



Federal Office of
Consumer Protection
and Food Safety

Market control of Plant Protection Products and actions with respect to non-compliance in Germany



The Plant Protection Control Program in Germany

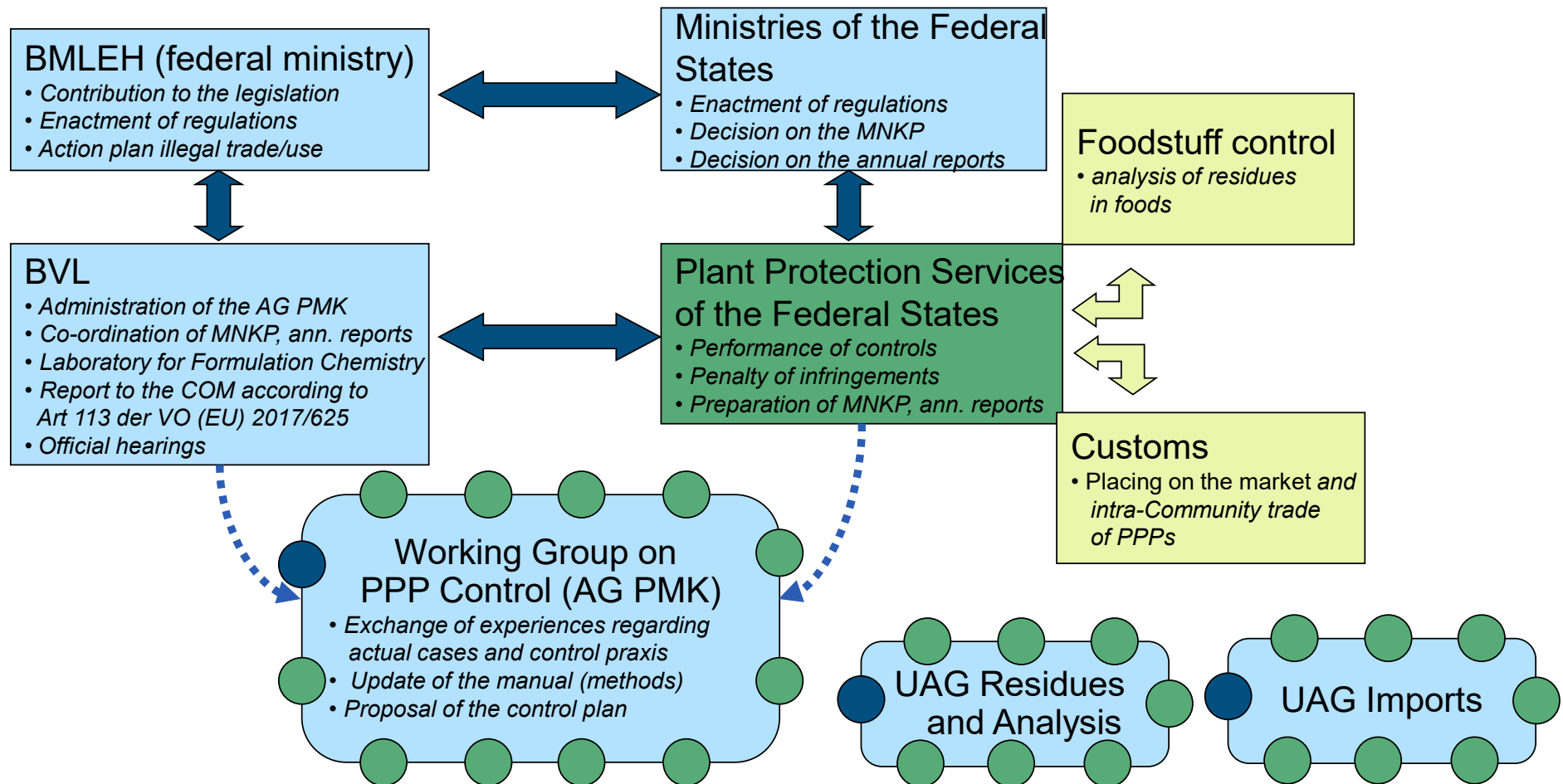
Since 2004 nationwide standards for controls in three areas



- **Placing on the market**
 - Wholesale and retail
 - Internet and mail order business
 - Import (together with customs)
- **Use**
 - On farm level
 - On agricultural crop land and non-crop areas
- **Control of the product quality**
 - Including production plants and plants filling, labelling and storing products



Tasks of the involved authorities





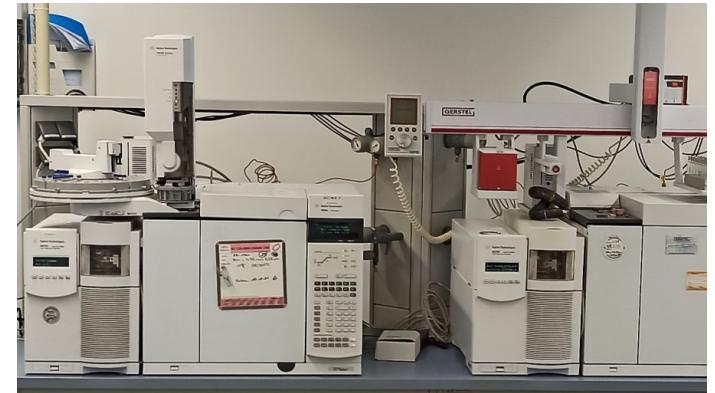
Samples of PPPs can be taken within controls of

- Wholesale and retail
- Import (harbours, airports, border points)
- Farms
- Mail order
- Internet order (ZOPf since 2020)
- Production plants
- Filling and/or labelling plants
- Storage
- Transport



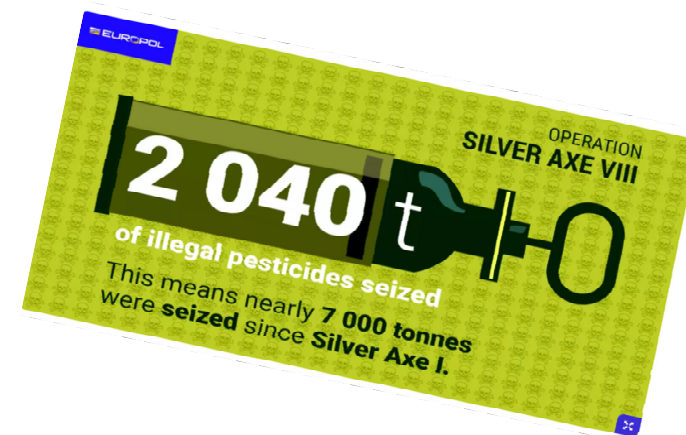
Analysis of samples in the Laboratory for Product Chemistry

- **Is the composition of the sample in line with the authorisation?**
 - Identity and content of active ingredient
 - Content of relevant impurities
 - Content of co-formulant substances
 - Content of unwanted co-formulant substances
 - Presence of foreign substances
 - Selected physical, chemical and technical properties
 - Screening methods



→ since 2019 according to a EU Reference Document

**2 040 tonnes of illegal pesticides seized and
21 suspects arrested in global operation**
Eighth edition of annual joint effort between public and private sector marks
the largest seizure of fake or illegal pesticides to date



Source: EUROPOL, press report

<https://www.europol.europa.eu/media-press/newsroom/news/2-040-tonnes-of-illegal-pesticides-seized-and-21-suspects-arrested-in-global-operation>

What kind of PPP is illegal?

- **PPP not in line with the authorisation**
 - Divergence in composition: not compliant with the evaluated and authorised composition
 - PPP / active ingredient was produced at a non-authorised production plant
- **Product counterfeiting**
 - PPP / active ingredient not from the authorisation holder (counterfeit packaging / counterfeit content)
- **Burden of the past**
 - Expired PPP or active ingredient
- **Non-authorised PPP / active ingredient**

Illegal PPP – risks and volume

- **Illegal / counterfeits PPP**
 - Unknown composition, not evaluated by any authority
 - Unknown consequences for the health of humans and animals, for the environment, for the efficacy
 - Risks for user and consumer, but also for all people involved in production and transport
 - Economic damage for producer and retailer of legal PPP
- **Share of illegal PPP on the market: 10 % to 15 % in the European Union and Germany**
 - Very rough estimation, up to now no evaluation of the possible dark figure
 - Far too high for such a strongly regulated product

Reasons for the illegal trade of PPP

- **Authorisation of a PPP is very laborious and expensive in EU**
 - High costs for research, development and authorisation of active ingredients and formulations: up to 300 millions Euro for a new active ingredient and its first product
 - Costs for research and development can only be returned via sales of authorised formulations
 - costs of production have a low quota of overall cost
 - Incentive for criminals: counterfeits are very cheap compared to legal PPP
- **An increase of costs for authorisation of a product leads to higher profits with counterfeits**

Reasons for the illegal trade of PPP: low risk for discovery

- **Most important problem: you can't see whether a product is illegal, a complex chemical analysis is necessary**
 - Retailer / user commonly identify PPP on the basis of given documents
 - Market control occurs often primarily at „classical“ retailer level
 - Online trade is increasingly significant as well as direct marketing
 - Missing or wrong declaration
 - Avoidance of control at import or postal shopping



Reasons for the illegal trade of PPP: low risk for discovery

- **It is technically challenging to identify falsifications in the lab**
 - PPP can consist of more than 100 single compounds:
it's like looking for a needle in a haystack
 - To identify a falsification it is necessary to know the composition of the legal product, which is confidential and only known by the authorisation holder and the competent authority
- **Discovery of falsified documents needs a lot of experience and special knowledge**
 - For illegal PPP, falsified documents are used regularly

Reasons for the illegal trade of PPP: sanctions are not deterring

- **In Germany since 2012 the illegal trade of PPP is a criminal offense**
 - Punishable with up to 3 years of imprisonment or fine
 - Up to now, there were more than 20 criminal complaints, but no conviction
- **Special problem of criminal acts in the context of environment: you have a very complex legal setting**
 - Special knowledge is necessary to state illegality, prosecution needs the support of competent authorities
 - You are in forensical and judicial uncharted waters
 - Unsure prospects of success, but high requirements of personnel and time
 - No priority with respect to the code of criminal procedure, that means
 - No possibility of e.g. surveillance of phone calls, online searches, online traffic data, undercover police officers

Examples for illegal PPP: Zako (parallel traded product)

- **Active ingredient aclonifen (600 g/L) not detectable, but metribuzin and atrazin**
 - Atrazin causes cancer, is environmentally hazardous and forbidden in the EU since 1991
 - More uncompliant contents were identified, e.g. wrong anti-freezing agent
- **Reports about damages in sunflowers and potatoes**
- **BVL started hearing procedure**
 - Company didn't answer

Examples for illegal PPP: Zako (parallel traded product)

- **BVL withdrew permission for parallel import because of misuse**
 - Company ordered law office, but no explanatory statement was given
 - BVL confirmed withdrawal
- **Holder of the permission is Top Crop Chem Ltd., UK, a part of a well known group of companies from the UK, which sells counterfeits PPP in the EU since many years**

Examples for illegal PPP: Malvin WG (authorised product)

- **Active ingredient captan (800 g/kg), lab analysis showed proof that product contains 1,2-Dichlorethan and a significant impurity**
 - 1,2-Dichlorethan is classified as carcinogenic
 - Toxicological evaluation of the results: there is a health risk
 - BVL informed EU Member States via iRASFF
- **Holder of the authorisation is Arysta Lifesciences / United Phosphorous Ltd. (UPL)**
 - Company informed the Member States only hesitantly and with different facts
- **April 2024: BVL gave order for abeyance of the authorisation**
 - UPL contradicted and delivered studies of another source for the active ingredient
 - BVL evaluated the new source and cancelled the abeyance under the condition that trading of Malvin WG with captan produced after April 2024 is allowed

Summary

- **Illegal / counterfeit PPP imply a high risk**
 - Unknown composition, not proved by the competent authority
 - Can contain forbidden substances and cause damages
 - Approximately 10 % to 15 % of sold PPP in EU are illegal, which causes a high economic and ecological damage as well as serious health risks for humans and animals
- **To sell illegal / counterfeit PPP is very attractive**
 - High profits, low risk of discovery, in practise no penalties in Germany
- **Laboratory analysis is necessary to detect illegal /counterfeit PPP**
 - Use of validated methods for all possible components: active ingredient, relevant impurities, co-formulants, unwanted co-formulants, foreign substances
- **More knowledge and action is needed on the side of the criminal prosecution in Germany**



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Thanks for your attention!

We live

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