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Unprovided use: a legal framework to cope with the situation

Unprovided use represents a widespread problem/ challenge for many fruit and vegetable crops worldwide. It poses several obstacles for stakeholders across the chain such as a distortion of competition among growers, trade being hindered, retailers facing difficulties to secure their supply, credibility and efficiency of legislation, integrity of scheme certifying Good Agriculture Practice (GAP) being also at stake. Failing to adopt a swift and workable solution, it could impair the implementation of much desired IPM practice or limit the development of organic crop protection and even “best practice”.

Crops without protection (unprovided use/minor use/speciality crop) are today recognized internationally as a priority topic which should require a solution. Off label procedure or similar could be part of this process. Emphasis on such a scheme is already recognized at the highest level: FAO summit, IR4 scheme in the USA, EU Regulation 1107/2009 (Article 51),..

On this basis and to move forward, the GLOBALG.A.P Crop Protection Working Group (CPWG) – with the support and commitment of its suppliers - have elaborated an international proposal for a provisional, practical, responsible and transparent procedure, allowing a use upon the liability of the person using the plant protection product with respect to failures concerning the efficacy or to phytotoxicity of the product for which the use is granted when:

An application for the use on this crop and for this particular pest/disease is pending

- and the use is authorized in another country for the same crop and same pest/disease or the use is authorized in the same country for a similar crop or/and similar pest/disease
- and there is not active restriction by local government
- and the MRL or import tolerance of the country of destination (COD) is met
- and the customer is aware of the situation

The above guidelines should serve as a basis for the implementation of an ad hoc off label procedure worldwide by public authorities in close coordination with stakeholders of the supply chain and GAP scheme holders and their certifiers .

A platform to gain momentum for the presentation of this proposal is the GlobalGAP summit on 7 October 2010 in London. Public authorities around the world should be urged to take action for the validation and implementation of such a procedure.

More background information and case study are to be found in the enclosed PowerPoint.

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