



Newsletter about Pesticides N°9 – September 2022

Jurisdictional News



Italy: Victory for freedom of expression in a SLAPP

Following a referendum in 2014, the municipality of Mals, in the Italian autonomous province of Bolzano, known as Alto Adige or South Tyrol, became the first municipality in Europe without pesticides. The municipal decree limiting the use of pesticides in the municipality of Mals has been the subject of numerous attacks, including legal ones, from the provincial government and the farming community. The region uses pesticides massively for its agricultural production.

In the summer of 2017, the German non-governmental organization *Umweltinstitut München*, Munich Institute for the Environment, began a

[campaign](#) "*Pestizid Tirol*", with the aim of drawing the attention of the general public to the excessive and dangerous use of pesticides on fruit plantations, especially apple orchards, in the Italian province of Bolzano. On this occasion, the association is distributing a satirical poster hijacking a tourism marketing campaign for the region and for the *SüdTyrol* brand.

The government of South Tyrol, represented by **Arnold Schuler**, its regional agricultural adviser, and the local fruit lobby filed a [criminal complaint](#) against **Karl Bär**, then political adviser to the Munich Environmental Institute, for defamation of South Tyrolean agriculture and trademark infringement.

Alexander Schiebel, Austrian author of the book *Das Wunder von Mals* (The Miracle of Mals), was also attacked, accused of defamation for a passage of this book criticizing the overuse of pesticides in the region and the behavior of local fruit farmers.

The Munich Environmental Institute criticizes **Arnold Schuler** for not engaging in dialogue and for taking legal action instead, convincing more than 1,300 tree growers in the region to join his complaint. This type of action, which is frequently denounced, is known as SLAPP (strategic lawsuit against public participation). These are complaints or threats of complaints, abusive or unfounded, made for the purpose of intimidation to prevent public participation activities. These actions are often carried out by powerful organizations to intimidate activists and journalists who communicate with the general public on sensitive issues. In 2022, the Council of Europe [described](#) these complaints as abusive and an attack on the fundamental freedom of expression and the right to information.

Public involvement played a key role in the outcome of this case, thanks to the Institute, which made the existence of this SLAPP widely known. Public protests from all over Europe prompted **Arnold Schuler** to withdraw his complaints, and in January 2022, all the farmers' complaints were also withdrawn. The charge of defamation was therefore dropped, but the trademark infringement is prosecuted ex officio, i.e. even in the absence of a plaintiff.

On the last day of the trial, the prosecutor requested a change of the trademark infringement charge to defamation, which was accepted by the court, rendering the trademark infringement charge null and void and resulting in an immediate acquittal of **Karl Bär**, **Alexander Schiebel** and the Munich Environment Institute.

In the face of the permanent increase in the practice of SLAPPs in Europe, this [victory](#) is good news for the environment and for freedom of expression. It contrasts with the French judge's [decision](#) to award €125,000 in damages to the powerful CIVB (interprofessional council of Bordeaux wines) to the prejudice of

the small association Alerte aux Toxiques, which denounced the pesticide residues found in HVE (high environmental value) labeled wines.

If you have made it this far, can you make one more small effort to allow us to continue this work of investigation and information to help the victims of pesticides?

Justice Pesticides needs you.

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