



Mr. Frans Timmermans
Executive Vice-President of
the European Commission
EU Green Deal
European Commission
B-1049 Brussels

Brussels, 29 November 2021

Concerning: Bees at risk: abuses on derogations for neonicotinoids

Dear Vice-President Timmermans,

Cc. Commissioner Kyriakides,

In 2018, the European Commission and Member States decided to ban outdoor uses of 3 bee-toxic neonicotinoids. After more than 20 years of fight from beekeepers and environmentalists, it was an important step towards more sustainable farming in the EU. Unfortunately, since then, Member States have provided dozens of derogations to keep using them in agriculture. Over the last years, more and more 120-days derogations, based on article 53 of pesticide regulation 1107/2009/EC, were provided by Member States to use neonicotinoids as a seed treatment for sugar beets.

Following the European Food Safety Authority (EFSA)'s publication¹ of the assessments of emergency authorizations granted by 11 EU Member States to their farmers for the use of neonicotinoid-based insecticides on sugar beet in 2020 and 2021, with which all 17 derogations were deemed scientifically justified by the Authority, we express our deepest concerns regarding the scientific quality of the work.

We consider that the emergency authorizations for these environmentally critical chemicals have not been duly justified by Member States and that this flawed EFSA assessment encourages Member States to go on with derogations under article 53 of the pesticide regulation 1107/2009 for future uses.

The initial assessment mandate from the Commission is erroneously referring to an EFSA protocol developed for another type of derogations: derogations based on Article 4(7) of the pesticide regulation 1107/2009. This protocol is not suited to assess derogations based on article 53. No protocol has been developed to assess derogations based on article 53. It is clear that prior to the authorization of these hazardous chemicals, not all available possibilities to find a satisfactory replacement to the use of these dangerous chemicals have been exhausted, it was not proven by the applicants or the Member States that no available alternative or practice exists so the use of neonicotinoids would therefore be unavoidable, nor all necessary preliminary actions have been taken to justify the authorization of these chemicals.

¹ [EFSA's assessment of emergency authorisations granted by 11 EU Member States for the use of neonicotinoid-based insecticides on sugar beet in 2020 and 2021](#)

In 2018, the EFSA had done a comparable flawed assessment². Following this negative experience, PAN Europe wrote a letter to EFSA's executive director, Bernhard Url on 18 December 2020, pointing out the needed improvements not to repeat the errors from 2018 (Annex I). PAN Europe, as well as the European citizens who gave their support with 1,18 million signatures to the ECI Save Bees and Farmers³, expects from EFSA to conduct unbiased and scientifically supported research, done by experts in relevant fields, i.e. with the agronomical background, and in line with the regulations. We also expect the EFSA to have a critical view of the work of Member States and on the information they provide. In EFSA's last report, no progress is visible in terms of the quality of the scientific assessment yet most of our recommendations were disregarded and EFSA thus produced another report that gives a blank cheque to Member States to abuse the derogations system, hence ruining the Commission's efforts to meet The European Green Deal goals.

The analysis of the report shows that this time again, EFSA based their work on information received from the Member States, while the Member States base their system on the information received from the agricultural sector. Furthermore, when the Member States receive the information from applicants, they do not conduct a proper evaluation, which results in EFSA basing their work on biased inputs. Member States neither did their job nor checked the agronomic rationale behind the derogation requests from the applicants (be them farmers or the industry sector): of true danger to crops for which no efficient alternative exists. Member States abuse the derogation system to maintain EU-banned toxic pesticides on the market for years and now, EFSA justifies their lack of efforts to use available and less harmful alternatives.

From the information PAN Europe collected, there is no agronomic reason to keep using neonicotinoids in sugar beet crops. Non-chemical and chemical alternatives exist and the constant preventative use of neonicotinoids on sugar beets is thus in contradiction with Directive 128/2009 on the sustainable use of pesticides which makes the use of non-chemical alternatives a priority, while chemicals should be used as a last resort. In this case: neonicotinoids are used without even knowing if the pest (aphids) will be present in the field, and without a proper assessment by public authorities on the real necessity of using such pesticides.

For instance, Belgium has provided last year emergency authorizations for the use of spirotetramat and sulfoxaflor to fight aphids on sugar beets as an alternative, and less than 20% of the sugar beet surfaces used the derogation for neonicotinoids-treated seeds. This clearly shows that alternatives exist, that can be used in the frame of Integrated Pest Management.

We consider that the current quality of the work carried out by EFSA does not allow for the Commission to properly assess the validity of the derogations provided. The EFSA has here acted as a simple secretariat, not a scientific agency, and has relied on a flawed protocol, basing its work on the sole information provided by Member States, without any proper investigation. We respectfully ask you to send a new mandate to EFSA, asking them to run a new and scientific assessment, not based on the protocol for article 4(7) of regulation 1107/2009. In particular, we would make the following requests to EFSA:

1. EFSA must focus on the scientific evidence behind the notion of "emergency". The demonstration should be made that the harm caused by the pest is leading to major yield

²<https://www.pan-europe.info/press-releases/2018/06/efsa-shows-its-scientific-limits-providing-low-quality-assessment-national>

³ www.savebeesandfarmers.eu

losses and that the available alternatives are not efficient, including non-chemical alternatives. From the information we have, Member States generally do not carry out a proper risk assessment on the derogation requests and act as a secretariat only notifying the requests to the Commission.

2. Assess the available alternatives to the use of neonicotinoids in seed treatment to fight the pests (in this case, aphids). Indeed, Member States could provide derogations to alternatives that are more compatible with Integrated Pest Management (thus more in line with the Sustainable Use of Pesticides Directive 128/2009) and that are not, contrary to neonicotinoids, banned for environmental reasons. We nevertheless see in application dossiers that farmers claim the alternatives are not efficient but without ever bringing any supporting scientific data. These cases should not be accepted by Member States and the EFSA should reject such claims without proper scientific data.

3. Make its own scientific research on the practices carried out in the organic sector. Indeed, from the information we have obtained from Austrian and French organic sugar beet growers, the main issue is not insects but rather weeds. In France, an organic sugar beet industry is developing and the French organic technical centre Bio Hauts de France publicly stated⁴ that aphids are not a problem in organic sugar beets because they use different agronomic practices (non-chemical alternatives). We believe such information should be included in the work from EFSA as a non-chemical approach.

4. We also recommend that EFSA actively assesses the alternatives. We find it unacceptable that EFSA does not carry out this work itself: assessing what active substances are available to fight aphids, which ones are suitable on sugar beets, what non-chemical methods are used by real IPM sugar beet growers, in an organic manner, and how successful they actually are.

As a conclusion, we wish to emphasize that the important use of derogations under article of pesticides derogations under article 53 of pesticides regulation 1107/2009/EC jeopardizes the objectives of the European Green Deal both in terms of citizens' health as well as biodiversity protection. We insist on the fact that the European Commission must play its role as the guardian of the treaties and control in a rigorous way the use of derogations. Derogations are currently provided to human-toxic banned pesticides as well as to substances like neonicotinoids that decimate EU insect populations. We thus ask for your intervention.

From beforehand, thank you for your consideration.

Best regards,

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Pesticide Action Network Europe

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⁴<https://www.bio-hautsdefrance.org/media/documents/PanneauPROJETS2019-BETTERAVE-VF-Light.pdf>