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Bee Emergency Call: Hearing at European Court of Justice on Bayer/Syngenta vs. European Commission on the neonicotinoids ban. In the meantime, the ban is flouted as countries exploit legal loophole...

Today (15 January) and tomorrow, Luxembourg will be the field of a battle opposing Bayer and Syngenta against the European Commission on the 2013 ban on neonicotinoids. The pesticide companies are attacking the decision from the Commission to protect bees by restricting the uses of imidacloprid, clothianidin and thiamethoxam. Despite the piles of independent studies proving the harm these substances (and others) pose to bees, the 2 companies try to convince the Court that their substances are harmless and that the European Commission was wrong in banning them.

In the meantime, EU countries are ignoring the ban on bee-harming pesticides and continuing to use them in an illegal way across Europe. The Commission has the power to curb this alarming trend, but is doing nothing to stop it.

Bee Emergency Call is a new analysis by ClientEarth, PAN Europe and Bee Life which shows that since the ban on four pesticides – of which three are neonicotinoids – began in 2013, 62 exceptions have been granted, exploiting a major loophole in the law.

Member States are making derogations to the ban on neonicotinoids through article 53 of the pesticide regulation. As explained in the report, in some countries like Romania, there has been virtually no ban on neonicotinoids as the country has been repeatedly abusing this 'emergency authorisation' possibility, not respecting the law.

ClientEarth lawyer Dominique Doyle said: "There is no excuse to continue using neonicotinoids, and in many cases, applicants don't even bother to provide one. The Commission is turning a blind eye to industry influence, by accepting applications from, or backed by, Bayer, Syngenta and other pesticides manufacturers. Bayer, Syngenta and BASF are at the same time challenging Commission decisions to ban the bee-harming pesticides in EU Court. In granting wide-scale requests which breach EU law, it makes a mockery of Europe's ban on bee-harming pesticides."

Over 80% of the applications for derogations were also made by, or with participation from, industry. This is expressly forbidden by the Commission, which said applications can only be made in the interests of agriculture, environment or government, and must not be made to satisfy industry's financial interests.

Special permission to use the pesticides – widely thought responsible for causing honey bee colonies to collapse – should be granted only in exceptional circumstances.

In the vast majority of cases, EU countries did not properly justify their use of the banned pesticides, but the Commission ignored these abuses.

PAN Europe pollinator expert Martin Dermine said: “EU countries are exploiting the emergency exception rule to circumvent pesticide bans and maintain a model of agriculture that is outdated: high-polluting, low efficiency and low quality.

“It is also unacceptable that 44% of the requests are made by the pesticide industry alone, and that national governments accept them.”

The Commission must significantly strengthen the law and put in place strict rules to avoid the current systematic abuses by EU countries. This will protect bees and support the EU’s goal of more environmentally friendly farming.

Francesco Panella, President of Bee Life, added: “In some of the countries still allowing neonicotinoids, our colleague beekeepers experienced exactly the same disaster as we did in France, Italy or Germany in the 90’s and 2000’s. Decision makers learnt nothing from past experiences. Beekeepers, once again, suffered the consequences. There was no safe use of neonicotinoids and there will never be.”

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