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Syngenta mounts legal challenge to EU neonicotinoid ban

27 August 2013 | By [Alistair Driver](#)

[SYNGENTA](#) has submitted a legal challenge to the [European Commission](#)'s decision to suspend the use of on its neonicotinoid seed treatments on crops, like oilseed rape, that are attractive to bees.

The [Commission pushed through restrictions on three products](#), including Syngenta's thiamethoxam, in May after a vote by member states failed to reach the necessary qualified majority on April 29. The restrictions, which also cover the seed treatments clothianidin and imidacloprid, reflect concerns that neonicotinoid products are harmful to bees. They come into force on December 1.

Syngenta claims the Commission took the [decision](#) on the basis of a 'flawed process, an inaccurate and incomplete assessment by the European [Food Safety](#) Authority and without the full support of EU Member States'.

It has filed its legal case against the Commission at the EU General Court in Luxembourg which has jurisdiction over 'direct actions' against EU institutions by commercial interests

Its [chief operating officer](#), John Atkin, said: "We would prefer not to take legal action but have no other choice given our firm belief that the Commission wrongly linked thiamethoxam to the decline in bee health.

"In suspending the product, it breached EU pesticide legislation and incorrectly applied the precautionary principle."

He said that since the EU suspension of thiamethoxam was announced, [farmers](#) and their organisations have expressed concern that there will not be any effective, low dose product available to them to replace and the other suspended products. They will have to be replaced by much less sustainable alternatives, he said.

"Modern products like thiamethoxam are essential to address the challenge of increasing European food production and reducing the reliance on imports," he said.

Announcing the Commission's decision to implement the restrictions in May, EU Health Commissioner Tonio Borg said the move delivered on his pledge to 'do my utmost to ensure that our honeybee population is protected'.

He said it marked 'another milestone towards ensuring a healthier future for our honeybees, as bees have two important roles to play: not only that of producing honey but primarily to be a pollinator'.

the scientific basis for the ban was [a report by EFSA](#), which concluded that the three products pose a 'high risk' to honey bees in crops producing nectar and pollen.

But this conclusion is [hotly disputed by the UK Government](#), which claims, while laboratory studies show high doses of the chemicals are harmful to bees, there is no evidence that the pesticides harm bees when used in the field.

Defra Secretary Owen Paterson said UK [trials of the impact of neonicotinoids in the field did not show any evidence of harm to nearby bee populations](#).

"Our scientists' considered opinion was that the lab tests on which EFSA and the Commission are proposing to ban three neonicotinoid products grossly exaggerated the dose given to bees. We did not see grounds for a ban based on our field trial data," Mr Paterson told Farmers Guardian.

"The question of bee health is massively important and what we really do is have a proper analysis of what is happening with bees across Europe. In the meantime I wouldn't particularly pick on these three products," he said.

"The alternatives are not attractive. They may be legal and licensed but things like pyrethroids are not nice products and they are quite an old technology."

Responding to Syngenta's announcement Friends of the Earth's head of campaigns Andrew Pendleton said:

"These restrictions are completely justified. With mounting scientific evidence linking neonicotinoid pesticides to bee decline, failure to act would recklessly put our food supplies and economy at risk."

Syngenta called on stakeholders to concentrate on practical solutions to bee health, which it said most experts agree is damaged by disease, viruses and the loss of habitat and nutrition. It has pledged to expand its Operation Pollinator project across Europe and published a Bee Health Action Plan in April 2013.

What the restrictions mean

- The European Commission decision prevents the use of three neonicotinoid products - clothianidin, imidacloprid and thiametoxam - in seed treatment, soil application (granules) and foliar treatment on plants and cereals (with the exception of winter cereals) that are attractive to bees.
- The remaining authorised uses are available only to professionals, with exceptions limited to possible treatment of bee-attractive crops in greenhouses and open-air fields only after flowering, the Commission said.
- The restrictions will come into force on December 1 and be reviewed, at the latest, within two years.
- Member states must now withdraw or amend existing authorisations to comply with the new restrictions by September 30. They can, however, allow the use of existing stocks until November 30.

Readers' comments (3)

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Richard Brooke | 27 August 2013 5:03 pm

The decision to ban these pesticides is political. We had severe frosts last year which killed some bees, as well as the bee diseases. Next year when bee numbers are seen to have increased the politicians will claim that it was a wise move on their part to ban the use of these products which will win votes!!

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Nate | 27 August 2013 9:54 pm

Nice try but frost does not kill bees, my colonies have seen winter temperatures down to -25 F with no problems. Syngenta is afraid that the ban might actually help which would spell trouble for the company. Besides all that the ban is only for two years, so if that's not the problem we can start using it again.

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Johnson | 29 September 2013 2:56 pm

Syngenta mounts legal challenge for the right to kill more bees, interesting.

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