

AUDACE to sue French authorities

The association of users and distributors of agrochemicals in Europe, AUDACE, is to take legal action against the French Ministry of Agriculture over its stance on parallel imports, said association president Daniel Roques in Paris this month.

AUDACE, which was cleared of charges of carrying out illegal parallel imports of agrochemicals earlier this year by a French court (*Agrow* No 305, p 12), hopes to gain compensation for a loss of income suffered since 1994. The association claims that the French authorities, by refusing to set up a simplified registration procedure for parallel imports, encourage a multinationals' monopoly and unfair competition. This, says AUDACE, contravenes the provisions of the EU agrochemical registration Directive (91/414), which was transposed into French law in 1994.

"Community law prevails over national law," stressed Mr Roques, who lodged a complaint with the European Commission against the French administration last year. The complaint focused on "the Ministry of Agriculture's position regarding parallel imports, the procedures taken against users and distributors of such products, as well as their selective distribution".

In a letter dated August 31st 1998, which has not been made public, the European Commission warned France for "not simplifying the procedure and for insisting that importers prove that imported products and reference products are identical, including their trade names", said Mr Roques. The Commission is due to send a "reasoned opinion" to France shortly and, if no reply is received within three months, it will take the case to the EU Court of Justice, which could reach a verdict by 2001. "The problem is not the manufacturers," said Mr Roques. "It is the legislation which should be changed."

The French agrochemical industry association, the UIPP, also believes that regulations on parallel imports should be clarified. "However, we must keep a distinction between the notion of parallel imports and the usual evaluation procedure for the commercialisation of pesticides on the French market," stresses Denis Auber, in charge of legal and economic affairs at the UIPP. "The industry's position is that approvals should be granted on the basis that products are identical and that parallel import certificates should be issued for specific batches and for a specific length of time in order to ensure a product's traceability."

EUROPEAN NEWS IN BRIEF

● **Bulgarian farmers to pay immediately for agchems:** Agrochemical producers and traders in Bulgaria have stopped the sale of wheat herbicides and insecticides to buyers who do not pay immediately. Farmers have had difficulties selling their crops this year, leading to a cash shortage to pay for fertilisers and other inputs, reports Reuters. The total outstanding debt of local producers to chemical suppliers amounts to Levs 26,500 million (\$16 million).

Pesticide pollution in French waters

"Excessive" pesticide residues have been found in French rivers, coastal waters, ground and drinking water, reveals a survey published in October by the French institute of the environment, the IFEN. The risks to human health and the environment are as yet unknown, due to insufficient data, the report claims.

Pollution of coastal waters is mostly caused by triazine herbicides. Between 25 and 55 tonnes of triazines are carried into the sea by the country's rivers every year. Residues of DDT were found to have stabilised in mussels and oysters at 20 µg/kg, over 20 years after the insecticide was banned in France in 1972.

For surface waters, the pesticides most frequently found were the herbicides, atrazine, simazine and diuron, and the insecticide, lindane. 47% of surface waters show excessive pesticide residues, 49.5% are "suspected of contamination" and only 3% show no detectable residues. Out of 77,515 samples tested for a specific active ingredient by the IFEN, no residues were detected in 71,461 (92.2%) samples.

While pesticides affect mainly surface and coastal waters, they can also be found in ground water. Tests reveal that 52% of the points surveyed show no detectable residues, 35% have residues under 0.1 µg/litre and 13% have residues over 0.1 µg/litre. Out of 85,272 samples tested for a specific ai, no residues were detected in 80,689 (94.6%) samples.

Ground water is used for 60% of the country's drinking water. The pesticide limit set by the EU drinking water Directive is 0.1 µg/litre. 98.1% of the 53,500 tests carried out on drinking water in France in 1995 were below the recommended maximum residue level.

France is the world's third-largest pesticide producer after the US and Japan. Although drinking water is regularly surveyed, the IFEN report, commissioned by the French Ministry of the Environment, is the first of its kind. It should be followed by a yearly assessment of results, says IFEN. The French agrochemical industry association, the UIPP, says it is essential to improve water quality but insists the residues found in the country's waters pose no threat to public health.



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