

ABSTRACT  
DRAFT LAW RELATING TO PLANT PROTECTION PRODUCTS

Plant protection products are one of the most effective ways to protect plants and plant products from pests including weeds. However, these products may present unacceptable risks and dangers to human health, animal health and the environment, especially if they are placed on the market without having been officially evaluated and authorized or if they are used in an incorrect way.

In the light of recent technical and scientific progress in the field of risk assessment of plant protection products, it has become necessary to revise Law 42-95 on the control and organization of trade in pesticides for agricultural use. Agreement with international standards and standards in this field, particularly those relating to the requirements for the protection of human health, animal health and the environment while taking into account the needs of farmers to ensure better phytosanitary protection of their crops and objectives for preserving the competitiveness of our agriculture. This review will strengthen the capacity of the competent authorities for risk assessment and control of these products with a view to reducing the use of extremely hazardous products, encouraging the use of low-risk products and promoting alternative means of control other than chemicals.

This draft law is perfectly in line with the government's strategy for sustainable agriculture by providing a modern legal basis for the placing of plant protection products on the market. It aims at better organizing the trade of these products in order to reduce the dangers related to their possession, distribution, sale and use while ensuring that these activities are carried out by the qualified persons duly approved by the competent authority.

Given the breadth of the number of provisions that will be revised, it is proposed to repeal Law 42-95 and replace it with this draft law, which will set the rules and conditions for:

- the terminology used by the law and its implementing texts, in accordance with international definitions;
- the approval of active substances, safeners and synergists;
- the placing on the market of plant protection products and adjuvants in the form in which they are delivered to the user;
- the use and control of plant protection products and adjuvants;
- the approval and control of persons carrying out the marketing and use of plant protection products and adjuvants.

To this end, this draft law mainly provides for:

- evaluate plant protection products in two different stages. The first is to evaluate and approve the active substances, safeners and synergists that may be included in the composition of plant protection products. The second step consists of evaluating and authorizing the placing on the market of end-use products containing previously approved active substances, safeners and synergists;
- encourage the placing on the market of products with a low risk to human health, animal health or the environment by less stringent requirements than those of other products by extending the period of validity of the approval and marketing authorization at 15 years instead of 10 years for other products;
- re-evaluate at any time products placed on the market whenever evidence or information suggests that the conditions under which they have been authorized are no longer fulfilled, in particular on these effects on human and animal health and on the environment;
- require the holder of a plant protection product to report as soon as he becomes aware of the potentially harmful effects of his product and the competent authority to ensure public access to the list of authorized products;
- establish the conditions for carrying out the activities of importing, repackaging, importing, distributing and using plant protection products, in particular by justifying the availability of premises that meet the safety and health standards laid down in the regulations in force and the justification of the actual employment of persons holding an individual certificate issued at the end of training adapted to the activity requested or in view of the candidate's diploma;
- strengthen the control of trade in plant protection products in order to ensure compliance with the provisions of the law, traceability of these products from their importation or manufacture until their use;
- incorporate the settlement procedure into this law which will be applicable only for offenses punishable only by the payment of a fine.

The persons carrying out the activities provided for in this draft law and those having the approvals or sales authorizations granted under Law 42-95 have the deadlines set in this draft law to comply with the new provisions. . The active substances, safeners and synergists included in plant protection products and adjuvants approved or authorized under the aforementioned Law No 42-95 shall be revised in accordance with the provisions of the draft law according to a timetable laid down and made public by the competent authority.