

Summary

Authorisation of agricultural pesticides

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Corporate Policy and Communications Directorate

This document is confidential. Publication decisions will be taken by the Court of Audit.

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Summary

Between January 2001 and February 2002 the Court of Audit investigated policy on the authorisation of agricultural pesticides. This policy is one of the most important instruments of broader crop protection policy. The subject is important given the risks that use of these chemicals present to the environment, food safety and industrial safety. About €6 million was spent on implementing authorisation policy in 2001.

The Minister of Agriculture, Nature Management and Fisheries (LNV) bears prime responsibility for pesticide authorisation policy. The ministers of Housing, Spatial Planning and the Environment (VROM), Health, Welfare and Sport (VWS) and Social Affairs and Employment (SZW) are also involved, and deal with environmental, health and industrial safety aspects respectively.

Policy is implemented by the Board for the Authorisation of Pesticides in the Netherlands (CTB), which formed part of LNV until it was privatised in January 2000. The Board assesses chemical substances prior to a decision being taken on whether they may be used in agricultural pesticides in the EU. At national level it assesses manufacturers' applications for the authorisation of pesticides and advises the minister on the implementation of national authorisation policy.

Since the late 1980s, Dutch authorisation policy has focused on reducing the use of pesticides in agriculture. A European directive (91/414/EC) has been in force since 1991, aimed at harmonising member states' policies.

Conclusion

The main conclusion is that pesticide authorisation policy is so unclear that its effectiveness is in jeopardy. The Court of Audit bases this conclusion on the following findings.

Too ambitious

At the beginning of the period covered by the Multiyear Crop Protection Plan, the Netherlands decided to play a leading role in the EU with regard to policy on the authorisation of plant protection products. At the end of the period it was found that this decision had been too ambitious and that policy required fundamental adjustments.

Unclear division of responsibilities

The Court of Audit found that the division of responsibilities between the ministries and the CTB was unclear. In addition, the steering of CTB by the ministries concerned is unsatisfactory. There are different consultative levels but the tasks, powers and status of each level are not precisely defined. Although the Minister of Transport, Public Works and Water Management (V&W) is responsible for the implementation of the Pollution of Surface Waters Act, this ministry's involvement in crop protection policy is not regulated by law.

Objectives of crop protection policy unclear

The Court of Audit notes that the objectives of crop protection policy are not formulated clearly enough. Unclear objectives make it impossible to pursue an effective policy and to properly determine its effectiveness.

Insufficient insight into the results of crop protection policy

The Court of Audit notes that there is insufficient insight into the effect of crop protection policy on water quality because of conflicting data.

Insufficient insight into the consequences of authorisation policy

The Court of Audit found that LNV does not systematically collect information on how different aspects of authorisation policy are progressing. As a result, it does not have quantitative information on the consequences of that policy.

Although the availability of a broad package of instruments was defined as a precondition for crop protection policy, the ministry did not consider itself responsible for ensuring their availability for minor applications. On the contrary, it believes that the policy pursued as part of the cleanup operation has contributed to the shortage of plant protection products affecting small farmers. The ministry has, however, facilitated research and potential solutions, and has actively helped to find solutions at European level.

The Court of Audit believes that the ministry has not made a clear choice in this regard, with the result that it is unable to communicate properly with the agricultural sector on substantive issues.

No insight into compliance

LNV has no insight into the level of compliance with the Pesticides Act because no random checks have been carried out to date and incidents involving pesticides are not

systematically recorded. The Court of Audit notes that the enforcement of the Pesticides Act by the General Inspectorate (AID) of LNV is often put under pressure due to urgent situations arising in the animal sector for example.

Authorisation regulated too late

Although authorisation policy is implemented at arm's length from the government, the Ministers of LNV, VROM, VWS and SZW remain politically accountable. This means that they must monitor how tasks are implemented and how public funds are spent by the CTB, and they must also possess the necessary powers to do so.

However, this matter was not regulated properly when the CTB was privatised in January 2000. A supervisory board was not set up until two years after privatisation. Moreover, the standards for assessing the CTB have still not been worked out in detail, which means that the supervisory board cannot examine how the CTB implemented authorisation policy, at least during the first two years after privatisation.

Shortcomings in CTB management

At the time information on the CTB was being gathered (until summer 2001), there were still many shortcomings in the management procedures and the planning and control cycle. These matters should have been sorted out when it was privatised. Due to the unclear management by the ministries and the defective planning and control cycle, the Court of Audit was unable to assess how efficiently the CTB carried out its tasks. The CTB has since made strenuous efforts to improve the planning and control cycle.

Recommendations

Objectives

In deciding how ambitious policy objectives should be, the Minister must ensure that they are practicable.

Division of responsibilities

The Court of Audit believes that the ministries must make clear agreements as soon as possible on the division of responsibilities between themselves and the CTB. They should also draw up clear management procedures as soon as possible, in which the tasks, powers and status of the different consultative levels are clearly defined. V&W's involvement in crop protection policy should be regulated by law.

Objectives

The ministers should also formulate measurable and assessable objectives for crop protection policy, and should clearly specify the relationship between the various aims and between aims and instruments. In this regard, the Court recommends adherence to the principles of the 'From policy budgets to policy accountability' (VBTB) operation, launched in 1999.

Information on crop protection policy

The ministers must clarify the effects of crop protection policy on water quality.

Information on authorisation policy

LNV must collect information on policy instruments (cleanup operation) and policy consequences so that policy can be successfully adjusted. The Court believes that more attention should be paid to enforcement, as called for in the policy document on healthy farming. Insight into the level of compliance is important not only for the enforcement of legislation but also for making the right decisions on the effort required, including in crisis situations. Insight into the level of compliance is also necessary to determine the effectiveness of crop protection policy.

Supervision

The standards for the assessment of the CTB by the supervisory board must be elaborated in the near future.

CTB management and performance

Systematic information must be made available as soon as possible on the CTB's implementation of authorisation policy. To that end, the planning and control cycle must be organised in a way that generates the necessary management and accountability information.

Response by ministers and state secretaries

The Minister of LNV, on behalf of the state secretaries for VROM, SZW and V&W and the Minister of VWS, responded to the Court of Audit's investigation by letter of 3 September 2002. The CTB responded by letter of 21 August 2002.

The Minister of LNV broadly accepts the audit's main conclusion that the effectiveness of pesticide authorisation policy is jeopardised by the way it is organised. He therefore undertakes to implement the recommendations. As regards determining the effect of crop protection policy on water quality, the minister states that no instruments are currently available – including in other member states – but that he will call for solutions to be found at European level.

The CTB notes that the audit fails to analyse legislative shortcomings which impede optimum implementation of authorisation policy. It also regrets that the Court did not take account of the improvements in the planning and control cycle that have been made since summer 2001. It does however accept the Court's conclusions and recommendations.

Afterword by the Court of Audit

The Court of Audit notes that the ministers and the CTB broadly agree with the conclusions and recommendations in its report. It is pleased that the Minister of LNV has undertaken to follow the recommendations, but would have preferred him to provide more information on the timeframe that is envisaged. It will continue to monitor developments in policy on the authorisation of agricultural pesticides with interest.