



**Pesticide
Action
Network
Europe**

Press >>>>>>> Release <<<<<<<<

Brussels, 2 December 2020

EU Ombudsman criticises EU commission unlawful approval of hundreds of hazardous pesticides

Today, the EU Ombudsman released its final decision, criticising the European Commission's methods in approving active substances used in pesticides. The EU watchdog also recalled the "commitment by the Von der Leyen Commission to take action to reduce by 50% the overall use of – and risk from – chemical pesticides by 2030" [1].

The decision follows a complaint filed to the EU Ombudsman by Pesticide Action Network Europe (PAN Europe) in 2013, denouncing unlawful approvals of active substances in pesticides by the European Commission's Directorate responsible for public health and consumer safety (DG SANTE) [2].

"PAN Europe welcomes this long-awaited decision from the EU Ombudsman and demands the European Commission to get back on track with EU pesticide laws, and to make up for the lost time by embracing the Farm to Fork objective aimed at reducing by 50% the use of pesticides", says Hans Muilerman, chemicals coordinator for PAN Europe.

For an active substance in a pesticide to be approved for the EU market, the producer has first to submit an application to the European Food Safety Authority (EFSA); the subsequent scientific risk assessment should then guide the European Commission in the approval and/or the conditions of the approval decision.

On that point, PAN Europe denounces the practice by which the Commission approves active substances but allows the applicant to submit certain data only at a later stage. This method called 'confirmatory data' is a derogatory procedure, consisting, under certain circumstances such as new scientific or technical knowledge, in the application of lower standards for the approval of active substances. This method has not only been misused, but it was also the case that "EFSA's report had stated either that no safe use could be identified or that there was a critical area of concern" according to the EU Ombudsman.

"PAN Europe estimates that about 200 active substances that represent a danger for the EU environment and biodiversity [3] have been authorised by the European Commission in an unlawful way, and in some cases, with complete disregard for assessments by the scientific authority EFSA, which had identified them as 'unsafe'", continues Muilerman.

In its preliminary response in 2016, the Commission had promised the Ombudsman to drastically reduce the use of 'confirmatory data' derogations; in reality it continued using the derogation method extensively. PAN Europe

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has identified that over the last five years, the number of approvals via the “confirmation data” had increased to the point of representing 55% of the approvals for the year 2019 alone [4].

“Given the fact that agriculture and pesticides are the number one cause of biodiversity decline [5], the derogation method used in approving active substances in pesticides seems to have become the EU Commission’s standard procedure for accelerating biodiversity collapse”, says Muilerman. “This clearly cannot continue - we join with the EU Ombudsman in calling on Commissioner Kyriakides to immediately end this practice, and to conform to the law and the scientific assessments provided by the European Food Safety Authority.”

In its conclusions included in today’s decisions, the EU Ombudsman suggests that the EU Commission should not approve a pesticide if EFSA doesn’t conclude that it is safe to use. The Ombudsman also asks for more transparency on the decisions and a clarification how the Commission gets to its conclusion on safe use while there is no data available.

“As well as acknowledging that EU’s current pesticides approval system is a threat to the environment, the EU Ombudsman’s decision demonstrates how the pesticide industry practices are directly linked to the biodiversity crisis. The European Union must put in place and enforce safeguards to ensure that the EU agriculture sector no longer fuels the biodiversity crisis” concludes Muilerman.

[>> EU Ombudsman Decision](#) in joint cases 1570/2018/JF-JN and 1973/2018/JFJN on how the European Commission approves substances used in plant protection products (pesticides), 30/11/2020

https://www.pan-europe.info/sites/pan-europe.info/files/DECISION_201801570_20201130_114716.pdf

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Notes:

[1] [EU Ombudsman Decision](#) in joint cases 1570/2018/JF-JN and 1973/2018/JFJN on how the European Commission approves substances used in plant protection products (pesticides), 30/11/2020

https://www.pan-europe.info/sites/pan-europe.info/files/DECISION_201801570_20201130_114716.pdf

[2] PAN Europe [complaint](#) to European Ombudsman against European Commission on confirmatory data, 2013 <https://www.pan-europe.info/sites/pan-europe.info/files/complaint%202013.pdf>

[3] PAN Europe identified at least 80 cases of illegal approvals were high risks for birds PAN Europe noted at least 80 cases of illegal approvals, 70 approval were high risks for mammals, another 60 for aquatic organisms 60, 20 for arthropods 20, 20 for bees & 10 for earthworms.

[4] PAN Europe [letter](#) to EU Ombudsman Concerning Commission's letter from 15-11-2019, Complaints 1570/2018/JF and 1973/2018/JF, and Ombudsman's request for comments, 02-1-2020

<https://www.pan-europe.info/sites/pan-europe.info/files/Letter%20to%20Ombudsman%20-%20comment%20-Jan%202020.pdf>

[5] Francisco Sánchez-Bayo, Kris A.G. Wyckhuys, Worldwide decline of the entomofauna: A review of its drivers, *Biological Conservation* 232 (2019) 8–27

<https://www.sciencedirect.com/science/article/pii/S0006320718313636>



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