



Brussels  
SANTE.E.4

**Informal Technical Meeting on emergency authorisations after the Judgment of 19 January 2023 in case C -162/21 (Pesticide Action Network Europe and Others vs. Belgium)**

**13 February 2023**

**Summary Report**

**Participants: Commission: DG SANTE Unit E.4, DG AGRI, DG ENV, LS**

**Member States : AT, BE, BG, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, NL, PL, PT, RO, SE, SI, SK**

**EEA: NO**

**Background:**

The meeting was organised and chaired by DG SANTE Unit E.4 following requests from several Member States. Its purpose was to promote an exchange of views on the granting of emergency authorisations by Member States after the judgment of the Court and its impact for ongoing emergency authorisations granted by Member States based on Article 53 of Regulation (EC) No 1107/2009.

At the Standing Committee on Plants, Animals, Food and Feed (Phytopharmaceutical legislation) of 25 January 2023, various questions were raised by the Member States as regards:

- the scope of the judgment;
- the possibility to grant emergency authorisations for the treatment, sale and sowing of seeds where an active substance, with which these seeds are intended to be treated, is banned or its use is restricted in the EU for reasons related to risk to human or animal health or to the environment;
- the applicability of the judgment to situations involving approved substances when the sale for outdoor use and such outdoor use of seeds treated with the substance are prohibited;
- the applicability of the judgment to situations involving other forms of use of a substance that has been restricted or prohibited than seed treatment;

- the possibility to distinguish between situations where restrictions or non-approvals rely on findings of risks for human, or animal health or the environment, versus restrictions or prohibitions on the basis of data gaps;
- the situations in which recourse to Article 53 remains possible;
- the consequences for emergency authorisations concerned by the ruling for which applications were pending at the date of the ruling and for such emergency authorisations granted by Member States before the date of the ruling;
- the possible impacts of the judgment on the finalisation of the seed treatment guidance.

Different possible interpretations of the ruling and its applicability to the various potential situations were discussed between the Member States and the Commission's services. The Commission's services clarified that the internal analysis was still ongoing and no final position of the Commission had yet been reached.

Several Member States underlined the severe consequences of the ruling for the sugar beet, maize and sunflower sectors, aggravated by the food security issues arising from the Russian war of aggression against Ukraine (one Member State), insisting on the possibility to guarantee a safe use of plant protection products under Article 53 (three Member States).

The Commission services concluded the meeting by thanking all participants for the active contribution and indicated that the views expressed will be considered in the further internal analysis to define the Commission's position.