**Replies of the Government of the Republic of Lithuania to the Special Rapporteur on the right of food – Questionnaire on the implications of the widespread use of pesticides on the right of food.**

1. **Please list any laws (both domestic and international) that are being enforced by your Government to regulate the use of pesticides.**

*Legal acts regarding the use of plant protection products are as follows:* Directive 2009/128/EC of the European Parliament and the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides; Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market.

The Law on Plant Protection as last amended on 26 June 2014 No XII-980, approved by the Seimas of Lithuania. This law establishes activities of natural persons and legal persons or other organisations established in the Republic of Lithuania, another Member State of the European Union or the European Economic Area or divisions thereof (hereinafter: 'natural and legal persons') with respect to authorisation of plant protection products, import, transportation, storage, use, placing on the market, and supervision of their activities. The Law on Plant Protection regulates activities related to the authorisation, import, transport, storage, use, placing on the market of plant protection products and supervision of these activities, training system for distributors, consultants and professional users of plant protection products, use of plant protection product application equipment, aerial spraying of plant protection products, information for the public, measures to protect surface water and groundwater from the impact of plant protection products, reduction of the use of plant protection products in specific areas, handling and storage of plant protection products and treatment of their packaging and remains, the concept of integrated pest management.

Detailed requirements for post authorisation control of plant protection products are set in the national legislation. Rules on import, transport, storage, use and marketing of plant protection products approved by Order No 3D-564 of the Minister of Agriculture of 30 December 2003, as last amended 20 April 2016. The afore-mentioned rules regulate activities related to the import, transport, storage, use of plant protection products and their placing on the market in order to protect human and animal health and environment. Storage and handling of plant protection products, disposal of tank mixtures remaining, cleaning of the equipment are regulated by the same rules.

Plant Protection Plan approved by Order No 3D-535 of the Minister of Agriculture of 29 June 2012 establishes the sustainable, rational, safe and responsible use of plant protection products.

Rules on plant protection product application equipmentapproved by Order No 3D-620 of the Minister of Agriculture of 26 July 2012 establishes the requirements for the inspection of application equipment.

In addition to special requirements for plant protection product authorisation as described, all plant protection products placed on the market must be classified, labelled and packed with respect to the requirements set in Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (hereinafter – CLP Regulation) which is binding in its entirety and is directly applicable in Lithuania. Criteria for classification and labelling has been developed taking into account the Globally Harmonised System for Classification and Labelling of Chemicals (GHS) within United Nations system. Active substances of plant protection products are subject to harmonized classification and labelling as defined in the Article 36 of CLP Regulation.

Lithuania ratified the Stockholm Convention on 10 October 2006 by issuing the Law on Ratification of the Stockholm Convention on Persistent Organic Pollutants (hereinafter – POPs) (No X-842 adopted by the Parliament on 10.10.2006).

Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC (hereinafter – POPs Regulation) prohibits the production, placing on the market (including import) and use of polychlorinated biphenyls (hereinafter – PCBs) whether on their own, in preparations or as constituents of articles, and sets out the obligations for dealing with waste containing, consisting of or contaminating with PCBs. An exemption is set for a substance used for laboratory-scale research or as a reference standard or a substance occurring as an unintentional trace contaminant in substances, preparations or articles.

In accordance with Article 7 of the Stockholm Convention and Article 8 of the POPs Regulation, Lithuania has developed the National Implementation Plan on Persistent Organic Pollutants for 2011-2017 (hereinafter – NIP) (approved by Resolution No 315 of the Government on 02-03-2011). The first NIP was developed in 2006 and submitted to the Stockholm Secretariat on 6 April 2007. NIP describes the existing situation of the initial POPs including PCBs management in Lithuania, provides for measures aiming at reducing the release of POPs into the environment, presents the Programme of Management of Persistent Organic Pollutants for 2006-2015, as well as the action plan. The NIP is currently being revised and updated taking into account the outstanding and emerging tasks, setting measures and actions for the next period.

Export of PCBs is banned with consistency to the Rotterdam Convention and the Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (hereinafter – PIC Regulation).

Lithuania ratified the Rotterdam Convention in 2003 by issuing the Law on Ratification of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (No IX-1898 adopted by the Parliament on 16.12.2003). The Rotterdam Convention is implemented by the PIC Regulation.

The reduction of pollution in the Baltic Sea is one of the main areas of cooperation performed, *inter alia,* through the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area (hereinafter – HELCOM). Lithuania ratified this Convention in 1997. The overall HELCOM goal concerning hazardous substances is to achieve that the life in the Baltic Sea would be undisturbed by hazardous substances. In 2007, all the coastal states adopted the Baltic Sea Action Plan, an ambitious programme to restore the good ecological status of the Baltic marine environment by 2021. In order to address specific sources of hazardous substances, and to reach the goal of life in the Baltic Sea undisturbed by hazardous substances, HELCOM adopted Recommendations. These Recommendations related in particular to pesticides: -HELCOM Recommendation 25/3 adopted 2 March 2004 having regard to Article 20, Paragraph 1 b) of the Helsinki Convention 1992 Reduction of Nutrients and other Pollutants Leaching from Forestry land; -HELCOM Recommendation 23/10 adopted 6 March 2002 having regard to Article 20, Paragraph 1 b) of the Helsinki Convention Reduction of Discharges and Emissions from Production and Formulation of Pesticides; -HELCOM Recommendation 20/2 adopted 23 March 1999 having regard to Article 13, Paragraph b) of the Helsinki Convention 1974 approval of Pesticides (“plant protection products”) for Use in the Catchment Area of the Baltic Sea. HELCOM Recommendations are being implemented nationally through the relevant national regulations.

1. **The use of pesticides has had detrimental effects not only on the environment but also on human health, both from direct and indirect exposure. What are the successful and unsuccessful measures taken by your Government to prohibit, ban, restrict and phase out pesticides that are harmful to human health?**

The rules for the withdrawal of or amendment to an authorisation of plant protection product is set in Articles 44-45 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council directives 79/117/EEC and 91/414/EEC.

The State Plant Service under the Ministry of Agriculture has neither granted authorisation, nor renewed authorisation or withdrawn authorisation of plant protection products containing unacceptable co-formulant.

Article 5 of the Law on Plant Protection (No I-1069 adopted by the Parliament of the Republic of Lithuania on 19 October 1995, last amended on 26 June 2014) sets down the rules for the suspension and withdrawal of plant protection products permits for placing on the market plant protection products.

Article 7 of the above-mentioned Law sets down the rules for the suspension and withdrawal of plant protection product permits for the import from non-European and non-European Economic Area countries.

According the Rules on the import, transport, storage, use and marketing of plant protection products, in cases when the plant protection product is unregistered or counterfeited, the State Plant Service takes a decision to stop the supply to the market. If the plant protection product is unregistered in Lithuania, the distributor, user or retailer must export the plant protection product from Lithuania within 10 days and to adduce the necessary documents to the State Plant Service. If the plant protection product is counterfeited, the distributor, user or retailer must destroy it and adduce documents within 10 days to the State Plant Service.

During inspection in 2016, the State Plant Service found 272 kg of the plant protection product Ergon with expired date and the pesticide was withdrawn from the market. The supplier adduced documents to the State Plant Service indicating that the plant protection products were exported from Lithuania.

There are mechanisms in place concerning emergency action and safeguard clauses. The Law on Chemical Substances and Preparations (No VIII-1641 adopted by the Parliament of the Republic of Lithuania on 18.4.2000, as last amended 25.6.2015) and certain sector specific legislation sets the provisions to take an emergency action when needed. If there are any newly obtained results of particular chemical substances and preparations, including pesticides, from epidemiological investigations or risk assessment analysis that confirms risks to the human health and the environment, as set in Article 17 the Law on Chemical Substances and Preparations, then these substances and preparations may be subject to temporary measures until the decision to change their classification and labelling or restrict the placement on the market for the particular chemical substance or preparation. Article 18 of this Law sets that manufacturers, importers, distributors, downstream users who were placing dangerous substances and preparations on the market have to withdraw this substance and ensure that the withdrawal from the market will have no effects on human health or the environment.

Article 5 of the Law on Plant Protection (No I-1069 adopted by the Parliament of the Republic of Lithuania on 19.10.1995 lastly amended on 26.6.2014) sets down the rules for the suspension and withdrawal of plant protection products permits for placing plant protection products on the market. Article 7 of this Law sets down the rules for the suspension and withdrawal of plant protection products permits for import from non-European and non-European Economic Area countries.

The rules for the withdrawal or amendment of plant protection products authorisation is set in the article 44 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council directives 79/117/EEC and 91/414/EEC.

On the other hand, the mechanism for industry to appeal decision made the authorities is set. The Law on Public administration (No VIII-1234 adopted by the Parliament of the Republic of Lithuania on 17.6.1999, as last amended on 23.12.2010) and certain sector specific legislation sets the provisions to ensure possibility of appeal when needed and set the mechanism for the stakeholders to seek for the reconsideration of the decision taken by authorities. The industry may appeal against the decisions of the Lithuanian authorities to regional administrative courts and the Supreme Administrative Court under the Article 36 of the Law on public administration. Before applying to an administrative court, individual legal acts or actions taken by entities of public administration provided by law may be disputed in the pre-trial procedure. In this case disputes are investigated by municipal public administrative dispute commissions, district administrative dispute commissions and the Chief Administrative Dispute Commission.

1. **Some particularly exposed or vulnerable groups as children, pregnant woman, farmers, farm workers, indigenous peoples and migrant workers are at greater risk to the effects of pesticides due to higher exposure or increased sensitivity. Please explain the efforts undertaken by your Government to prevent and mitigate detrimental impacts of pesticides on the health of these vulnerable groups.**

According the Law on Plant Protection all plant protection products use restrictions are listed in Article 12: It shall be prohibited to use plant protection products intended for professional use on school grounds or healthcare facilities; It shall be allowed to use plant protection products containing low-risk active substances, as defined in paragraph 5 of Annex II to Regulation (EC) No 1107/2009, on sports and recreational grounds; Natural persons may enter the areas treated with plant protection products only after the expiry of the time limit indicated on the label of a plant protection product.

According the Rules on the import, transport, storage, use and marketing of plant protection products professional and non-professional users must use plant protection products in order to avoid drift fall on neighbouring plots. In 2016 the State Plant Service found 19 violations when drift fell on neighboring plots.

It is forbidden to spray flowering plants which are pollinated by bees between 4 a.m. and 21 p.m. In 2015 the State Plant Service found 13 cases when the spraying of flowering plants which are pollinated by bees was performed between 4 a.m. and 21 p.m.

After the treatment with plant protection products the greenhouses should be locked and marked with warning signs.

In 2015 the State Plant Service received 65 complaints on the use of plant protection products. The most common causes were the drift onto the neighbouring plots, incorrect use of plant protection products and death of bees.

1. **Have any studies been conducted with the support of your Government using disaggregated data to differentiate and detect impact on above mentioned vulnerable groups?**

In the framework of the regional cooperation on POPs and the Stockholm Convention on Persistent Organic Pollutants implementation, the survey on POPs in human breast milk was initiated. Lithuania, while being involved in the World Health Organisation’s (hereinafter – WHO), coordinated a survey on these activities. Lithuania participated in the survey in 1992–1993, 2008–2009 and 2013–2014. The WHO, together with the United Nations Environment Programme (UNEP), conducted the latter two surveys by implementing the Global Monitoring Plan for POPs under the Stockholm Convention.

Lithuania is involved in the monitoring network of ambient air by passive sampling, MONET Europe (formerly MONET CEE), since 2006 by implementing the Stockholm Convention.

Among other activities, it should be mentioned that, since 2015, Lithuania has been participating in the COFUND-EJP COFUND (European Joint Programme) action: ‘The European Human Biomonitoring Initiative – SC1-PM-05-2016’ (EHBMI). The EHBMI aims to establish a European Joint Programme for monitoring human exposure to chemicals and to assess the potential resulting health effects, in particular to harmonize existing nationally collected data on population exposure, to establish a harmonized European human biomonitoring procedure and to fill existing data gaps.

1. **Considering the States have an obligation to implement the right to information on hazardous substances, please give examples of your Government has ensured that pesticides users and consumers are informed of the hazards and risks of pesticides used in food production?**

The State Plant Service regularly updates information regarding the hazards and risks of pesticides on the website and in the press. According to EU monitoring, in 2016 the State Plant Service paid particular attention to the use of plant protection products containing glyphosate. In 2016 the State Plant Service carried out inspections in 408 municipalities to check if farmers used plant protection products containing glyphosate in compliance with the label requirements – the correct application rate, spraying time and period before harvest.

Under EU requirements, in August 2016 authorisations of 17 plant protection products containing active substance glyphosate and tallow amines were withdrawn in Lithuania. The information on the withdrawal of above mentioned plant protection products was published on the website of the State Plant Service. The news circulated in both the national and regional press.

There are different types of training for plant protection product users in Lithuania. Training for professional plant protection product users, distributors and advisors. These trainings consist of initial and additional training course and provision of the information about the hazards and risks of pesticides.

As set in the Title IV of the Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the registration, evaluation, authorisation and restriction of chemicals, establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (hereinafter – REACH Regulation) and in the Title III of the CLP Regulation, labels and safety data sheets (hereinafter – SDS) are the two main instruments to communicate the hazards of chemical substances and mixtures to the end users and the public.

The label is a tool for communication to consumers; it also serves to draw the attention of workers to the more comprehensive information on substances or mixtures provided in SDS. All hazardous substances registered under REACH are supplied with a SDS ensuring that suppliers communicate enough information along the supply chain to allow safe use of their substances and mixtures. SDS include information about the properties of the substance (or mixture), its hazards and instructions for handling, disposal and transport and also first-aid, fire-fighting and exposure control measures. Under certain conditions, described in the article 32 of REACH Regulation some mixtures, which do not meet the criteria for classification as dangerous or hazardous, also require a SDS.

Environmental Protection Agency runs national helpdesk helping stakeholders to understand and to comply with their obligations under REACH and CLP Regulations and organizes seminars and awareness rising campaigns within different stakeholders. In 2016 booklets and other information materials were published for distribution to the public, raise knowledge in recognition of CLP pictograms and understand labels of hazardous chemical substances and mixtures in general.

The awareness raising is a part of NIP also. The awareness campaigns, development and distribution of various publications dedicated for different interest groups (for the public, potential possessors of equipment polluted with PCB, specialists of enforcement/control institutions) are being conducted.

In addition to the work done by state authorities, the Baltic Environmental Forum (hereinafter – BEF), a non-governmental, non-profit organisation, founded in 1995 by the Baltic Ministries of the Environment, Germany and the European Commission as a technical assistance project aimed at strengthening the cooperation between the various Baltic environmental authorities (state authorities, industry, trade, NGOs and consumers), conducts continuous awareness and knowledge-raising, know-how exchange and capacity-building within the field of chemicals risk management. The BEF has already implemented 15 projects related to chemicals in general, such as the Baltic Info Campaign on Hazardous Substances (BaltInfoHaz); the Baltic Actions for Reduction of Pollution of the Baltic Sea from Priority Hazardous Substances (BaltActHaz); Control of Hazardous Substances in the Baltic Sea Region (COHIBA); and Screening of Hazardous Substances in the Aquatic Environment of Lithuania. Currently, the BEF is implementing two international projects: Baltic Pilot Cases on the Reduction of Emissions by Substitution of Hazardous Chemicals and Resource Efficiency (LIFEFitForREACH) and Innovative Management Solutions for Minimizing Emissions of Hazardous Substances from Urban Areas in the Baltic Sea Region (R10 NonHazCity). The activities of above-mentioned past and ongoing projects were/are aimed at: 1) identifying the occurrence of the hazardous substances; 2) proposing substitution or ceasing measures; 3) improving the permitting quality, with regard to concrete actions regarding chemical substances; 4) proposing hazardous substance monitoring activities for environmental monitoring programmes; 5) training competent authorities and industrial enterprises on proper chemicals management; 6) raising awareness of various stakeholders on chemicals’ hazards for the environment and health; 7) possible reduction measures through specific researches, multi-stakeholders workshops, specific meetings, trainings and publications (brochures, handbooks). These projects are not directly linked with exposure of pesticides, but contribute to the awareness rising about chemical hazards in general.

1. **Please give any good practices that your Government has initiated to assess, monitor, prevent and mitigate the risks of exposure to hazardous pesticides and what further efforts could be undertaken?**

The State Plant Service is a competent authority for the post-authorization control of plant protection products in Lithuania.

Professional users of plant protection products are required to have a certificate that would allow buying, selling or using pesticides. These users are also trained by the competent authorities in order to be informed about the risk of plant protection products and the impact on human health and the environment.

Under the Law on Plant Protection, all professional users must satisfy the requirements for transportation, storage, use of plant protection products set in the Rules for the Import, Transportation, Storage, Use, and Placing on the Market of Plant Protection Products. In addition, professional users must comply with legal acts regulating requirements for protection zones of ground water as well as surface water, legal regime of sanitary protection areas, as well as environmental protection requirements set in laws and other legal acts, also implement risk management tools specified on the label of plant protection products. Professional users are controlled whether they use inspected application equipment.

The State Plant Service has an annual plan for inspections of plant protection products at stores, marketplaces and farms. The annual plan is based on risk assessment. In 2015 the State Plant Service carried out 3369 inspections. There are two types of inspections: scheduled and non-scheduled. Scheduled inspections on marketing, packaging, labelling, storage and use of plant protection products are implemented according to the annual inspection plan. Non-scheduled inspections are carried out following complaints or information received. In 2015 the State Plant Service had 2575 inspections of use, 474 inspections of marketing, packaging and labelling, 320 inspections of storage.

Measures on POPs *inter alia* PCBs monitoring in order to receive relevant information on presence of these substances in the environmental compartments, biota and food are foreseen in NIP. In Lithuania PCBs are being monitored in rivers, lakes, the Baltic Sea and Curonian Lagoon in accordance with national environmental monitoring programme. The monitoring of PCBs is being performed in surface waters, sediments and biota. Levels of PCBs in the ambient air are being observed by Lithuanian Environmental Protection Agency participation in the monitoring network of ambient air by passive sampling MONET Europe. Moreover, the monitoring of food and feedstuff contamination by certain type of contaminants (including PCBs) is being performed.

1. **Gaps and weaknesses in international and national regulatory systems allow the use of pesticides that are unsafe, even used legally and per instruction, on the market. Please provide examples of good practices initiated by your Government in building effective protection frameworks governing the production and use of pesticides.**

According to Article 53(1) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, the State Plant Service in special circumstances provides a permit to place the neonicotinoid seed treatment on the market for a period not exceeding 120 days for limited and controlled use. The State Plant Service additionally monitored whether farmers complied with the requirements to mark the fields Modesto and Cruiser OSR neonicotinoid seed treatment on the website which informed beekeepers about the fields of summer rape that were sowed with neonicotinoid seed treatment. The beekeepers could see it in the maps whether their bees are affected by neonicotinoid seed treatment, respond to it and resettle hives to another field. The State Plant Service did 110 checks during the spring-summer period of 2016.

There is no regulation on counterfeited pesticides on international level.

Lithuania deals with unregistered pesticides from non-EU countries.

1. **Please provide examples of efforts supported by your Government to reduce the use of pesticides in agricultural food production, including by incentivising ecological methods of pest control and agro-ecology (including training programmes, provision of financial support, etc.) Please indicate how successful and how widely implemented such efforts have been to date**.

To establish the sustainable, rational, safe and responsible use of plant protection products, Lithuania has developed the plant protection plan to comply with Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009. The aim of this plan is to promote the well targeted and cost efficient use of plant protection products, to ensure food safety and sustainable agricultural development, to protect human health and the environment from the risks related the use of the plant protection products, to improve information and public awareness of the issues related to the sustainable use of plant protection products, to ensure education and training for distributors, advisors, users of plant protection products, and to promote the application of integrated harmful organism management and the use of non-chemical substances.

The State Plant Service has compiled and approved a questionnaire to collect information on the ongoing integrated pest management situation in Lithuania. In 2015 were received 2077 completed questionnaires. The analysis of the questionnaires shows that around a half of all the farmers fulfil the requirements of integrated pest management in Lithuania.

According to the Law on Plant Protection, the Lithuanian Agricultural Advisory Service is a competent authority for consultations for plant protection product users on monitoring and forecasting of plant pests and diseases. There is a platform of integrated plant protection information (IKMIS), consulting and training where plant protection product users can access information about the dynamics of disease, pest and weed spreading, interactive consultations regarding the application of plant protection products and integrated plant protection and also remote education for farmers, forest owners, agricultural specialists and advisors using the internet.

Questions related the integrated pest management, ecological methods of pest control, agro-ecology are included in the training programmes for professional users. The specialists and regional inspectors of the State Plant Service consults farmers and pesticide users regarding ecological methods of pest control.

1. **Please share any information regarding court decisions or on-going litigation in relation to the detrimental effects of pesticides, in particular in relation to the right to food.**

In the several recent years the State Plant Service has not been involved in any litigation or court decisions in relation to the detrimental effects of pesticides, in particular to the right to food.

1. **Please provide any additional information you believe would be useful to understand the challenges confronting your Government in its efforts to prevent and mitigate adverse impacts of pesticides on human health, the right to food and the environment.**

The main challenge is to raise the consciousness of the farmers that pesticides must be used according to the label requirements. The inspectors of the State Plant Service also do precautionary work and consult farmers about different aspects of the sustainable use of pesticides.

The State Food and Veterinary Service is a competent authority for the national food safety control in Lithuania. It performs laboratory tests to find pesticide residues in food and feed. If the residues are found in the food and feed, the products must be withdrawn from the market.

The seaport of Klaipėda is one of the largest ports in eastern Baltics. A great number of plant protection products shipped from third countries with the final destination to non EU countriesare passing in transit via Lithuania. The import of unregistered or counterfeited plant protection products coming in transit could be a challenge to Lithuania.