European Commission

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Dear Ms Stoczkiewicz,

Thank you for your letter dated 22 January 2019 to President Juncker, expressing the concerns of several organisations on the exposure of bees to pesticides. President Juncker has asked me to reply on his behalf.

The EU Pesticides legislation sets high levels of protection for the environment. As a result, over the last years, many active substances previously used in pesticides have been banned or severely restricted in the EU. However, as you rightly note, the legislation also provides for the possibility that Member States grant authorisations for uses of substances not approved at EU level (the so-called "emergency authorisations"), provided that strict conditions are fulfilled, in particular that there is a danger to plant health that cannot be controlled by any other reasonable means (including non-chemical measures). These emergency authorisations have to be notified to other Member States and the Commission.

Contrary to what you write in your letter, I have taken further action following the European Food Safety Authority (EFSA)'s assessment in 2017 whether the emergency authorisations repeatedly granted by some Member States for three restricted neonicotinoids were justified. For those emergency authorisations that were not justified, I have written to the Ministers of the four Member States concerned, asking for their commitment not to grant again these emergency authorisations. Two have responded positively making such a commitment. For the others, the Commission intends to prepare draft Decisions in accordance with Article 53(3) of Regulation (EC) No 1107/2009 that, if adopted, would prevent them from repeating the granting of these particular non-justified emergency authorisations.

Furthermore, the Commission is currently updating the guidance document on emergency authorisations in order to take into consideration the progress achieved with the Plant Protection Products Application Management System (PPPAMS) portal[1] through which Member States notify the emergency authorisations and intends to make such notifications publicly available as soon as possible, which will enable stakeholders to scrutinise this information.

I do not agree that the latest implementation plan for the EFSA Bee Guidance Document as proposed by the Commission at the end of 2018 to the Standing Committee for Plants, Animals, Food and Feed, would result in a cursory evaluation of the risk to bees. Already now the data requirements set out by Commission Regulation (EU) No 283/2013 include, besides tests on the acute oral and contact toxicity to bees, also a requirement to submit data on the chronic toxicity to bees if bees are likely to be exposed. Hence, already now, the dossiers for renewal or approval of active substances do contain data on chronic toxicity to bees, enabling to assess the potential long-term risks to bees.

For more than 5 years, a clear majority of Member States have refused to accept the EFSA Guidance Document as they do not wish to implement it before it is reviewed. The Commission cannot rely on this guidance document for decisions on applications for renewal of approval, if it is not endorsed by Member States.

In order to overcome this stalemate in the Standing Committee, I have proposed to implement now the parts where there is agreement among Member States. Even though not as ambitious as I would like it to be, this will still be a step forward. In fact, with this implementation plan, the Commission would achieve the swift implementation of the parts of the EFSA Guidance related to acute risks, including assessing different exposure routes and new requirements for higher tier testing, while not lowering the current level of protection with regard to chronic risks.

In parallel, the Commission will mandate EFSA to review the Guidance Document with priority, so that updated guidance related to chronic risks will become available as soon as possible. The Commission will ask EFSA to conduct this review in an inclusive manner – involving not only Member States but also all relevant stakeholders. This should ensure acceptance of the Guidance by the Member States and thus avoid a repetition of the unfortunate situation that has persisted from the publication of the EFSA Guidance in 2013 until today.

Yours sincerely,

[1] https://ec.europa.eu/food/plant/pesticides/authorisation_of_ppp/pppams_en