



Recommendation of the Council on Countering the Illegal Trade of Pesticides



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Background Information

The Recommendation on Countering the Illegal Trade of Pesticide was adopted by the Council on 20 February 2019 on proposal of the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology.

Countering the illegal trade of pesticides

Pesticides are among the most regulated products in the world, but international shipments of illegal pesticides (e.g., counterfeit, unregistered, illicit or otherwise unauthorised active ingredients and finished products) can escape oversight by pesticide regulators and custom offices, which is a growing concern for governments.

The illegal international trade of pesticides undermines national registration and governments' risk reduction schemes, and public confidence in such schemes. It also distorts pesticide markets, e.g. constituting an estimated 13.8% of the regular EU market as reported by the European Union Intellectual Property Office (EUIPO), by replacing legitimate products with cheaper and possibly more hazardous products.

The illegal international trade of pesticides can also have significant impacts on human health, food chain safety, and the environment. The use of illegal pesticides may directly cause a number of problems associated with, for example, health and environmental hazards due to toxic residues in food or worker exposure during application, damages to crops or low/inadequate product performance and efficiency leading to a reduction in revenues for farmers.

Recommending increased cooperation and combined action

To address these concerns, this Recommendation has been developed to promote greater co-operation between countries and between custom authorities and regulatory and compliance/enforcement agencies in their efforts to identify and respond to illegal trade of pesticides. To that effect, the Council act recommends that Adherents establish or strengthen national procedures aimed at countering the illegal trade of pesticides, in line with the [Best Practice Guidance to Identify Illegal Trade of Pesticides](#) and taking into account national priorities, policies and programmes.

The Best Practice Guidance provides guidance for inspectors and regulatory authorities to identify and tackle illegal pesticides throughout the complete lifecycle of a pesticide, i.e. from manufacture, through formulation, trade and use to destruction. It provides practical advice, which inspectors and regulatory authorities can consider to strengthen national frameworks relevant to countering the illegal trade of pesticides.

OECD tools support Adherents

The implementation of the Recommendation and Best Practice Guidance will be supported by the OECD Network on Illegal Trade of Pesticides (ONIP). The initial aim of this network was to build a "global alliance" by bringing together experts knowledgeable in countering illegal trade.

ONIP developed the OECD Rapid Alert System (RAS) for suspected illegal international trade of pesticides, which was launched in November 2012, and consists of a protected website only accessible to regulatory authorities for a rapid exchange of information about suspicious or rejected shipments of pesticides between experts and inspectors participating in the network.

To support the implementation of the Recommendation, the ONIP will continue to develop guidance and methodologies which will facilitate the identification of illegal pesticides and anticipate the modus operandi of illegal traders. ONIP will also serve as a forum for exchanging best practices, and continue to use the RAS for the rapid exchange of reports on suspicious or rejected shipments of pesticides. ONIP is keen on disseminating the accumulated expertise of its experienced experts and is developing a training course for inspectors and investigators to support countries in countering illegal trade of pesticides.

THE COUNCIL,

HAVING REGARD to Article 5b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the 1992 Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development and endorsed by the United Nations General Assembly (A/RES/47/190, 16 March 1993);

HAVING REGARD to the 2002 Johannesburg Plan of Implementation of the World Summit on Sustainable Development which commits to achieve, by 2020, that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment;

HAVING REGARD to the Resolution of the Council on the Implementation of the Strategic Approach to International Chemicals Management (SAICM) [C(2008)32] and to the SAICM objectives concerning the prevention of illegal international traffic in toxic, hazardous, banned and severely restricted chemicals, including products incorporating these chemicals, mixtures and compounds and wastes and to promote information sharing and to strengthen the capacity of developing countries and countries with economies in transition at the national and regional levels for the prevention and control of illegal international traffic;

RECOGNISING that the illegal international trade of agricultural pesticides undermines national legislations on pesticide registration aimed at protecting health and the environment;

RECOGNISING that monitoring and responding to the illegal trade in pesticides can minimise the negative impact on trade, intellectual property rights, the sale of legitimate products and the protection of crops;

RECOGNISING that strengthened national and co-operative international efforts - including, in particular, the rapid exchange of information on suspicious or rejected shipments of pesticides - will substantially reduce the risks posed to health and the environment from the use of illegal pesticides;

RECOGNISING that addressing illegal trade of pesticides is a responsibility of governments which may be shared between different levels of government, according to their legal and institutional frameworks;

RECOGNISING that, while there are differences in the domestic priorities, policies and programmes of Members and non-Members having adhered to this Recommendation (hereafter the "Adherents"), concerted international efforts to address the illegal trade in pesticides can produce more efficient utilisation of national and international resources;

CONSIDERING that the *Best Practice Guidance to Identify Illegal Trade of Pesticides* (hereafter the "Best Practice Guidance") [C(2019)13/ADD1], provides guidance for inspectors and regulatory authorities on best practices for identifying and tackling illegal pesticides throughout the complete lifecycle of a pesticide, from manufacture, through formulation, trade and use to destruction, and may be modified as appropriate by the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology;

On the proposal of the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology:

- I. **AGREES** that, for the purposes of this Recommendation, the following definitions are used:
 - **Agricultural pesticide** refers to a product which by its packaging, labelling or formulation, consists of or contains one or more active substance(s), co-formulants, safeners or synergists, and intended for one of the following uses: (i) protecting plants or plant products against harmful organisms or preventing the action of such organisms, unless the main purpose of the product is considered to be as a biocide; (ii) influencing the life processes of plants, such as influencing their growth, other than as a nutrient; (iii) preserving plant products; (iv) destroying undesired plants or parts of plants, except algae unless the products are applied on soil or

water to protect plants; (v) checking or preventing undesired growth of plants, except algae unless the products are applied on soil or water to protect plants.

- **Illegal trade of agricultural pesticides** refers to any form of trade of an agricultural pesticide that leads to a violation of domestic law, including counterfeiting, fraud and other forms of deception.
- **ONIP Rapid Alert System (RAS)** refers to a protected Internet website, hosted by the OECD, which allows the rapid exchange of information on suspicious or rejected shipments of pesticides between the government experts/inspectors who are directly involved in identifying and responding to the illegal international trade of pesticides.

II. RECOMMENDS that Adherents establish or strengthen national procedures aimed at countering the illegal trade of agricultural pesticides in line with the Best Practice Guidance, taking into account national priorities, policies and programmes. To that effect, Adherents should:

- i) Ensure there is an appropriate regulatory framework for the management of agricultural pesticides;
- ii) Ensure there are systems in place to detect and take regulatory action against illegal trade of pesticides;
- iii) Co-operate on minimising the illegal trade of pesticides.

III. INVITES the Secretary-General to disseminate the Recommendation.

IV. INVITES Adherents to disseminate the Recommendation at all levels of government.

V. INVITES non-Adherents to take due account of and adhere to this Recommendation.

VI. INSTRUCTS the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology, through the OECD Network of National Authorities Fighting Illegal International Trade of Pesticides (ONIP) to:

- i) Develop guidance and methodologies which will facilitate the identification of illegal pesticides;
- ii) Serve as a forum, using the RAS, for the rapid exchange of reports on suspicious or rejected shipments of pesticides, when such information is deemed relevant and urgent;
- iii) Serve as a forum to exchange information on progress and experience with respect to the implementation of this Recommendation;
- iv) Monitor the implementation of this Recommendation and report to the Council no later than five years following its adoption and every ten years thereafter.

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