USDA Foreign Agricultural Service
GAIN Report
Global Agricultural Information Network

Voluntary _ Public

Date: 10/20/2017
GAIN Report Number: E17069

EU-28

Post: Brussels USEU

Further Restrictions to Neonicotinoids

Report Categories:
Agriculture in the News
SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports

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Report Highlights:
The current EU restrictions on neonicotinoids have been in place since 2013 as the substances were considered toxic to bees and other pollinators. The European Commission now plans to further restrict the use of neonicotinoid pesticides and on August 4, 2017, notified the restriction proposals to the World Trade Organization. The comment period ended on October 3, 2017. These proposals would ban all uses for clothianidin, imidacloprid and thiamethoxam except for the application in permanent greenhouses in the EU. These measures are deemed necessary by the European Commission to address alleged risks to bees indicated in recent reports by the European Food Safety Authority (EFSA). If the measures are adopted in the near future, this would mean that all prohibitions could be in place within the first half of 2018. There are no implications expected for the maximum residue levels (MRLs) and import tolerances for these substances at this point in time, but USEU/FAS will continue to monitor.

General Information:

Introduction

Neonicotinoids, or neonics, are the most commonly used insecticides for many food and feed crops. They are a controversial group of pesticides, since they are considered to have detrimental impacts on bees and pollinators in general. As a result, the European Commission decided in 2013 to restrict certain uses of the three neonicotinoids, clothianidin (CTD), imidacloprid (IMD) and thiamethoxam (TMX), in bee-attractive crops by Regulation 485/2013. This regulation required the European Commission to initiate a review of all new available data for the restricted uses by 2015, two years after the entry into force of the ban. However, after several delays, EFSA announced once more that its report on the re-evaluation of the already restricted uses of the neonicotinoids is postponed until November 30, 2017, because of the amount of data to be assessed and the complexity of the request.

Proposal for further restrictions

In the meantime, the European Commission included draft proposals amend the conditions for the use of all three neonicotinoids on the agenda of the March Standing Committee meeting for Plants, Animals, Food and Feed (PAFF) for discussion with the Member States. The European Commission proposed a broad extension of the current restrictions on the use of the three neonicotinoids, imidacloprid, clothianidin, and thiamethoxam, in plant protection products. These proposals would ban all uses except application in permanent greenhouses in the EU. The only basis for the proposed restrictions is EFSA's risk assessment, which is based on a currently unapproved Bee Guidance Document. This theoretical guidance on how to conduct the risk assessment of the impact of Plant Protection Products on bees is not supported by many EU Member States. The document is heavily criticized by industry and Member States regulatory authorities as it is based on single laboratory studies and does not take into account field monitoring data to evaluate these products under normal agricultural conditions. The Guidance is not adopted and not applicable for regulatory purposes in the EU.

WTO notification

On August 4, 2017, the European Commission notified the restriction proposals to the WTO to allow other members to assess and comment with regard to whether they constitute technical trade barriers. The comment period ended on October 3, 2017.

In the WTO notification, the Commission suggested a possible adoption of the measures in the fourth quarter of 2017, although there has been no vote at the standing committee meeting on October 5 – 6, 2017. If the measures would enter into force by the end of 2017 - beginning 2018, all prohibitions would be in place in mid-2018.

This proposal would restrict most uses of neonicotinoids but not revoke the use authorization in the EU. In addition, these restrictions are not linked to human health concerns, which mean that no implications for the MRLs and import tolerances for these substances are expected. The USG submitted comments to the WTO notification in order to address potential concerns in the event that the European Commission considers lowering or withdrawing the MRLs.