



Brussels, 9 January 2024

**European Commission
Ms. Claire Bury
Directorate-General for Health and
Food Safety
B-1049 Brussels
Belgium**

Subject: derogation on banned substances imidacloprid and thiamethoxam still in force in Romania

Dear Ms. Bury,

We are writing to you to express our deepest concerns on the environmental impact regarding the application of two EU-banned neonicotinoid substances, imidacloprid and thiamethoxam. The derogations for their application were granted by the Romanian Ministry of Agriculture on 16 November 2023 as follows:

- derogation 15383/16.11.2023 for a product having imidacloprid as an active substance (https://www.anfdf.ro/central/omologare/temporar/autorizatii/2023/PICUS_600_FS_2024.pdf)
- derogation 15382/16.11.2023 for a product having imidacloprid as an active substance (https://www.anfdf.ro/central/omologare/temporar/autorizatii/2023/NUPRID_AL600FS_2024.pdf)

and

- derogation 1538384/16.11.2023 for a product having thiamethoxam as an active substance (https://www.anfdf.ro/central/omologare/temporar/autorizatii/2023/CRUISER_350_FS_2024.pdf)

The application of pesticides containing the above-mentioned active substances, in the form of coated seeds, will start from 22 January 2024 until 21 May 2024 and is intended for the treatment of sunflower and maize seeds.

In his reply to Romapis' president Dr Ciocan of 19 October 2023, Mr. Berend acknowledged that **the emergency authorisation for the outdoor use of imidacloprid in cereals seems to not be compatible with Article 53 of Regulation (EU) No 1107/2009 as interpreted by the European Court of Justice. In January 2023, the Court of Justice of the EU (CJEU) indeed**

declared that providing derogations for the treatment of seeds with a banned pesticide and their use is not in line with EU law¹. In addition, Mr. Berend stated that the Commission will contact the Romanian authorities and invite them to withdraw these emergency authorisations. In your email of 22 November 2023 you also underlined that, as indicated in Mr Berend's letter, these issues are regularly discussed with Member States in the framework of the meetings of the relevant committees.

We are disappointed to observe that the Romanian authority has not withdrawn the above-mentioned emergency authorisations. Regarding the new derogations, the organisation Romapis wrote to the Romanian Agriculture Ministry on 19 December 2023, asking them to withdraw the authorisation. As the date of applications approaches, we ask you to take a firm approach with Romania, as your past actions seem to be insufficient. This situation is a violation of EU law and case law. As the guardian of the Treaties, the Commission is to take action to ensure that the law is respected, in particular when the CJEU has so clearly clarified that such practices are illegal. Furthermore, a recent IPSOS poll² indicated that more than 78% of Romanians are concerned about the impact of pesticides on the environment, while more than 84% are concerned by their impact on health. As highlighted to the Commission in past letters, PAN Europe has communicated to you that more and more scientific evidence points at the toxicity of neonicotinoids on human health, in particular on neurodevelopment of young children and the unborn.

We ask for your prompt reaction and urge the Romanian Ministry of Agriculture to withdraw the above-mentioned authorisations, or launch an infringement procedure.

Yours sincerely,

Martin Dermine, Executive Director, Pesticide Action Network Europe

Mircea Ciocan, President of ROMAPIS

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62021CJ0162> -

² <https://www.pan-europe.info/resources/reports/2023/10/pesticides-play-it-safe>