

COM (2002) 349:

Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee towards a thematic strategy on the sustainable use of pesticides

– **Statement by Deutsche Bahn AG** –

On 01.07.2002, the EU Commission published a communication paper entitled "Towards a thematic Strategy for the Sustainable Use of pesticides" - COM (2002) 349. **Subject of the EU Commission Communication**

In addition to existing legislation such as Directive 91/414/EEC, the Commission believes there is considerable need for amendment in connection with the use of pesticides. The principle fields of application for plant protection products (PPPs) are stipulated as agriculture, landscape gardening and along traffic routes.

The aim of the Commission is to reduce the impact of pesticides on human health and the environment, and to achieve the "sustainable use of pesticides", in particular

- Minimising the dangers and risks arising from the use of pesticides
- Improving surveillance of applications
- Reducing the quantities of harmful active agents
- Promoting the use of low-pesticide or pesticide-free methods
- Introduction of a transparent reporting system

The aim is to include manufacturers, dealers and users of pesticides on equal terms in the discussion process sought by the Commission. **Effects on DB AG**

The use of pesticides along traffic routes in Germany refers only to railway lines, as no other traffic operators use herbicides (as one group of pesticides). In its capacity as user of herbicides, DB is thus directly affected by the contents of the paper.

In the railway sector, herbicides are used exclusively for the purpose of vegetation control in the immediate track area, so that the following remarks refer only to that field of application.

DB endorses the fundamental aim of the communication paper. Some of the instruments proposed by the Commission are already at the development stage or are in fact already practised by Deutsche Bahn.

## Position of DB AG

In the past, DB has already conducted extensive studies on the impact of herbicide use along railway lines on groundwater and on the potential application of non-chemical methods of vegetation control. The findings of these studies reveal that

## Initiatives of DB AG

- provided that the approved herbicides are used correctly, there is no risk of groundwater pollution
- the existing non-chemical methods of vegetation control are suitable only for selective use in specific areas owing to their technical-operational parameters.

Deutsche Bahn has accordingly developed an overall vegetation control concept which is backed by EDP instruments. This IT-assisted management system will further improve herbicide application practice and reduce the quantities used to the necessary minimum. At the same time, it will create a transparent and auditable system, which permits qualitative and quantitative documentation of the individual process stages from establishing the initial state, to planning and implementation, through to acceptance of the work performed.

These developments by DB emphasise that on the one hand, chemical vegetation control has to be continued as a maintenance procedure for the track area, because there is as yet no alternative to that method. It should be noted that the pesticide quantity introduced by DB accounts for only a minimal share of the total volume of pesticides introduced in the EU.

## Conclusion

The following refers to the proposals set forth in Chapter VI. of the discussion paper "Potential Elements of a European thematic Strategy for the Environmentally-Compatible Use of Pesticides", which must be rated as critical from the DB viewpoint:

Chap. VI. 1. b. 2.:

*In the interests of better protection of these areas (in this case NATURA 2000) the Commission proposes how a reduction can be achieved in the overall quantities of PPPs used and the designation of areas in which no PPPs whatsoever can be used.*

**Reduction on PPPs use**

Any expansion of areas in which a ban is to be issued on the use of herbicides has to be rejected.

**Position of DB AG**

Such a measure would mean that an increasing number of route sections could no longer be treated. That is not practicable for reasons of safety, operations technology and on economic grounds (see following section for further details).

Chap. VI. 3.:

*The Commission proposes the amendment of Directive 91/414/EEC to include inter alia the substitution principle. The Commission itself will investigate the feasibility and possible instruments for practical implementation. (...)*

**Inclusion of the substitution principles**

In view of the findings of the aforesaid studies, the substitution principle proposed by the Commission is unrealistic for railway lines:

**Position of DB AG**

compared with chemical vegetation control using herbicides, the currently available non-chemical methods have substantial disadvantages in terms of their potential for universal application, their efficiency and working speed. Large-scale application is consequently impossible for technical-operational reasons alone.

The track occupations required by these methods, which would moreover have to be repeated several times a year, would require excessively long possessions. As a consequence, apart from the costs of these methods, which are already high (up to factor 10 per application compared with chemical vegetation control), further costs

would also result from frequent use of train paths.

For safety reasons, marginal yield considerations as practised by agriculture are out of the question for the railway.

If the railway were to dispense entirely with vegetation control, problems would rapidly be encountered in the area of occupational safety and fire protection.

Over the medium to long term, it would also reduce the useful life of the track infrastructure, which would in turn require substantially higher investments; this does not take into consideration the lower availability factor of the track infrastructure, owing to the need for more frequent construction work along the route network and consequently loss of revenues from train path rental.

Chap. VI. 4. c.:

*On the basis of previous experience, the Commission does not at present propose a fully developed EU-wide regulation for the taxation of PPPs which reflects the actual, marginal external effects. (...) In the Commission's opinion, on the introduction of any such tax, the Member States should be encouraged to effect a differentiation which does justice to the general principles of the EC Treaty and its specific environmental aspects. Such a tax should offer sufficient incentive for pesticide users to opt for the use of pesticides which cause less environmental damage, bearing in mind the situation in the Member State concerned, and should contribute at least in part to internalisation of the external effects of the use of PPPs. (...)*

**Restrain of the Commission towards PPPs taxation**

The reservations of the Commission with regard to the taxation of PPPs is welcomed, as Deutsche Bahn rejects such an instrument.

Implementation of the foregoing proposal would lead to a substantial increase in the cost of chemical vegetation control, the only practicable method for use in track areas, and thus to an increase in maintenance costs as a whole. In view of its special situation in the "small market", DB already pays considerably higher prices for its track herbicides than are demanded for other comparable products in other fields of application.

**Position of DB AG**

Moreover, it is evident from the remarks in the discussion paper (see Chap. III. 2.4.), that the above instrument in general does not appear to be particularly effective, as demonstrated by examples from Denmark and Sweden.

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