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Position on Transparency & Participation

Since its founding in 1984, PAN Germany has been working towards developing a sustainable pest management policy. PAN Germany provides information on risks and hazards of toxic pesticides and campaigns for alternatives.

This position paper deals with the role of interest groups in the process of the authorisation of pesticides and with demands on the pesticide registration process in the framework of EU legislation.

On a national and international level it is increasingly recognised that public interest groups can and should play an important role in the decision making processes relevant to consumer and environmental protection (see, e.g., the Aarhus Convention). Nevertheless, compared to other legal areas, for example, chemicals policies, the extent of transparency and participation authorisation of pesticides is still quite limited. However, steps towards improving transparency and public participation will soon be undertaken in Germany as well as on a European level. This paper presents PAN Germany's point of view on this issue.

■ General Considerations

For democratic governments it is a must to ensure transparency and participation. Although transparency and participation are strongly linked to each other, they also should be viewed separately.

■ Transparency

a) Transparency means that the interested public has easy access to all information concerning considerations which governmental decisions are based on.

b) Transparency is a prerequisite for participation.

c) The demand for transparency includes the following key issues:

- Access to information should be possible with a minimum of effort and time,
- Timeliness and form of access need to ensure that it is possible to comment on upcoming decisions (process accompanying transparency),
- Information should be presented in a way that is understandable to the interested public.

■ **Participation**

- a) Participation means the involvement of the public¹ in political processes.
- b) Non-governmental organisations must not assume legislative and executive duties. In the context of risk assessment during the pesticide registration process, PAN Germany disapproves of NGO participation in decision making committees.
- c) PAN Germany insists on full involvement in creating a legal framework for pesticide policies.
- d) In all cases where participation is offered in the framework of the pesticide policy, a balanced representation of public interest groups should be ensured. A long-term dominance of particular interest groups has to be avoided².
- e) Participation is voluntary. Whether a particular NGO chooses to participate or not is up to that NGO. Therefore, non-participation cannot be interpreted as approval.
- f) PAN Germany demands participation in all decisions on the composition of bodies responsible for risk assessments.
- g) Information made available during the participation process must be open for publication.

¹ "Public" here comprises all non-profit NGOs acting as public interest groups.

² Balanced participation can be realised, e.g., by providing financial support for competent non-profit NGOs when other (for-profit) interest groups are over-represented because of their financial strength. In some cases, it might be necessary to restrict or even rule out the participation of for-profit NGOs. This is the case when non-profit NGOs are not able to participate in an equivalent way.



Governmental activities regarding plant protection and pesticide policy take place at different levels and in different areas.

Taking its limited resources into account PAN Germany demands the following for the different levels of the pesticide process:

<i>Setting the legal framework for the authorisation and use of pesticides</i>		
European legislation	Transparency	Participation
National legislation	Transparency	Participation
<i>European registration of active ingredients</i>		
ECCO peer review process (COM, MS, 2 AC)	Transparency	
ECCO overview meetings (COM, MS, 12 AC)	Transparency	
Scientific Committee: decisions on composition	Transparency	Participation
Standing Committee: decisions / voting	Transparency	
<i>National Authorisation of Products</i>		
BVL ³ decisions	Transparency	
BVL advisory board: decision on composition	Transparency	Participation
BVL board of experts: decision on composition	Transparency	Participation
UBA ⁴ consultation	Transparency	
BfR reports on risk assessment	Transparency	
BfR ⁵ reports on efficacy	Transparency	
BAuA ⁶ reports regarding worker protection	Transparency	

Additionally, there are several bodies or groups establishing the scientific and technical framework for the assessment of pesticides (e.g., the OECD Working Group on Pesticides; FOCUS⁷; SETAC⁸). Their work also influences the authorisation process and should be made transparent. PAN Germany demands that the European and national authorisation bodies provide the information upon which their decisions are based to the public. Whenever possible, this should be done in a suitable, easy-to-understand format.

³ BVL Federal Office for Consumer Protection and Food Safety (Bundesamt fuer Verbraucherschutz und Lebensmittelsicherheit)

⁴ UBA Federal Environmental Agency (Umweltbundesamt)

⁵ BfR Federal Institute for Risk Assessment (Bundesinstitut fuer Risikobewertung)

⁶ BAuA Federal Institute for Occupational Safety and Health (Bundesanstalt fuer Arbeitsschutz und Arbeitsmedizin)

⁷ FOCUS FORum for the Co-ordination of pesticide fate models and their USE

⁸ SETAC The Society of Environmental Toxicology and Chemistry