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Health and Food Safety Directorate General

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**SUMMARY REPORT OF THE
STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED
HELD IN BRUSSELS ON 26 APRIL 2018 - 27 APRIL 2018
(Section *Phytopharmaceuticals - Legislation*)**

CIRCABC Link: <https://circabc.europa.eu/w/browse/971c91c4-8079-4b6a-9812-9a04a0fe8f74>

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance imidacloprid (Draft Addendum to the Review Report SANCO/10590/2013 Rev. 8).

The Commission recalled the discussion held at the last meeting of the Standing Committee on the draft Regulations for imidacloprid, clothianidin and thiamethoxam to further restrict the approval conditions for the three substances and only allow the use in permanent greenhouses where the crop stays for its entire lifecycle within the greenhouse. At that meeting, EFSA had presented its latest reports on an updated risk assessment for the three substances which had been published on 28 February 2018. Several Member States had inquired about the possibility that risk mitigation measures at national level could be available to ensure safe use for sugar beets, i.e. through appropriate crop rotation schemes, while others also noted continued need for the use of the substances on winter oil seed rape or winter cereals. EFSA had explained that the available validated data did not allow confirming that such uses would be safe for bees and other pollinators.

The Commission had therefore announced its intention to maintain the proposed restrictions to permanent green houses only. It had subsequently updated the Recitals of the draft Regulations and circulated new versions on 10 April 2018.

One Member State asked for some clarifications, in particular regarding the definition of permanent greenhouses, what was meant with 'entire life-cycle' of a crop, whether the restrictions from 2013 would remain in force, and announced already that it might have to take recourse to emergency authorisations under Article 53 for some uses in its territory. The Commission pointed to the clear definition of permanent greenhouses in Regulation (EC) No 1107/2009 (in particular the requirement that there are no releases of the active substance to the environment), clarified that 'entire life-cycle' meant from sowing to harvest, and confirmed that the measures from 2013 would stay in force until superseded by the new Regulations.

Another Member State asked for a phase out period, in particular to allow for alternatives to be developed for sugar beets. That Member State, supported by another Member State, considered that the alternatives are more harmful to pollinators and commented that EFSA's assessment was too conservative. It also considered that crop rotation with winter cereals following sugar beet would allow to mitigate risks to pollinators. One Member State additionally asked for exemptions for fodder beet, winter oilseed rape and minor crops (not specified). The Commission clarified that a phase out is not foreseen in Regulation (EC) No 1107/2009 – decisions can only be taken on approval or non-approval. However, the draft Regulations foresee that Member States can grant grace periods for sale and use of up to 6 months, which thus can cover the period up to the end of 2018. Furthermore, the Commission recalled that the Regulation does not foresee a comparative assessment when decisions on approval are taken, whereas this is foreseen when Member States consider granting authorisations. Also, where Member States consider that the use of the three substances is indispensable for certain uses, they can grant emergency authorisations for a limited period of time. The Commission recalled, however, that Member States must respect all conditions in Article 53 of the Regulation and emergency authorisation must be duly justified. The Commission reminded that it had given a mandate to EFSA to assess if the repeated emergency authorisations for these substances granted since 2013 by some Member States were indeed justified because of a danger which could not be contained by any other reasonable means. EFSA's reports are expected in May.

Three Member States could only support the drafts if an exemption was made for sugar beet. One Member State asked to wait for the outcome of the rulings of the court and asked for an exemption for continued use in sugar beet and forestry. Another Member State could only support the drafts if an exemption was made for conifer saplings, cabbage and potato and a further Member State could only support if an exemption was made for sugar beet, oilseed rape and potato. The Commission confirmed that the rulings of the Court on T-429/13, T-451/13 and T-584/13 are announced for 17 May 2018, but that this was no reason to delay the vote.

One Member State supported the drafts but asked for confirmation that the Commission would consider in the future new data that in particular the sugar beet sector was working on to prove that crop rotation with non-bee attractive crops following sugar beet would not cause risks to pollinators. The Commission explained that applicants can always submit a new application with the appropriate data package under Article 7 of Regulation (EC) No 1107/2009 and underlined that the renewal process of thiamethoxam and clothianidin is currently ongoing.

Upon request of one Member State, the Commission confirmed that it intended to restart the discussions on the implementation of the updated EFSA Bee Guidance Document in a forthcoming meeting of the Standing Committee.

One Member State announced the publication of a report by its scientific agency on the availability of alternatives for the neonicotinoids by the end of May 2018. A preliminary analysis had confirmed availability of alternatives, including for sugar beets.

Reasons for abstention/negative opinion:

All Member States that abstained or voted against indicated that they believed that risk mitigation measures at national level would be available for the use in sugar beet.

Two Member States asked for a statement to be included in the minutes:

Declaration by the Netherlands:

- The Netherlands takes the EFSA assessment very seriously.
- We welcome reducing risks to bees, where those risks have been identified.
- The Netherlands supports the Commissions' proposal to further restrict the approval requirements concerning the three substances imidacloprid, clothianidin and thiamethoxam.
- At this moment, and based on the available information, we are convinced that any risk mitigation measures the Netherlands can take at the national level, such as waiting periods for bee-attractive succeeding crops, will either not fit into current NL agriculture practices for outdoor uses or – as concerns the seed coating process – are not applicable in all Member States, while there is free movement of treated seed within the EU.
- However, in the current proposal, the Commission has opted for a ban on all outdoor uses, resulting in a limitation of approval to permanent greenhouses. This results in denying Member States the possibility to assess authorisations of PPPs in outdoor crops and does not allow national risk mitigation measures.
- The Commission thus excludes, a priori, national authorisations where a safe use through risk mitigation measures could possibly be achieved.
- As a matter of principle the Netherlands believes risk mitigation measures should be assessed at Member State level.
- In the EFSA assessment, on which the current proposal is based, only EU validated risk mitigation measures were taken into account.
- Other measures, such as high-quality seed coating and sowing techniques that greatly reduce dust-drift were not considered. We see this as a missed opportunity.
- For the future, the Netherlands, therefore, calls upon the Commission to consider drafting strict EU requirements for seed treatment, seed coating and seed application techniques.
- This way, one quality standard will be achieved in the EU for all treated seed, emissions of active substances could be further reduced and the important tool of seed treatment could be enhanced.

Declaration by Italy:

Italy considers that the reason for the restriction in sugar beet is not based on risks identified by the EFSA but the identification of data gaps. Italy requests the Commission to assess any new data available to address the risk to bees in outdoor crops.

Vote taken: Favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance clothianidin (Draft Addendum to the Review Report SANCO/10589/2013 Rev. 8).

Reasons for abstention/negative vote:

Please see under B.01.

Vote taken: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance thiamethoxam (Draft Addendum to the Review Report SANCO/10591/2013 rev 8).

Reasons for abstention/negative vote:

Please see under B.01.

Vote taken: Favourable opinion.