



Pesticide newsletter

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Jurisdictional news



France: Council of State wants to end the legal drama of anti-pesticide orders

In two decisions handed down on December 31, 2020, the Council of State responded to the anti-pesticide orders issued by various mayors in France and thus established its position on the competence of municipalities to set and restrict the conditions of use of these products. Thus, in judging the cases relating to the orders taken by the mayors of [Gennevilliers](#) and [Arcueil](#), the judge refuted the competence of the mayors in this matter.

More than a hundred mayors of French municipalities have adopted orders prohibiting or limiting the use of pesticides in their municipalities. The prefects have systematically requested the suspension and cancellation of these orders, arguing that these decisions are the responsibility of the Minister of Agriculture and not of the mayor.

The Council therefore validates the incompetence of mayors and seems to close the legal drama of anti-pesticide mayors. Nevertheless, in a decision dated March 11, 2021, the administrative court of Montreuil [referred](#) to the Council of State a Priority Question of Constitutionality (*Question Prioritaire de Constitutionnalité* - QPC) on the ban on glyphosate and pesticides in his municipality, raised by the mayor of Epinay-Sur-Seine, and postponed its ruling on the referral introduced by the prefect of Seine-Saint-Denis, until the Council of State's decision has been received or, if the matter has been referred to it, until the Constitutional Council has ruled on the question of constitutionality thus raised.

In addition, other communes are issuing new orders to ban pesticides, applying the mayor's powers over waste management, considering that pesticides found outside their area of use should be considered as waste. The municipality of *La Montagne* issued such an order on January 16, 2021, followed by Grenoble, then a dozen cities in the *Ile-de-France* region.

On March 1, the Prefect of Loire-Atlantique filed a petition for suspension of the *La Montagne* order on the basis of the same argument of the respective police powers of the mayors and the government, and on March 5, the administrative court [rejected](#) the petition for suspension.

This is a very strong encouragement for all mayors who seek to protect their constituents from exposure to toxic pollutants.

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