adeny

Aurelia
ES LEBE DIE BIENE

APILOMBARDIA

APIMONDIA

AGU
ÄRZTINNEN UND ÄRZTE
FÜR EINE GESUNDE UMWELT

Armenian Women for Health and Healthy Environment NGO

AGROECOLOGY EUROPE

Beefoundation
meters maken voor bijen, hommels en vlinders

buglife

BeeLife
European Beekeeping Coordination

BirdLife
INTERNATIONAL
EUROPE AND CENTRAL ASIA

SVERIGES BIODLARES RIKSFÖRBUND
BIODLARNA

Bund für
Umwelt und
Naturschutz
Deutschland
BUND
FRIENDS OF THE EARTH GERMANY

Biene Österreich

ClientEarth

CEO

COMPASSION
in world farming
ciwf.org

Colibri

FRIENDS OF THE EARTH AUSTRIA
GLOBAL 2000

ecologistas en acción

EEB
European Environmental Bureau

EFFAT

ECO HVAR

Earth Thrive
www.earth-thrive.org

ekodizaina kompetences centrs

European professional beekeepers association
e.p.b.a.

ecocity

EurEau

Friends of the Irish Environment

Fundación Amigos de las Abejas

GAIA
GRUPO DE ACÇÃO E INTERVENÇÃO AMBIENTAL

eurocoop
European Community of Consumer Cooperatives

FODESAM

GREEN TRANSITION
DENMARK

Hnutí DUHA
Friends of the Earth Czech Republic

générations FUTURES

FEDERACJA ZIELONYCH GAJA
istniejemy od 1993 roku

HEAL
HEALTH AND ENVIRONMENT ALLIANCE

IUF
UITA
IUL

Hogar SinTóxicos

IFOAM
ORGANICS EUROPE

IAWR

IRM
INTEGRATED RESOURCES MANAGEMENT

INTERNATIONAL SOCIETY OF DOCTORS FOR ENVIRONMENT
ISDE

Latvijas Dabas fonds

Leefmilieu

LIPU

institut marquès
100th Anniversary

JUSTICE PESTICIDES

Lpn
Liga para a protecção da natureza

Österreichischer Erwerbsimkerbund

Navdanya international

NABU

NOAH
Friends of the Earth Denmark

mouvement écologique

Povod

Pesticide Action Network
Netherlands

NATURE & PROGRÈS BELGIQUE

PAN Germany
Pestizid Aktions-Netzwerk e.V.

Pesticide Action Network Europe

Pesticide Action Network Italia

POLSKI KLUB EKOLOGICZNY

Quercus

POLLINIS
STOPPONS L'EXTINCTION DES POLLINISATEURS

SNA
SYNDICAT NATIONAL D'APICULTURE

ŠOLSKI EKOVRT

STADT BIENEN

Slow Food® Europe

TRANSGÉNICOS FORA

UNAPI
Unione Nazionale Associazioni Apicoltori Italiani

Sum Of Us

UNAF
UNION NATIONALE DE L'APICULTURE FRANÇAISE

Via Pontica

Umweltinstitut München e.V.

wecf International

WWF

ZS
Zemljane staze

ZERO

OPEN LETTER

To:
Mr Denormandie, Minister of Agriculture, France
Mr Tavernier, Director General of INSEE
Mr Gentiloni, Commissioner for the Economy
Mr Kokkalis, MEP rapporteur for the European Parliament

Cc:
Mr Timmermans, Vice President of the European Commission
Mr Wojciechowski, Commissioner for Agriculture and Rural Development
Mrs Kyriakides, Commissioner for Health and Food Safety
Mrs Pompili, Minister for the Ecological Transition, France
Mr Véran, Minister for Solidarity and Health, France

On 25 February 2022

Subject: The reform of agriculture statistics (File 2021/0020 COD)

On behalf of **79 organisations** across Europe, including **environmental and health** associations, **beekeepers** associations, **trade unions**, the organisers of the European Citizens' Initiative "Save Bees and Farmers", the European umbrella organisation for **organic food and farming**, and the European association of **drinking water and waste water services**, we are writing to voice our concerns regarding the ongoing EU reform of agriculture statistics. Specifically, we are concerned about the limited availability of data on the use of plant protection products and other toxic chemicals in agriculture.

The Council just recently adopted its position which raises serious concerns in relation to two vital aspects of this reform. First, ensuring that the relevant data are collected from the relevant sources in the most efficient way; and second, ensuring that the relevant data are proactively published at a meaningful level of detail.

We are urging you to raise these issues within the ongoing trilogue negotiations and ensure this reform delivers on these points.

* * *

Public statistics should match the needs of public authorities and what is in the collective interest. Public statistics are meant to produce **relevant data** for public authorities so they can take informed decisions.[1] EU statistics are produced because they are "necessary for the performance of the activities of the Union".[2]

Public authorities have **needed data on pesticide use to assess trends** across the EU since at least 1993.[3] In 2022, due to inadequate legislation, the available data on pesticide use still do not fulfil this basic need.[4]

Beyond the need to analyse trends, precise and public data on pesticides use are also indispensable **to enabling more realistic analysis of the exposure** of agriculture workers and residents in rural areas, as well as the exposure of wildlife and ecosystems. Such data are also key to **monitoring water**, notably for drinking water suppliers. They are also key for many other necessary tasks that are in the public interest.

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[1] See the European Statistics Code of Practice available in French and in English.

[2] Article 338(1) TFEU.

[3] The Fifth Environmental Action Programme defined as a target the "reduction of chemical inputs" in agriculture, specifically setting as an objective "the significant reduction in pesticides use per unit of land under production" by 2000 and foreseeing the "registration of sales and use of pesticides".

[4] See European Court of Auditors Special Report 05/2020: Sustainable use of plant protection products: limited progress in measuring and reducing risks, and Eurostat (2019) Research paper: Statistics on agricultural use of pesticides in the European Union (ESTAT E1/AES/2019/RP/1)

Reducing pesticide pressure on nature across Europe is not only urgent for biodiversity; it is also of great importance to millions of citizens. This matter was at the heart of the European Citizens' Initiative "Save Bees and Farmers" which gathered 1.2 million signatures and was one of the three demands of the 2017 European Citizens' Initiative "Ban glyphosate and protect people and the environment from toxic pesticides".

The European Commission's strong legislative proposal to fix agriculture statistics, and the European Parliament's many helpful amendments, rise to the challenge. In particular, the Parliament's proposals aiming to ensure the new law meets the requirements under the European Green Deal and addresses the **need for transparency** are fundamental.

However, as explained in detail in ClientEarth's briefing, the amendments proposed by the Council would hinder much needed improvements in the availability of pesticide use data. Unfortunately, in the Council's discussions so far, the concern to minimise burdens for public administrations seems to have taken precedence over ensuring the relevant data are collected and published, as PAN Europe and Global 2000 have shown.

In view of the ongoing trilogue discussions, we reiterate that this reform needs to deliver the following to be a success and **meet the public's data needs**.

1. **Ensure that the relevant data are collected from the relevant sources in the most efficient way**

As proposed by the Commission, statistics on pesticides use must cover **each and every year** instead of one year out of five. They also need to be collected from the **existing records** that professional pesticides users are already obliged to keep[5] and they need to be transmitted in **electronic form**. We also support the clarifications proposed by the European Parliament on the content of pesticides use data and on the inclusion of **all relevant chemical "inputs"**, i.e. biocidal products and veterinary medicinal products.[6]

The national authorities in charge of protecting people's health and the environment from the harm pesticides can cause **should already have a system in place to collect these records**. This is because the requirement to keep records not only aims to control compliance by professional users, but was also explicitly created to facilitate the monitoring of water quality and to ensure the traceability of potential exposure from pesticides.[7] **This reform is the moment for Member States to put in place appropriate systems for collecting farmers' records**.

This approach is fully in line with the European Statistics Code of Conduct, which recognises the importance of ensuring the **relevance** of the data and the added value of collecting data from administrative records to **avoid duplicating data requests**.

2. **Ensure that the relevant data are proactively published at a meaningful level of detail**

For statistics on pesticides use to be useful, they need to be published per **active substance**, per plant protection **product** (not per group of pesticides) and at a meaningful spatial resolution, i.e. **regional** level at least. The Commission's proposal needs to be clarified in that regard.

This is key because in the absence of clear legal provisions in the current regulation on pesticides statistics, when confronted with a request for access to documents, the Commission and national governments (in

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[5] In application of Article 67 of Regulation (EC) No 1107/2009.

[6] See the European Environment Agency State of the Environment report p. 249 on the issue of microbial resistance and the lack of data for "understanding of the significance of the environment as an exposure pathway […]. Major potential areas for transmission are in discharges from industry and urban waste water treatment plants and in the use of biocides and antibiotics in agriculture for veterinary use".

[7] Rules requiring professional users to keep records were created "in order to raise the level of protection of human and animal health and the environment by ensuring the traceability of potential exposure, to increase the efficiency of monitoring and control and to reduce the costs of monitoring water quality" (Recital 44 of Regulation (EC) No 1107/2009).

this case Spain) tend to give priority to the "principle of statistical confidentiality" over the rules on access to environmental information.[8] This is explicit in the European Ombudsman's recent inspection report.[9]

To ensure that there is **legal and factual certainty for all relevant stakeholders** and to bring the practice and the legal framework into alignment with the Aarhus Directive,[10] the new law **must clarify** that the data on emissions into the environment will be published proactively per active substance and product, and at regional level.

Public administrations need to keep up with technological developments. For many years, the agrochemical industry has been developing its own databases to enable "precision farming", putting in place a data-sharing code of conduct. They are now **advocating for keeping these data private**.[11] Meanwhile, **environmental organisations** such as NABU and **drinking water suppliers** have had no choice but to go to court to get access to pesticide use data and fulfil their public interest missions.[12] **Agricultural workers** are also left to fend for themselves due to the lack of public records on their exposure to pesticides and the lack of official documentation on the type of pesticides used during their work.[13] This information asymmetry is not tenable.

Beyond the reform of EU statistics, the data on pesticide use also need to be available to the public at **the level of the application area**. This level of detail is needed, for example, for drinking water suppliers to implement proper risk analysis and risk management in line with the Drinking Water Directive. Hence, **putting in place adequate data collection systems and open databases on pesticide use will not only serve to deliver relevant analysis of trends but will also serve many other public interest activities, clearly justifying the public investments required.**

We therefore call on you to give this legislative file the attention it deserves.

As negotiating parties in this trilogue, we respectfully ask you to publish the calendar and agendas of upcoming trilogue meetings, the minutes of the meetings, as well as the latest version of the 4-column documents, in a systematic and timely manner. Transparency in trilogue proceedings is a pre-requisite for citizens to be able to exercise our democratic rights.[14]

We thank you for considering our concerns and recommendations and would welcome an opportunity to have further exchanges with you on this important topic.

Yours sincerely,

Anaïs Berthier, Head of EU Affairs at ClientEarth,

François Veillerette, President of Pesticide Action Network Europe,

On behalf of the 79 organisations signatories listed below.

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[8] See The European Commission's refusal to give full public access to documents concerning statistical data on pesticide active substances reported by Spain | Case opened | European Ombudsman (europa.eu).

[9] See Report on the meeting of the European Ombudsman's inquiry team with the European Commission's representatives.

[10] See Directive 2003/4/EC article 4 para. 2.

[11] By asserting alleged "data ownership rights" that have no legal basis: see Croplife contribution to the public consultation.

[12] See for example VG Sigmaringen, 30 September 2020 8 K 5297/18, a case in which an independent municipal association and its members were successful in court in enforcing their right to access the pesticide use records of professional users in a region of Germany. See also VG Freiburg of 13 July 2020 10 K 1230/19, VG Stuttgart of 10 June 2020, 14 K 9469/18, VG Karlsruhe of 30 January 2020 confirmed in appeal on 4 May 2021, VGH 10 S 1348/20, VGH 10 S 2422/20.

[13] See the new webseries Phyto-victimes | Le combat pour la reconnaissance available in several languages, relaying testimonies of agriculture workers.

[14] As confirmed by the General Court in case T-540/15 De Capitani v Parliament.

List of signatories

ORGANISATION	Based in
ADENY	FR
Agroecology Europe	EU
Apicultural Research Educational Center	GR
Apilombardia	IT
Apimondia	GR
ÄrztInnen für eine gesunde Umwelt	AT
Aurelia Stiftung	DE
Armenian Women for Health and Healthy Environment NGO	AM
Bee Foundation	NL
BeeLife	EU
BieneÖsterreich	AT
Biodlarna	SE
BirdLife Europe and Central Asia	EU
BugLife	UK
BUND (Friends of the Earth Germany)	DE
ClientEarth	EU
Colibri Foundation	BE
Compassion in World Farming	EU
Corporate Europe Observatory (CEO)	EU
Earth Thrive	UK
Earth Trek	HR
Eco-Hvar	HR
ECOCITY	GR
Ecodesign competence centre	LV
Ecologistas en Acción	ES
EEB	EU
EFFAT	EU
Égalité	IT
EPBA	FR
EURAF	EU
Eureau	EU
Euro Coop	EU
FODESAM	ES

Friends of the Irish Environment	IE
Fundación Amigos de las Abejas	ES
GAIA-Environmental Action and Intervention Group	PT
Generations Futures	FR
Global 2000	AT
Green Federation "GAIA"	PL
Health and Environment Alliance	EU
Hnutí DUHA (Friends of the Earth Czech Republic)	CZ
Hogar sin Toxicos	ES
IAWR	DE
IFOAM Organics Europe	EU
Institute Marquès	ES
Institute Povod	SI
Integrated Resources Management Co ltd, (IRMCo)	MT
ISDE Italy	IT
IUF	CH
Justice Pesticides	FR
Latvian Fund for Nature	LV
Leefmilieu	NL
Lipu - BirdLife Italia	IT
LPN	PT
Mouvement Ecologique Luxembourg	LU
NABU – Naturschutzbund Deutschland e.V.	DE
Nature & Progrès Belgique	BE
Navdanya International	International
NOAH - Friends of the Earth Denmark	DK
Österreichischer Erwerbsimkerbund	AT
PAN Europe	EU
PAN Germany	DE
PAN Italia	IT
PAN Nederlands	NL
Plataforma Transgenicos Fora (Stop GMO Platform Portugal)	PT

Polish Ecological Club	PL
Pollinis	FR
Quercus	PT
ROMAPIS	RO
Slow Food	EU
SNA	FR
Stadtbienen e.V.	DE
SumOfUs	International

Umweltinstitut München e.V.	DE
UNAF	FR
Via Pontica Foundation	BG
WECF	International
WWF Italy	IT
WWF Romania	RO
ZERO - Associação Sistema Terrestre Sustentável	PT