017, the European Commission decided to renew the approval for five years based on a Member State vote. This time period is considerably shorter than what the Commission proposed (10 years). The German Minister for Food and Agriculture at the time was Christian Schmidt (CSU). He voted in favor of the approval despite the discord between BMEL and BMU, which would normally have required him to abstain. His decision was decisive for reaching a qualified majority and made the approval possible. As a result, he was severely criticized by BMU, the SPD party, NGOs, and the public. The renewal was published as regulation 2017/2324 in the official journal and expires on December 15, 2022.

Related Reports:

Discord on Glyphosate Reduction Strategy|Sanitary/Phytosanitary/Food Safety Trade Policy Monitoring Agriculture in the News SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports |Berlin|Germany|11/23/2018

The German Minister of the Environment revealed a plan to end glyphosate use on November 6, 2018. This spurred criticism from the Minister of Food and Agriculture who presented her own proposal in April 2018. This report provides background on the various proposals

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