



**Pesticide
Action
Network**
Europe



Brussels, 2 February 2023

Dear Minister Kurvinen,

We are writing to you regarding the emergency authorizations for the use of Thiamethoxam, an active substance very toxic to bees and other pollinators, used in sugar beet seeds' coating, which is now subjected to an immediate ban.

In a preliminary ruling (case C-162/21) recently published, the Court of Justice of the EU (CJEU) has clarified a certain number of limits, with regard to the use of article 53 of the pesticide regulation (EU) 1107/2009. The Court ruling imposes a series of changes for Member States.

The ruling

The following precisions from the Court will need to be taken into account both by your services and by Member States:

1. The Court has established that **EU-banned pesticides could not be subject to a derogation under article 53**. Point 50 of the ruling explains that by providing derogations to EU-banned pesticides, Member States give "priority to improving plant production over the prevention of risks to human and animal health and the environment", which is contrary to the regulation. During the hearing from the *Save Bees and Farmers* in the European Parliament, your representative, Claire Bury, said that the ruling concerns seeds treated with 3 neonicotinoids⁵. We invite you to carry out a better reading of the ruling: it concerns all EU-banned pesticide substances, not only the Belgian case on neonicotinoid-treated seeds that lead to this ruling.
2. The Court emphasizes that a derogation must be interpreted strictly (point 34).
3. The Court further reiterates in point 44., that Integrated Pest Management (IPM) is mandatory and that low-pesticide input pest management must be given priority.

Finland has already issued a derogation for the use of Thiamethoxam in the product Cruiser 600 FS SB for the use on the sugar beet seeds, for the application in the period from 16 February 2023 to 15 June 2023.

Article 53 of the regulation (EC) No 1107/2009 foresees the application of the EU-banned pesticides in "special circumstances", meaning the authorisation can be granted in case of

danger that cannot be contained by any other reasonable means. Seed coating is a preventative measure, not an emergency situation. This provision applies to all requests for emergency applications - the applicant should provide evidences on the measures undertaken to minimize the pest occurrence, e.g. IPM uptake, and the proof that less toxic substances do not provide the desired level of protection.

Moreover, the CJEU stresses in its ruling the obligation for all Member States to take all necessary measures to promote low pesticide-input pest control, giving priority to non-chemical methods wherever possible. Such an obligation implies that professional users switch to practices that will lead to decreasing the need to use synthetic pesticides, and use the products with the lowest risk to human health and to the environment. IPM based on agronomic practices such as crop rotation, intercropping, undersowing, protection of beneficials, monitoring, forecasting, mechanical and physical control, and biological control reduces or completely eliminates the need to use synthetic pesticides.

This ruling is highlighting the bad management of pesticides by public authorities, both at the EU- and national levels. EU citizens notice bad practices and are very vocal about them. Their demands are expressed in the ECI *Save Bees and Farmers*, supported by over 1,1 million EU citizens and 200 organisations throughout the EU, where they asked the law-makers to better protect citizens and the environment by reducing the use of pesticides, and in priority the most hazardous ones. **Attempts by Member States to not respect this ruling will inevitably lead to more legal actions** by our Members and ourselves to make sure EU law is respected.

We, therefore, call on you to stop the use of Thiamethoxam-coated seeds against the Notification of an Emergency Authorisation Nr. FI-FI-2022-10, published on 27 October 2022. Consequently, we urge you to put more effort into the implementation of Integrated Pest Management, obligatory for all farmers since 2014, as imposed by the pesticide regulation and the above-mentioned ruling.

Looking forward to your reply.

Best regards,

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