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**From:** Martin Dermine

**Sent:** 14 December 2016 21:37:57 (UTC+01:00) Brussels, Copenhagen, Madrid, Paris

**To:** SG INPUT ROADMAPS FEEDBACK

**Subject:** Roadmap: Feedback received for REFIT Evaluation of the EU legislation on plant protection products and pesticides residues (Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005) - DG:SANTE - Register ID :15913213485-46

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## **Your Voice In Europe: ROADMAP feedback for REFIT Evaluation of the EU legislation on plant protection products and pesticides residues (Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005)**

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**Related document: REFIT Evaluation of the EU legislation on plant protection products and pesticides residues (Regulation (EC) No 1107/2009 and Regulation (EC) No 396/2005)**

### **Feedback:**

*Pesticides authorisations, residues in food and water, the role of pesticides in agriculture, public areas as well as residues in the environment are interrelated topics. They should thus be assessed altogether: reg. 1107/2009, reg 396/2005, dir 128/2009 (sustainable use of pesticides) as well as directive 2000/60 (water policy) or reg. 528/2012 on biocides (substances used during, for instance, grain storage and further found in flour). Assessing the effectiveness of the pesticides policies without considering the presence of or the impact of pesticides in the environment will not permit decision-makers to have a clear picture of the situation. Further, in March 2016, Commissioner Andriukaitis himself stated in answer to a written question in the European Parliament (E-000225-15) that 'reg 1107/2009 and dir 128/2009 were adopted at the same time and pursue the same objective'.*

*We consider that in the way the roadmap is written, it is biased towards the benefit of*

*the conventional farming system which heavily relies on, inter-alia, pesticides. In this roadmap, pesticides are presented as 'indispensable for agriculture' that are evidently needed for the competitiveness of the farming sector. This is in complete contradiction with the sustainable use of pesticides directive (128/2009) that indicates that pesticides should be used as a last resort. In this way, pesticides authorisations should have a negligible impact on farming competitiveness. The Commission hence neglects the incredible amount of knowledge that exists today that permit farmers to avoid using pesticides while increasing their benefits and competitiveness. This is thus in contradiction with the statement of Commissioner Andriukaitis last March.*

*In the whole document, an emphasis is put on how to favour pesticides authorisations, SMEs and how to reduce the burden of risk assessment (RA), how to shorten time for authorisation procedures, etc. Over the last decades, health and environment indicators confirm repeatedly the harm caused by pesticides and biocides; thus the efficiency of the risk assessment/risk management to protect human health and the environment is low. Hence it is inappropriate to invest resources on how to bring more quickly more pesticides on the market in a time where neither EFSA nor DG Sante nor member states have the capacity to increase their risk assessors/managers staff in order to improve the quality of their work and to diminish the negative effects of pesticides use. The planned cost-effectiveness analysis of the current regulatory framework is not clear: will this analysis be dedicated to evaluate the costs linked to human health, environmental degradation and extinction of species? In Germany and UK, the costs of pesticides use to human health and the environment are estimated 257 and 166 million USD, respectively (Pretty and Waibel 2005). UK water companies spend yearly 92 million pounds in purification of water from pesticides. These externalities must be included in the roadmap.*

*The precautionary principle underpins the objectives of the regulations related to pesticide authorisations and uses. We strongly regret that the precautionary principle is not mentioned in the current roadmap. A recent decision from the EU Ombudsman (case 12/2013/MDC) has found the European Commission responsible of maladministration by authorising pesticides despite too many data gaps and constantly making use of the 'confirmatory data procedure'. Making use of the precautionary principle should become the baseline of any decision made on pesticides and this should be clearly mentioned in the roadmap.*

*Up to now, cut-off criteria, despite their advantage of speeding up the decision-making process, have never been applied. Including this procedure in a REFITT exercise is not logical as only legislations that have been implemented can be evaluated.*

*Abuses by member states on the provision of derogations provided under article 53 of regulation 1107/2009 are an enormous hindrance to a high level of protection of humans and the environment. A special focus should be given on this weakness of the regulation.*

*The roadmap should clearly mention the need to evaluate the current RA system: following the applicants' submission of data requirements for RA, a member states 'Rapporteur Member State' (RMS) carries out the RA and EFSA the peer-review. RAs' quality, thus varies according to the level of expertise of the RMS and its commitment*

*to protect health and the environment.*

*Coherence between 1107/2009 and 396/2005: we ask for the assessment of coherence between the goals of both regulations. MRLs are not reduced to include risks from exposure to multiple pesticides and other chemicals, and provide a high level of protection as Reg. 1107/2009 mandates. Moreover, MRLs defined in 396/2005 do not ensure a high level of protection for animals (e.g. MRLs of certain insecticides in honey reach toxic levels to bees, glyphosate MRL in soybean seems toxic to livestock).*

*In conclusion, despite the existence of epidemiological studies indicating that still authorised pesticides harm the health of humans, animals and the environment, PAN Europe considers unacceptable that in this roadmap, the European Commission puts an emphasis on business rather than on reducing the dramatic impact of pesticides and biocides uses. In France, cases of farmers' diseases were officially recognized as professional illness, studies show that bystanders have higher rates of cancers, etc. In the Eurobarometer 314/2009, 70% of the EU consumers consider that pesticides are the chemicals posing most risks to users and in eurobarometer 354/2010, 72% of respondents consider that pesticide residues in fruits, vegetables and cereals are a problem. Scientific information as well as the legitimate concerns of the EU population do not seem to be a priority in this roadmap. PAN Europe will provide the Commission with further information in the coming weeks.*

**Feedback file:**