‘Food and feed safety omnibus’ threatens EU pesticide rules

Position paper- 27/01/2026

Overview

The Commission’s proposal for a “food and feed safety omnibus” seriously weakens the EU's current pesticide rules, which aim to protect health and the environment.

- It removes the limited approvals and the procedure for systematic, regular toxicity reviews that incorporate new scientific evidence and instead makes the **unlimited approval** of pesticides the default.
- It restricts Member States’ ability to use the **most recent scientific evidence** when authorising pesticide products at the national level.
- It extends **grace periods** for harmful pesticides, allowing these substances to remain on the market for much longer before they are banned.
- It broadens the possibility of approving harmful pesticides by **derogation** from the safety approval criteria.
- It introduces a poor **definition of biocontrol**, which could include synthetically produced substances that may have unknown or harmful effects.
- It broadens the possibility of using **drones** for pesticide application.

The proposal undermines the primary purpose of the EU pesticide regulation, which is to ensure a high level of protection of human health and the environment. It was found to **breach EU primary law**, notably the precautionary principle and the principle of proportionality.

The proposal also contradicts the EU’s goal of moving away from a pesticide-dependent agricultural model. Far from promoting biocontrols, it functions as a deregulation “Trojan horse” for hazardous pesticides and disregards citizens’ repeated calls for stricter pesticide rules and better protection of health and the environment.

We urge the European Parliament and Council to oppose and reject the proposal.

Introduction

The European Commission's proposal for a 'food and feed safety omnibus' would fundamentally undermine the current system for approving and authorising pesticide active substances and pesticide products, as established under the EU Pesticide Regulation (1107/2009).

In force since 2011, the Pesticide Regulation requires that **pesticides must have no harmful effects on human or animal health, and no unacceptable effects on the environment**. To meet these requirements, pesticides are subject to a rigorous assessment and regular re-evaluation to be placed or remain on the market. This is a crucial step as pesticides are intentionally designed to be highly toxic to target organisms but are inevitably toxic to other non-target organisms, such as bees, fish, amphibians, as well as mammals, including humans.

According to the Commission itself, the existing **Regulation has been largely effective in protecting human health and the environment, and has improved protection thanks to the stringency of its approval criteria and the mandatory regular reviews of all active substances**. It is through these periodic reviews, based on the latest scientific evidence, that previously unknown toxic effects on non-target species, including humans, have been identified, leading to the banning of pesticides and their removal from the market. Indeed, some of the most toxic chemicals ever intentionally released into the environment have been pesticides. Yet, the Commission's proposal to change the current system represents a serious step backwards for pesticide regulation in the EU, potentially allowing hazardous substances to remain on the market indefinitely.

Indeed, **the proposal is to make unlimited approval periods for active substances the norm, while limited approvals would become the exception, applicable only to a few active substances.**

This shift is combined with measures that would:

- restrict Member States' ability to rely on the latest scientific evidence in product authorisation decisions,
- extend grace periods for substances that should no longer be approved, and
- make it easier to reapprove substances that do not meet safety criteria.

Taken together, these changes would hamper the identification of hazardous properties for a wide range of pesticides and delay, or even circumvent, their ban, even once risks are known.

The proposal undermines the primary objective of Regulation 1107/2009, namely to ensure a high level of protection of human health and the environment from pesticides based on the precautionary principle. Therefore, **the Commission's proposal was found to violate EU primary law in both substance and procedure** in a legal opinion. It is considered incompatible with the precautionary principle under Article 191(2) TFEU and fails to meet the Union's positive obligations under the Charter of Fundamental Rights as applied to Regulation (EC) No 1107/2009.

Procedurally, the absence of an impact assessment and inadequate reasoning breach the principles of proportionality and Articles 168(1) and 296(2) TFEU.

It also fundamentally contradicts the EU's objective of transitioning away from an agricultural model that is highly dependent on chemical pesticides. While the initial intention behind the revision was to facilitate market access for biocontrol products, the current proposal acts as a Trojan horse for deregulating all pesticides, including the hazardous ones. This is not a reform to support safer alternatives, but a giveaway to the agro-industry, shaped by pesticide industry demands[1]. **Rather than accelerating the transition to sustainable farming, the proposal reinforces chemical dependency and locks the EU into a pesticide-driven agricultural model, jeopardising the resilience of farming systems and long-term food security.** This reflects a troubling lack of policy coherence. It contradicts the EU's Green Deal and Farm to Fork objective to reduce pesticide dependency, use and risks by 2030 and is at odds with the findings and recommendations of the European Commission's own REFIT evaluation, as well as repeated reports of the European Court of Auditors. These have consistently concluded that the core problem lies not in overly stringent pesticide rules, but in weak implementation, insufficient enforcement, inadequate risk monitoring, and the failure to translate existing legal requirements into measurable reductions in pesticide use and risks.

Moreover, the proposal runs counter to **citizens' long-standing and consistent demands for stricter pesticide regulation and the phase-out of synthetic pesticides**. These demands are echoed by civil society organisations representing children and youth, which warn that weakening pesticide rules would expose children to serious and preventable health risks, violating the rights and futures of our youngest citizens.

The proposal also blatantly disregards the recent **call from the scientific community to strengthen the implementation of existing pesticide legislation** to better protect the environment, biodiversity and citizens from the harmful effects of pesticides.

Finally, the proposal has been put forward without an impact assessment and is wholly disproportionate to the stated objective of the omnibus exercise, which is to 'simplify' regulation, while at the same time maintaining a high level of protection.

[1] Feedback from: Bayer AG (particularly "Data Call-In" p.4); Feedback from: BASF (cf particularly p.4).

I. Main concerns

a) Unlimited approval as the default

Under the current rules, active substances are approved for a limited period: up to ten years for an initial approval and up to fifteen years for renewals. Exceptions to this general rule are candidates for substitution, i.e. more hazardous substances, which must be approved or renewed for no longer than seven years, and substances approved by derogation to the safety criteria (Article 4(7)), which are limited to five years.[2]

The Commission proposes to make unlimited approval the default for active substances, with **limited approval becoming the exception**. This exception would cover three categories:

- candidates for substitution, which represent only around 10% of approved substances;
- substances approved by derogation from the safety criteria under Article 4(7) due to a serious danger to plant health, of which none are currently approved;
- and substances subject to limited approvals/renewals due to uncertainties or data gaps.

The scope of this third exception is particularly unclear and would grant the Commission broad discretion in determining which substances fall within it. Moreover, unlike candidates for substitution and substances approved by derogation, which would be approved for seven and five years respectively, there is no time limit for substances subject to limited approvals or renewals due to uncertainties or data gaps. This leaves the decision at the discretion of the Commission and Member States, both in determining which substances are concerned and in deciding the duration of approval, within the context of comitology discussions.

Practically, if the proposal were adopted as it stands, substances subject to an ongoing renewal procedure, or for which a renewal application has been submitted, would complete the renewal process before any decision is taken on whether approval is limited or unlimited. By contrast, for substances for which no renewal procedure is ongoing, **unlimited approval would be granted automatically. According to our network's estimates, this would cover more than 50 synthetic active substances**, among them certain PFAS substances, the suspected neurotoxic and carcinogenic fungicide folpet, and captan, suspected to be carcinogenic and highly toxic to wildlife.

Importantly, **by making unlimited approval the default, the proposal reverses the burden of proof**. Under the current system, companies must periodically demonstrate the safety of their active substances through renewal procedures and the submission of new scientific data. Where the available evidence does not sufficiently demonstrate the safety of a pesticide active substance, approval cannot be granted or renewed. Moreover, the applications for approvals submitted by the companies have to include scientific peer-reviewed literature of the last ten years on the

[2] Exceptions also apply to low-risk substances, which receive direct approval for 15 years, and to basic substances, which are approved indefinitely.

effects of the active substance and its metabolites on health, environment and non-target species. This system has led to the **identification and banning of 54 harmful pesticide substances since 2011**[3]. These include the brain-harming chlorpyrifos, the bee-toxic neonicotinoids, the reprotoxic, endocrine disruptor mancozeb and the PFAS endocrine disruptor flufenacet. Under the proposal, the burden of proof would shift from industry to regulators to identify and assess potentially harmful substances based on existing suspicions of harm. This process would depend largely on publicly available literature and monitoring, shifting the costs to the public rather than the industry.

Under the proposal, indeed, the Commission is required, periodically, to determine which other substances (not falling under one of these three categories) should be subject to a renewal procedure. It should take into account health or environmental concerns, new scientific or technical knowledge, available monitoring data, and requests from Member States. While this identification process must take place within three years following the adoption of new criteria or data requirements, the Commission would retain discretion over the deadline for the submission of data, the designation of the rapporteur Member State, and the expiry date of the approval. Moreover, the Commission would not be obliged to respond to review requests from Member States. Despite the Commission's claim that this would increase agility and improve resource allocation, the proposal once again affords the Commission broad discretion. It risks resulting in very lengthy assessment procedures for substances for which concerns have already been identified. Last, the implementing acts identifying the active substances that need to undergo a renewal procedure are to be adopted by Member States, creating a risk of political influence.

One argument put forward by the Commission to justify this new system is that new active substances are expected to have improved toxicological and ecotoxicological properties. However, reality presents a different picture. **Among the new active substances currently under assessment and awaiting approval, several exhibit harmful properties**, such as the PFAS and potential TFA precursor fluazaindolizine or the suspected carcinogenic metyltetraprole. Likewise, 'new' substances recently put on the market, such as the bee-toxic sulfloxaflor, have been found to be harmful and restricted quickly after their first approval.

b) Restrictions on Member States' use of the latest science

For national authorisations of products containing substances with unlimited approval, the maximum duration would be fifteen years. However, the proposal introduces a highly restrictive interpretation of what constitutes the "*latest scientific and technical knowledge*" for the purposes of product authorisation, directly contradicting recent EU case law. A recent preliminary ruling by the Court of Justice of the European Union clarified that Member States are obliged to consider the most up-to-date scientific evidence when assessing the authorisation of pesticide products.

[3]The figure of 54 included 19 CfS and 35 non-CfS, including one prohibited under Article 21 (see annex, Générations Futures, PAN Europe).

This implies that the latest scientific evidence must be taken into account, even in the absence of any guidance document. In another recent ruling, the French State was recently held accountable for ecological harm resulting from outdated and inadequate pesticide environmental risk assessments, and obliged to review authorisation in light of the latest science. Under the amended text, however, **Member States would be required to rely exclusively on "the last assessment conducted at EU level" for the active substance, even if that assessment is already decades old**. In other words, instead of strengthening protection and aligning the Regulation with EU case law by ensuring pesticide products are evaluated against the most recent science, the Commission is proposing a deliberate weakening of the law. This is unacceptable.

In practice, this would severely limit the ability of Member States to respond to emerging science. Because active substances would be granted unlimited approval, EU-level assessments may be decades old by the time a national product authorisation is granted. By freezing the scientific basis of evaluations at the date of the most recent EU assessment, even if this was done over a decade ago, Member States would be prevented from taking into account new peer-reviewed studies or other emerging evidence of risks. In cases where concerns arise, Member States would be required to notify the Commission so that an EU-level assessment can be initiated.

c) Extended grace periods for harmful substances

The proposal extends grace periods for substances that risk assessments indicate should no longer be approved. Currently, these substances may remain on the market for up to eighteen months when non-renewal does not concern health or environmental protection. However, in practice, harmful substances such as endocrine disruptors have still been granted grace periods of 9 to 18 months (e.g., the recent case of flufenacet), in clear violation of the Regulation.

Under the new proposed rules, **the Commission's proposal would legalise these 18 months for substances banned due to health and environmental concerns, and even extend the grace period up to three years "when there are no alternatives"** (one year allowed for sale and distribution and two more years for disposal, storage, or use). This contradicts Recital 24 of the Regulation and established case law, which state that the protection of human health and the environment must always take precedence over plant production. Moreover, applicants are not required to submit information on available alternatives in the context of renewal procedures, unless they apply for approval by derogation under Article 4(7). As a result, the decision to grant an extended grace period of up to three years would be largely arbitrary and politically driven. Immediate withdrawal of substances would only occur in cases of *"immediate and serious concerns"* for human health or the environment, but this concept is not defined. It therefore appears that the standard would be to grant a long grace period to substances that are prohibited because they are hazardous.

d) Easier derogations from safety criteria

Under the current Regulation, Article 4(7) allows for a very narrow and exceptional derogation: an active substance that does not meet the safety approval criteria may still be approved for a strictly limited period of five years, but only if it can be demonstrated, based on documented evidence that there is a serious danger to plant health which cannot be contained by any other available means, including non-chemical alternatives. In practice, this derogation has never been used, because in no case has it been proven that an active substance was truly essential and that no alternative solution existed.

The proposal "clarifies" that Article 4(7) cannot apply to certain highly hazardous pesticides: Carcinogenic (Categories 1A & 1B but only those with "no threshold"), Mutagenic (Categories 1A/1B) and Toxic for reproduction (Category 1A, based on data on humans), Persistent Organic Pollutant (POP), Persistent, Bioaccumulative and Toxic (PBT), or very Persistent and very Bioaccumulative (vPvB) substances. This restriction, however, does not cover endocrine-disrupting substances, some carcinogenic category B and toxic to reproduction category 1B (presumed to be toxic for human health based on animal studies), which fall under the cut-off criteria in the same way as substances classified under Carcinogens and Mutagens 1A/1B, POP, PBT, or vPvB. Moreover, there is currently no scientific evidence that can be relied upon to set a safe threshold value for endocrine disruptors, nor toxic to reproduction according to animal studies[4]. The Commission is "normalising" a long-standing industry claim that carcinogenic or reprotoxic pesticides can be assigned safe exposure thresholds, rather than being removed from the market altogether.

Moreover, while this scope's restriction appears positive at first glance, the drafting simultaneously **broadens the scope of Article 4(7)** by introducing the concept of substances necessary not only for plant health but also for plant production. This means **the derogation could be invoked to approve harmful substances when production (yield) levels for a specific crop are at risk**. This amendment runs directly against Recital 24, which states that the objective of ensuring a high level of protection for human and animal health and the environment must take priority over the objective of improving plant production. Moreover, how this would be assessed in practice remains unclear. Farmers are expected to transition from intensive synthetic pesticide use to integrated pest management practices, which, while agriculturally environmentally beneficial, require long-term evaluation and may not provide immediate yield benefits. The assessment of "necessity" for derogations should not rely on narrow yield comparisons that focus only on immediate output, without considering the broader context of long-term soil health, biodiversity, and overall farm resilience and food security.

[4] Zoeller RT, Brown TR, Doan LL, Gore AC, Skakkebaek NE, Soto AM, Woodruff TJ, Vom Saal FS. Endocrine-disrupting chemicals and public health protection: a statement of principles from The Endocrine Society. Endocrinology. 2012 Sep;153(9):4097-110. doi: 10.1210/en.2012-1422.

Last, the proposal waives the obligation on the Member States authorising plant protection products containing active substances approved under Article 4(7) to draw up a phasing-out plan.

e) Biocontrol substances

The proposal includes several measures aimed at facilitating market access for biocontrol products. This objective is welcome, as biocontrol plays a key role in Integrated Pest Management and is essential for phasing out synthetic pesticides[5]. At the same time, several elements of the proposed changes risk compromising safety and data transparency. Accelerated access for biocontrol products should be pursued through strengthening assessment capacity, maintaining robust risk evaluation, and ensuring comprehensive monitoring.

The **proposal introduces a problematic definition of biocontrol active substances.** It describes them as micro-organisms, inorganic substances occurring in nature (excluding heavy metals and their salts), or substances of biological origin or produced synthetically that are functionally identical and *structurally similar* to natural substances. However, it is necessary to ensure that biocontrol remains restricted to substances that are truly natural, and therefore, "identical" must be clearly defined. It should require that the substance contains only naturally occurring amino acids, that its three-dimensional molecular structure is identical to the natural substance, that its function is identical, and that it is biologically degraded through predictable, natural pathways. Without these clarifications, there is a risk of widening the category to synthetically produced substances that may have unknown or harmful effects.

The Commission also proposes requiring Member States to prioritise the assessment of biocontrol substances. This should not result in further delays in the evaluation of synthetic substances.

Moreover, the Commission proposes provisional authorisation for products containing an active biocontrol substance not yet approved. While faster access to biocontrol products is desirable, natural substances, particularly microbial organisms, can present risks. Microbials have the potential to survive, multiply, move, and colonise new environments, with possible unintended impacts on biodiversity. These characteristics make a robust risk assessment essential prior to authorising their use.

Finally, the text **removes the obligation to keep records of biocontrol product use**. Such records are critical to monitor trends, assess environmental and health impacts, and inform policy decisions. Even natural substances can have unexpected harmful effects, and comprehensive data collection is essential for timely detection and management of any risks.

[5] Will the Commission's plan to fast-track biocontrol miss the mark for pesticide reductions? (Oct. 2025)

f) Low-risk substances

The criteria for identifying low-risk substances are being relaxed. While hazard-based criteria, such as classification as carcinogenic, mutagenic, or toxic to reproduction (CMR), or the presence of neurotoxic effects, must still be met, other requirements are being removed. These include the obligation to provide information on co-formulants and the requirement to apply for maximum residue levels (MRLs). Moreover, the proposal introduces the possibility of requesting a change in the status of an already approved active substance to low-risk.

g) Mutual recognition

The system of mutual recognition implies that authorisations to a pesticide product granted by one Member State should, in principle, be accepted by the other Member States of the same geographical area. This is unless there are concerns relating to human health or the environment.

The proposal introduces several changes to the system to improve its implementation. Positively, the proposal requires that a product must actually be placed on the market in the reference Member State, helping prevent abuse of the system to circumvent higher fees, by placing the product authorisation application in one Member State while selling the product in another. However, the proposal also **makes it easier for official or scientific bodies and professional agricultural organisations to apply for mutual recognition without demonstrating public interest, while it expands the types of eligible uses, and reduces documentation and assessment requirements for certain applications** (for biocontrol, submitted by official or scientific bodies involved in agricultural activities or professional agricultural organisations or submitted for minor uses). Lastly, the proposal introduces the possibility for detailed implementation rules to be adopted by the EU Commission *via* an implementing regulation. It remains unclear what these rules would entail.

h) Minor uses

A minor use is defined as a use on a crop that is either not widely grown in a Member State or widely grown but addressing an exceptional plant protection need. Under the current pesticide regulation, uses meeting this definition benefit from a simplified authorisation procedure: an existing pesticide authorisation may be extended to cover minor uses if certain conditions are met, including a demonstrated public interest, without requiring a full comprehensive assessment. However, this system is increasingly misused due to the lack of a clear and harmonised definition of minor uses, leading to inconsistent application across Member States and enabling some applicants to circumvent standard authorisation requirements by falsely claiming a minor use. **The Commission proposal aims to increase the availability of pesticides for minor uses, namely by removing the public interest requirement and obliging Member States to facilitate or encourage**

extensions for minor uses. These changes raise concerns that they would weaken the requirements for minor uses without addressing the underlying problem of an inconsistent, non-harmonised definition and the ongoing misuse of minor-uses.

i) Application of drones

Under Directive 2009/128/EC on the sustainable use of pesticides, aerial spraying of pesticides by aircraft is currently prohibited because of its devastating impacts to local communities and ecosystems. Derogation is only possible on an individual basis and under certain conditions, for professional users who have submitted a formal request. **The Commission proposes allowing the use of certain drones without needing individual derogations, provided the pesticide has been explicitly authorised for drone applications under the Pesticide Regulation (1107/2009).**

The use of drones for pesticide application requires a comprehensive scientific assessment. Aerial spraying by drones increases the risk of pesticide drift, leading to higher exposure of the environment and nearby populations. Small load capacities may result in pesticides being applied at higher concentrations, which can have more serious impacts on soil biodiversity, food safety, and operator and citizen health. Risk levels are further influenced by weather conditions, flight height, speed, and crop type. Therefore, drones should only be considered for targeted application of natural, low-risk pesticides as a last resort, after all preventive Integrated Pest Management (IPM) measures have been implemented. Any derogations must be strictly recorded by Member States, and the public should be informed in advance, in line with the Directive.

j) Residues of pesticides in food

When pesticides are banned in the EU due to their harmful effects on human health or the environment, their residues are not automatically prohibited in all food products. In many cases, residues continue to be allowed in certain imported products to accommodate trade demands. Currently, residues of 67 EU-banned (PIC) pesticides are permitted in specific imported products[6]. The omnibus proposal introduces a timid change to this practice, but it remains wholly insufficient.

The proposal would remove the term “import tolerance” and replace it with “Good Agricultural Practices (GAPs) implemented in a third country” (i.e., recommended, authorised, or registered use of a pesticide). However, this cosmetic change does little in practice, as the possibility to apply for authorisation to import products containing residues of EU-banned pesticides would still remain.

The notable change is that the **Commission would now be empowered to reject such applications or revoke existing Maximum Residue Levels (MRLs) for EU-banned pesticides** when the active

[6] Report, Double Standards, Double Risks, Annex II (p. 58).

substance meets one of the "cut-off" criteria of the Pesticide Regulation (1107/2009)[7]. However, **this measure remains very limited and insufficient**. First, it is framed as a derogation, which must be interpreted narrowly, i.e., the general practice would still allow residues in imported food. Second, the proposal conditions revocation on the outcome of an impact assessment. Finally, the measure would apply only to a small proportion of EU-banned pesticides since 'cut-off' pesticides represent just a small fraction[8] of the EU-banned pesticides. As a result, through trade, the EU will continue to allow the use of hazardous pesticides in the production of food imported into the EU, turning a blind eye to the impacts on local communities, water resources, and biodiversity where these chemicals are used. European farmers face unfair competition, as products grown with these toxic substances can be imported at lower costs, while European consumers are exposed to residues of dangerous pesticides.

Moreover, **these trade-related changes should not obscure other problematic aspects of the proposal**. In particular, the proposal allows for transitional measures to keep products on the market with MRLs that are to be deleted, even when the reason for deletion is related to human health. The obligation to review temporary MRLs every ten years based on monitoring data is being removed from the regulation.

II. Recommendations

PAN Europe calls on the European Parliament and the Council to **oppose and reject the "Food and Feed Safety Omnibus"** proposal. Rather than deregulating pesticides, the EU must urgently implement the existing Regulation effectively. The current legal framework already provides a robust system for identifying and banning toxic pesticides, but it has been undermined by weak implementation.

In its 2020 report on the assessment of the implementation of the Pesticide Regulation (REFIT), the European Commission provided recommendations which we consider the way forward today to address procedural delays and inefficiencies.

1. Member States should only **accept complete, high-quality dossiers as admissible f**or both first-time and renewal approvals of active substances, as well as product authorisations.
2. Member States should **review and adjust fees to fully cover costs** and ensure they directly fund the authorities performing the work. Some Member States charge fees that do not fully cover their costs, and often the fees are not ring-fenced for the responsible authorities, resulting in insufficient resources.

[7] These are substances that are Carcinogenic, Mutagenic and Toxic for reproduction (CMR) Categories 1A/1B, Endocrine Disruptors for humans or non-target organism, Persistent Organic Pollutant (POP), Persistent, Bioaccumulative and Toxic (PBT), or very Persistent and very Bioaccumulative (vPvB).
[8]Report, Double Standards, Double Risks, Annex II (p. 58).

3. The Commission should open **infringement proceedings** against Member States that fail to enforce the regulation.
4. Risk assessment should only continue if active substances do not meet the cut-off criteria or if at least one derogation option is invoked.

PAN Europe has also identified urgent priorities that must be addressed within the current regulatory framework to improve the protection of human health and the environment from pesticides.

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Who we are | PAN Europe

Pesticide Action Network (PAN Europe) is a network of NGOs working to reduce the use of hazardous pesticides and have them replaced with ecologically sound alternatives. We work to eliminate dependency on chemical pesticides and to support safe sustainable pest control methods. Our network brings together over 45 consumer, public health and environmental organisations and women's groups from across Europe.

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