European Parliament
2024-2029

Committee on the Environment, Climate and Food Safety

2026/2838(RPS)

4.9.2026

DRAFT MOTION FOR A RESOLUTION

pursuant to Rule 115(2) and (3), and (4)(c) of the Rules of Procedure

on the draft Commission regulation amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for azoxystrobin, etofenprox, fenpropidin, flupyradifurone, hexythiazox, imazalil, spinosad and tebufenozide in or on certain products
(D113006/03 – 2026/2838(RPS))

Committee on the Environment, Climate and Food Safety

Members responsible: Christophe Clergeau, Martin Hojsík, Jutta Paulus, Anja Hazekamp

B10-0000/2026

European Parliament resolution on the draft Commission regulation amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for azoxystrobin, etofenprox, fenpropidin, flupyradifurone, hexythiazox, imazalil, spinosad and tebufenozide in or on certain products (D113006/03 – 2026/2838(RPS))

The European Parliament,

– having regard to the draft Commission regulation amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for azoxystrobin, etofenprox, fenpropidin, flupyradifurone, hexythiazox, imazalil, spinosad and tebufenozide in or on certain products (D113006/03),

– having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC[1], and in particular Article 14(1), point (a), thereof,

– having regard to the opinion delivered on 19 May 2026 by the Standing Committee on Plants, Animals, Food and Feed,

– having regard to Article 5a(3), point (b), and Article 5a(5) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[2],

– having regard to Rule 115(2) and (3), and (4)(c) of its Rules of Procedure,

– having regard to the motion for a resolution of the Committee on the Environment, Climate and Food Safety,

A. whereas the draft Commission regulation proposes to increase the maximum residue levels (MRLs) for flupyradifurone in rapeseeds from 0,3 mg/kg to 0,4 mg/kg;

B. whereas flupyradifurone was approved in 2015 for a period of 10 years; whereas in July 2025, the Commission extended the authorisation for flupyradifurone until June 2029, representing a 3,5-year extension of the approval period;

Risks for pollinators

C. whereas in November 2020, France asked the Commission to prohibit the sale and use of acetamiprid and flupyradifurone under Article 69 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council[3], in the light of potential concerns that

[1] OJ L 70, 16.3.2005, p. 1, ELI: http://data.europa.eu/eli/reg/2005/396/oj.
[2] OJ L 184, 17.7.1999, p. 23, ELI: http://data.europa.eu/eli/dec/1999/468/oj.
[3] Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).
ELI: http://data.europa.eu/eli/reg/2009/1107/oj).

these substances may pose high risks to humans and the environment and that the approval criteria, referred to in Article 4 of Regulation (EC) No 1107/2009, may therefore no longer be fulfilled;

D. whereas, on 29 June 2020, the Netherlands notified the Commission, under Article 56 of Regulation (EC) No 1107/2009, of new information regarding the impact of flupyradifurone on the wild bee species *Megachile rotundata*, as it appears to be much more sensitive than the honey bee, the latter being the only bee species assessed in the approval dossier;

E. whereas, following a mandate from the Commission, the European Food Safety Authority (EFSA) published in 2022 a new statement on the active substance flupyradifurone[4] highlighting that the initial risk assessment examined the effects of flupyradifurone solely on honey bees, and that the assessment was based on outdated methodological guidance; whereas EFSA stated that 'the previous peer review (EFSA, 2015a) made use of SANCO (2002). In this risk assessment scheme, solitary bees are not considered. Hence unless a different scheme is used, no definitive consideration can be made concerning the risk assessment. It appears however very unlikely that the present risk assessment based on either lower tier or higher tier honey bee data is protective of solitary bees as well'; whereas EFSA recommended that an updated risk assessment be conducted in accordance with the most recent Organisation for Economic Co-operation and Development (OECD) standards;

F. whereas the Commission initiated a review of the approval of flupyradifurone under Article 21 of Regulation (EC) No 1107/2009 in October 2022 requesting Bayer Crop Science AG (the 'authorisation holder') to submit, by the end of 2022, all the data it holds on the effects of flupyradifurone on bees as well as an evaluation of the relevant scientific literature ;

G. whereas, after receiving additional information from the authorisation holder, the Commission still has not submitted a mandate to EFSA including the last data submitted by the authorisation holder, in particular concerning the risk assessment for use of flupyradifurone in the treatment of oilseed rape and sugar beet seeds;

H. whereas the Commission should not propose to raise MRLs for flupyradifurone in rapeseeds while a new risk assessment still has not be conducted in accordance with the latest OECD standards, in particular specific risk assessment for solitary bees, and while a procedure under Article 21 of Regulation (EC) No 1107/2009 is underway;

I. whereas in its assessment report[5] prepared pursuant to Regulation (EC) No 1107/2009 in the framework of the procedure for flupyradifurone pursuant to Article 21 of that Regulation, Greece, as rapporteur Member State (RMS) for the Article 21 procedure, has concluded that 'after a thorough analysis of the evidence presented by the applicant, it cannot be accepted that the contact risk is the driver of the overall risk to sensitive solitary bees. The risk to bees from can be considered conclusive only for uses of flupyradifurone which lead to negligible exposure of bees. From the list of authorised uses of flupyradifurone, the RMS considers that acceptable risk is possible for

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4 EFSA 'Statement on the active substance flupyradifurone', *EFSA Journal*, 2022, 20(1): e07030, https://doi.org/10.2903/j.efsa.2022.7030.

5 Ares(2023)3224681.

permanent greenhouse structures, and on the condition that bees are not used for pollination service delivery. No mitigation/combination of mitigation measures leading to an acceptable risk for all pertinent exposure scenarios can be proposed for any of the uses, where exposure of bees is possible'; whereas consequently there is no risk mitigation scenario that allows for an acceptable risk in open field use;

J. whereas, while in the framework of the procedure under Article 21 of Regulation (EC) No 1107/2009 , the authorisation holder has submitted data up to 2022 on the effects of flupyradifurone on bees as well as an evaluation of the relevant scientific literature, a literature review up to 1 March 2026 is showing that 72 studies on the effects of flupyradifurone on non-target organisms are available and have not, to date, been evaluated by EFSA, 44 of them concerning its impacts on bees and bumblebees;

K. whereas the vast majority of those studies report toxic effects, particularly on wild species and often at environmental exposure levels;

L. whereas the authorisation holder failed to fulfil its obligation to inform the Member States who authorised plant protection products containing flupyradifurone of those new studies in accordance with Article 56 of Regulation (EC) No 1107/2009;

M. whereas in accordance with Article 44(3), point (e), of Regulation (EC) No 1107/2009, Member States should withdraw an authorisation where the authorisation holder fails to comply with the obligation resulting from that Regulation; whereas the Commission should swiftly act to ensure the proper implementation of Regulation (EC) No 1107/2009 in this regard;

N whereas, in its reasoned opinion approved on 24 July 2026[6], EFSA is proposing to increase MRLs for flupyradifurone in a number of products, namely almonds, hazelnuts, pistachios, walnuts, strawberries and escaroles; whereas the propose increase raises similar concerns as to the increased MRLs in rapeseeds;

O. where it is unacceptable that the Commission has extended the approval period of flupyradifurone until 2029 since it has not been tested on solitary bees and bumblebees, and there is currently a very large body of scientific literature on its toxicity to pollinators, thereby increasing the exposure of pollinators, especially as it is to be used in crops that are highly attractive to bees, such as rapeseed;

Neonicotinoid mode of action

P. whereas flupyradifurone is a neonicotinoid-like substance with the same mode of action as neonicotinoids, which are known for their toxicity to bees;

Q. whereas the classification of flupyradifurone in the subgroup of butenolide insecticides is an industry decision that is misleading as to its toxicity to bees; whereas both neonicotinoids and butenolides share the same mode of action as agonists of nicotinic acetylcholine receptors;

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6 EFSA Reasoned Opinion on 'Modification of the existing maximum residue levels for flupyradifurone and difluoroacetic acid (DFA) in various crops', *EFSA Journal*, 2026, 24(8): e10287, https://doi.org/10.2903/j.efsa.2026.10287.

R. whereas, in addition to their toxicity to bees, the scientific literature[7] shows that all neonicotinoids that were investigated pass the placental barrier and interact with foetus neurons; whereas, considering that an effect is observed at the highest dose in the applicant's test under the OECD test No 426 developmental neurotoxicity study[8], the Commission should apply the precautionary principle and lower maximum residue levels for flupyradifurone;

PFAS pesticide

S. whereas flupyradifurone degrades into its metabolite difluoroacetic acid (DFA), which is structurally similar to trifluoroacetic acid (TFA), which is stable under hydrolysis conditions; whereas EFSA has previously concluded that DFA is also unlikely to degrade under standard hydrolytic conditions;

T. whereas flupyradifurone and its metabolites are identified as a pesticide active substance/metabolites that meet the definition of per- and polyfluoroalkyl substances (PFAS) based on their chemical structure;

U. whereas TFA contamination is widespread and is considered by independent scientists as a threat to planetary boundaries; whereas all PFAS pesticides should be banned as soon as possible;

1. Opposes adoption of the draft Commission regulation;

2. Considers that the draft Commission regulation is not compatible with the aim and content of Regulations (EC) No 396/2005 and (EC) No 178/2002, as well as with Regulation (EC) No 1107/2009, including point 3.6.4 of Annex II thereof;

3. Calls on the Commission to apply the precautionary principle and to withdraw the draft regulation and submit a new one to the committee not modifying MRLs for flupyradifurone in rapeseeds;

4. Calls on the Commission, in the light of the new information available on the toxicity of flupyradifurone for bees, of the conclusion of the RMS in the framework of the Article 21 procedure, and of the fact that flupyradifurone meets the definition of PFAS, to urgently speed up the review of the approval under article 21 of Regulation No 1107/2009 and not wait until June 2029 to review the authorisation of flupyradifurone;

5. Calls on the Commission not to raise any MRLs for flupyradifurone while the procedure under Article 21 of Regulation No 1107/2009 is not finished, in particular new MRLs proposed by EFSA in its latest statement;

6. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

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7 For example, EFSA 'Peer review of the pesticide risk assessment of the active substance metyltetraprole', *EFSA Journal*, 2026, 24(4): e9971, https://doi.org/10.2903/j.efsa.2026.9971.

8 OECD (2007), Test No. 426: Developmental Neurotoxicity Study, OECD Guidelines for the Testing of Chemicals, Section 4, OECD Publishing, Paris, https://doi.org/10.1787/9789264067394-en.