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Brussels,

Dear Honourable Member,

Thank you for your letter, dated 18 August 2020, sent to Vice-President Timmermans, Commissioner Sinkevicius and myself in which you raise concerns about exemptions to the ban on neonicotinoids that France intends to grant for their use on sugarbeet.

Article 53 of Regulation (EC) No 1107/2009 allows Member States to grant authorisations for products containing active substances which are not approved within the EU, or authorisations for products/uses which are not yet authorised within that Member State. These emergency authorisations can only be granted for a limited and controlled use and for a maximum of 120 days, provided such use is indispensable because of a danger which cannot be contained by any other reasonable means. Member States must respect all conditions set out in the Article 53 and the emergency authorisation must be duly justified.

The granting of each authorisation under Article 53 is thus under the full responsibility of the Member States. Member States have to notify the Commission of these emergency authorisations, which are regularly discussed at the Standing Committee for Plants, Animals, Food and Feed. Furthermore, notifications from Member States on emergency authorisations are publically available, via the Commission website, in the PPPAMS Database[1] to ensure transparency.

[1] https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/ppp/pppeas/screen/home

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Thus, the Commission does not grant any emergency authorisation, but monitors those granted by the Member States. In particular, the Commission may ask the European Food Safety Authority (EFSA), in accordance with Article 53(2) of Regulation (EC) No 1107/2009, to assess whether emergency authorisations are fulfilling the requirements mentioned above. If needed, the Commission may take then further action as done recently through the adoption of a Commission Decisions preventing Romania and Lithuania[2] from repeating the granting of emergency authorisations found unjustified.

Following the prohibition of all outdoor uses of the three neonicotinoids imidacloprid, thiamethoxam, clothianidin in May 2018 and the non-renewal of approval of thiacloprid on 3 February 2020, 12 Member States have granted emergency authorisations for their use in sugar beets and 10 Member States have done so repeatedly. The Commission is currently preparing a mandate to EFSA to assess whether the emergency authorisations granted in 2020 fulfil the conditions set out in Article 53(1) of the PPP Regulation. If such an authorisations is granted by France or another EU Member State during the time that EFSA needs to deliver on the mandate, the Commission will ask EFSA to also assess these authorisations. As before, the Commission is ready to adopt Commission Decisions preventing repeating the granting of emergency authorisations found unjustified.

More generally, the Commission, in consultation with the Member States, is updating the guidance on the process for emergency authorisation of plant protection products in order to strengthen and harmonise it. As part of the changes, Member States will be asked to provide more information on the justification in the notifications that have to be made when granting such authorisations. Moreover, if found necessary, the Commission will consider adopting an Implementing Regulation setting out criteria, in a legally binding way, on when emergency authorisations can be granted.

Yours sincerely,

D. Kyprakides

[2] Commission Implementing Decision (EU) 2020/152 and Commission Implementing Decision (EU) 2020/153 OJ L 33, 5.2.2020, p. 16–21.