

Neonicotinoid-Ban Derogations Loom over France



In 2018, the European Union banned three neonicotinoid-based insecticides due to the high environmental risk they represent. Now one of the most innovative countries in legislation and the protection of pollinators in Europe is risking taking a massive step backwards by allowing a banned substance into the market and nature. In early August, the French government announced its wishes to grant a three-year derogation to the neonicotinoids ban. The goal is to give emergency authorisations for the use of neonicotinoid-based substances due to sugar beet growers' challenging conditions this year. Nevertheless, this is a troubling proposal that not only dismisses the focus on existing, viable and potential alternatives but could also induce more derogations (i.e. maize). **If the EU and its Members States wish to achieve the sustainability goals agreed in the EU Green Deal, they need to avoid these setbacks.**

The French government is currently exploring a risky possibility by opening the gates for banned substances' derogations to start making their way back. For the last couple of years, France has been somewhat at the forefront of environmental and wildlife protection in Europe. It even vastly improved conditions for bees with its "Biodiversity Law" [1], with which France became a pioneer by banning five neonicotinoids in 2018, including substances that the EU has not yet banned but that scientific research suggests they pose a risk for bees. **However, the French government's will to grant derogations creates new challenges and a significant shift in the political discourse.**

The French government introduced its law proposition, allowing for derogations of banned pesticides modifying the Biodiversity Law. The new law proposal is discussed today in the Council of Ministers and the French parliament will vote on it in October. Beekeepers, environmental organisations and concerned citizens are now asking French deputies to vote against these legislative changes. **BeeLife European Beekeeping Coordination stands in solidarity with French beekeepers and environmentalists, also pleading French legislators to avoid making the mistakes of the past and even the present in other European countries.**

Even though European Regulation (EC) No1107/2009 comprises derogations for the ban of plant protection products, some Member States use them as a tool to circumvent EU law. Up until 2017, experts even named France a "derogations champion" [2], considering its insistent use of Article 53 of the same regulation, regarding emergency authorisations of prohibited products. The past situation in France reveals that the risk for the future is quite real.

The current attempt to modify legislation requires further vigilance, making sure that authorities follow reliable procedures and information, particularly those provided by its scientific bodies. It will need to ensure observing the framework that the French Agency for Food, Environmental and Occupational Health & Safety (ANSES) provides to assess alternatives to neonicotinoids (including both synthetic and non-synthetic options).

A significant risk remains only by modifying existing laws for environmental protection. According to EU regulation, only when there are no available alternatives that meet the criteria based on efficacy, operationality, sustainability and practicality, emergency authorisations are issued for banned products. National governments that grant authorisations must submit a complete dossier demonstrating the lack of alternatives with proper documentation. Nevertheless, many fail to follow such protocol, granting emergency authorisations without appropriate justifications [3]. **Hence, opening national legislation to derogations brings with it the risk of abuse of Article 53, as has been seen in some of the other Member States. Unfortunately, this situation comes with a heavy toll on the environment, bees and biodiversity in general.**

The situation in France is problematic. The high risk that neonicotinoids pose to insects, particularly bees, has been widely discussed by scientific literature in the last few years, even leading to crucial decisions such as the EU's 2018 ban of three substances. Next month, French deputies have the opportunity to safeguard the efforts and progress achieved in the last decade. Even amidst the current crisis, the future of biodiversity and healthy ecosystems is a priority.

[1] Légifrance - Loi n° 2016-1087 pour la reconquête de la biodiversité de la nature et des paysages:

https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=CC1AB9F761A45BE97EE6A0C7D5B37DC1.tpdila17v_2?categorieLien=id&cidTexte=JORFTEXT000033016237

[2] France Info. 2018. *Néonicotinoïdes dangereux pour les abeilles : "La France est championne d'Europe de la dérogation pour l'utilisation de produits interdits"*:

https://www.francetvinfo.fr/economie/emploi/metiers/agriculture/neonicotinoïdes-dangereux-pour-les-abeilles-la-france-est-championne-d-europe-de-la-derogation-pour-l-utilisation-de-produits-interdits_2790529.html

[3] PAN Europe, BeeLife, ClientEarth, Romapis. 2017. *Bee Emergency Call: How some Member States are threatening bees by allowing the use of pesticides and how the Commission does nothing to stop them:* <https://link.bee-life.eu/bee-emergency-call>