

Pestgate: why the EU pesticide control does not work the way it should

Farmers, citizens and nature in the EU are not properly protected against the negative impacts of dangerous pesticides. Recently The Guardian, Le Monde, Der Spiegel and other media reported on chemical companies withholding studies on the neurotoxicity of the pesticide substances for which they seek market approval. Keeping dangerous products on the market, harming people's health. European parliamentarian Canfin compared it to 'Dieselgate'. This withholding of information appears to be just the tip of the iceberg. It is a scandal of much larger dimensions, keeping dangerous pesticides on the market. It is endangering our health especially that of young children and is leading to a biodiversity crisis. To address this we and a coalition of NGOs sent out letters to the EU Commission and the EU Parliament with 10 demands to urgently address shortcomings and flaws in the EU pesticide authorization system. This follows the recommendations of the PEST committee in the European Parliament 4 years ago that have hardly been implemented.

We see a bigger picture:

- Producers withholding relevant information and delaying procedures and actively trying to influence science and regulations
- A failing system of assessment, where the industry presents its own studies, independent scientific research is systematically disqualified and the precautionary principle, which should be leading, is never implemented
- Authorities hesitating or even refusing to take the necessary action required by the EU pesticide law, allowing dangerous products on the market and illegally prolonging authorization periods for many years even when clear proof of damage is available

Pestgate

Pestgate is a toxic interaction of the chemical industry with reluctant national and European authorities and a failing system of assessment of very toxic pesticides. It is much more than withholding relevant information. It is about the fox guarding the henhouse. It's about creating a standard that tosses aside independent studies by default. It is about EU institutions and Member States not -or only extremely slowly- complying with their own laws. This was brilliantly exposed by the recent ruling by the European Court of Justice on the misuse of pesticide derogations, which clearly explains how the EU pesticide law should be applied. (see below some relevant passages).

The result of this pesticide industry-friendly approach is the unnecessary exposure of citizens and the environment to dangerous pesticides, which harms our health and biodiversity. It is not in line with EU law, in which "the objective of protecting human and animal health and the environment should 'take priority' over the objective of improving plant production." (ECJ ruling 19 January 2023, recital 48)

Some recent developments highlighting different aspects of the problem

- The tip of the 'prolongation iceberg': [One of Europe's most toxic pesticides finally banned after receiving 7 prolongations](#)
- First proposal to ban a pesticide because it is a hormone disruptor: [14 years after the legislation came into force](#)
- EU Court of Justice highlighting the protection of human health and the environment should come first: [Groundbreaking ruling by EU Court of Justice](#)

The ECJ ruling is about 'derogations', allowing the use of banned pesticides. Five months after this ruling, the EU Commission still has to come with an official reaction. Countries like Romania, Finland, Slovakia have so far not implemented the ruling. Some have even given new derogations to use EU-banned

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.



pesticides.

But the ruling is about much more than derogations. It clearly explains how the EU pesticide regulation needs to be understood and implemented. A high level of protection of human health and the environment, based on the precautionary principle and priority of health and environment prevails over crop production.

The examples above show that the current practice is the other way around. In fact, dangerous products are:

- allowed on the market based on producer's own studies showing they are safe
- left on the market even after there is serious evidence about their risk or harm
- left on the market longer because authorities are very slow in looking into this evidence
- left on the market even longer when there is a discussion on these adverse effects
- left on the market even after they are finally banned by using derogations

Parliamentary PEST Committee recommendations

Of the over 100 recommendations the European Parliament's PEST committee made in 2019 to improve the pesticide authorization system, **only 15% have been so far implemented**. The remaining ones have been followed up only partly, inadequately or not at all by the Commission, Member States and the European Food Safety Authority (EFSA). These include recommendations that aim to improve the conditions for an objective, transparent and high-quality risk assessment, which truly endorses recent independent scientific literature and is protected against any conflicts of interest, while in cases of uncertainty strictly applies the precautionary principle in decision-making.

The scope of the PEST Committee recommendations was first and foremost to improve the implementation of the existing pesticide authorization system to ensure a high level of protection for human health and the environment, which remains to be addressed today.

Contacts: Dr. Angeliki Lysimachou, +32 496 39 29 30, angeliki@pan-europe.info
Tjerk Dalhuisen, Communications Officer, +31 6 146 99 126, tjerk@pan-europe.info

Letter to EU Commissioner Kyriakides, June 13, 2023: **10 demands to urgently address shortcomings and flaws in the EU pesticide authorization system**

Annex: Very clear explanations in the ruling by EU Court of Justice

46. Such prohibitions thus meet the objective of Regulation No 1107/2009 which is, as stated in Article 1(3) and (4) of that regulation and reflected in recital 8 thereof, in particular to ensure a high level of protection of human and animal health and the environment.

47. In that regard, it should be borne in mind that those provisions are based on the precautionary principle, which is one of the bases of the policy of a high level of protection pursued by the European Union in the field of the environment, in accordance with the first subparagraph of Article 191(2) TFEU, in order to prevent active substances or products placed on the market from harming human or animal health or the environment.

48. Furthermore, it is clear, as stated in recital 24 of Regulation No 1107/2009, that the provisions governing authorizations must ensure a high standard of protection and that, in particular, when granting authorizations of plant protection products, the objective of protecting human and animal health and the environment should 'take priority' over the objective of improving plant production (see, by analogy, judgment of 5 May 2022, *R. en R. (Agricultural use of an unauthorized product)*, C-189/21, EU:C:2022:360, paragraphs 42 and 43).

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.

