



**EUROPEAN COMMISSION**  
 DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Safety of the Food Chain  
 Director

Brussels,  
 SANTE/E4/ER/gb (2018)4875005

Dear Petitioner,

**Subject: Call on the European Commission to ensure implementation of the further restrictions of use of neonicotinoids**

The legal system in the EU for pesticides as set out in Regulation (EC) No 1107/2009<sup>1</sup> concerning the placing of plant protection products on the market foresees a two-step process: approval of active substances at EU level and authorisation of plant protection products by the Member States. In particular, Article 53 of that Regulation allows Member States to grant authorisations for products containing active substances which are not approved within the EU or for products/uses which are not yet authorised within that Member State. These so-called emergency authorisations can only be granted for a limited and controlled use for a maximum of 120 days, provided such use is indispensable because of a danger which cannot be contained by any other reasonable means.

When granting such emergency authorisations, Member States must respect all conditions set out in the Article mentioned above and the emergency authorisation must be duly justified.

The Commission considers that the expertise for taking decisions about emergency authorisations is with Member States and therefore considered that the decision to grant emergency authorisations is the responsibility of the Member States. The Commission questioned however whether granting repeated authorisations on a large scale for neonicotinoids was justified and therefore mandated the European Food Safety Authority (EFSA) to assess the emergency authorisations granted in 2017 in the light of the situation in seven Member States. These Member States repeatedly granted emergency authorisations for neonicotinoids.

The EFSA published its technical reports on the assessments of the emergency authorisations in June 2018<sup>2</sup>. Based on these reports, the Commission considers that 9 out of 26 emergency authorisations evaluated were not justified. These were granted by Romania, Hungary, Lithuania and Bulgaria. The Commission has recently contacted the responsible Minister in each of these Member States asking for their commitment not to repeat granting these emergency authorisations.

<sup>1</sup> 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. 1–50

<sup>2</sup> <http://www.efsa.europa.eu/en/press/news/180621>

The Commission agrees that Member States take recourse to authorisations under Article 53 too frequently. Therefore, we have started discussions at the Standing Committee for Plants, Animals, Food and Feed, to explore means to strengthen the regulatory process for emergency authorisations. Furthermore, work on the Plant Protection Products Application Management System portal through which Member States notify the granting of emergency authorisations is progressing. It is my intention to make such notifications publicly available as soon as technically possible, enabling interested stakeholders to access this information.

We also encourage Member States to take steps to find alternatives for the restricted neonicotinoids. I was in particular pleased by a recent announcement of the Hungarian authorities that all requests for emergency authorisations to use neonicotinoids in oilseed rape for 2018 autumn sowing were refused as an alternative plant protection product has been authorised. This is a step forward because similar emergency authorisations granted by Hungary in 2017 were considered not justified by the EFSA and are now no longer needed.

Lastly, the restrictions on neonicotinoids need to be seen also in a wider context. In June, the Commission adopted the EU Pollinator Initiative<sup>3</sup> which aims at improving the knowledge of insect pollinator decline, tackling its main causes and strengthening the collaboration between all the actors concerned. One of these actions is the pilot project, initiated by the European Parliament and currently implemented by the European Commission, to develop strong tools based on citizen science for the environmental monitoring of pesticide use through honeybees. We are confident that, in a few years time, a monitoring tool will be available which will allow assessing the impacts of our regulatory measures to protect bees and other pollinators.

I duly note the great concerns you have regarding these emergency authorisations and I assure you that we take them seriously and consider them carefully in our assessments.

Yours faithfully,



Sabine Jülicher

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<sup>3</sup> [http://ec.europa.eu/environment/nature/conservation/species/pollinators/index\\_en.htm](http://ec.europa.eu/environment/nature/conservation/species/pollinators/index_en.htm)