



Notification Number: 2018/400/F

Draft Decree listing the active substances contained in plant protection products which have the same mode of action as those in the neonicotinoid class

Date received : 03/08/2018
End of Standstill : 05/11/2018 (04/02/2019)
Issue of comments by : Commission, United Kingdom
Issue of detailed opinion by : Hungary

Message

Message 002

Communication from the Commission - TRIS/(2018) 02176
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2018/0400/F

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201802176.EN)

1. Structured Information Line

MSG 002 IND 2018 0400 F EN 03-08-2018 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department



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4. Notification Number

2018/0400/F - C00A

5. Title

Draft Decree listing the active substances contained in plant protection products which have the same mode of action as those in the neonicotinoid class

6. Products Concerned

Plant protection products containing sulfoxaflor or flupyradifurone and seeds treated with those products

7. Notification Under Another Act

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8. Main Content

The draft text enables the application of the draft Act to balance trade relationships in the agricultural and food sector and provide food which is healthy, sustainable and accessible to all, which amends Article L253-8 of the French rural code and provides for a ban on the use of plant protection products containing one or more active substances which have the same mode of action as those in the neonicotinoid class, as well as seeds treated with those products.

The draft act refers to an implementing decree in order to define the methods of application and make the ban enforceable. The draft decree explicitly specifies the list of substances which are affected.

9. Brief Statement of Grounds

Many scientific journals and respected organisations (EASA, EASAC, INRA, CNRS, ANSES, etc.) share the view that neonicotinoids have a huge impact on various aspects of the environment and on non-target organisms, such as bees, macroinvertebrates and even birds. A recent EASA study also identified a risk to human health (impact on normal nervous system development).

Moreover, these substances belong to a homogeneous group of substances sharing the same properties – powerful systemic insecticides that affect the insects' nervous systems. This systemic nature means that once a plant has been treated with these substances, they are taken up into all of the plant's organs.

Against this background and in view of the environmental and public health concerns, France wanted to implement a risk management policy in 2016 that would restrict the use of plant protection products based on neonicotinoids and of seeds treated with such products. To this end, Act 2016-1087 (known as the Biodiversity Act) provides for a ban on these products following an implementation period; it also includes an assessment of



the process in order to ensure market players are ready by the end of this period.

Several studies have shown that the substances sulfoxaflor and flupyradifurone pose a significant risk to pollinators. The manufacturers which produce these substances recognise that they have the same mode of action as substances in the neonicotinoid class, i.e. that they act on the nicotinic acetylcholine receptor (nAChR) in competition with acetylcholine.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): a) Article 114(5) TFEU stipulates that 'if, after the adoption of a harmonisation measure by the European Parliament and the Council, by the Council or by the Commission, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions as well as the grounds for introducing them'.

The measures being notified are based on this article.

Under Article 191(2) TFEU, 'Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

In this context, harmonisation measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures, for non-economic environmental reasons, subject to a procedure of inspection by the Union. '

b) Reference documents, studies

Schmitzer 2011a: demonstration of the sublethal effects of the product Closer (sulfoxaflor) on 56 % of the brood

Schmitzer 2011b: demonstration of the sublethal effects of the product Closer (sulfoxaflor) on 65 % of the brood at the lowest dose used (24 grams per hectare), which is lower than that authorised in the marketing authorisations granted for sulfoxaflor-based products

Bergfield 2009: demonstration of the mortality of 19 % of the brood resulting from the residues of the product Transform (sulfoxaflor)

c) Draft Act to balance trade relationships in the agricultural and food sector and provide food which is healthy, sustainable and accessible to all, which is currently being examined by the Parliament (provision amending Article L253-8 of the Rural and Maritime Fishing Code)

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No



14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

No - the draft is neither a technical regulation nor a conformity assessment procedure.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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