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To the Members of the ENVI Committee
European Parliament
Sent via email

Brussels, 10 October 2017
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Dear Madam/Sir,

On 15 February 2017, the European Parliament, as the only directly elected representation of the European Union, virtually unanimously voted for a Resolution that urges the European Commission to limitedly adapt Regulation (EC) No 1107/2009 so as to fasten and financially smoothen the access to the European market of biological low-risk plant protection products (PPPs). Of course, low-risk means that safety will in no way be compromised. The Resolution is all the more important because agricultural innovation in the European Union is mostly in the hands of advanced small and medium sized enterprises (SMEs). It is a cornerstone of the EU to strongly promote the success of SMEs both as innovators and as employers of around 80% of Europe's workforce.

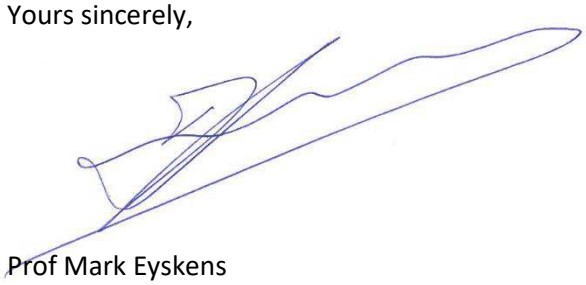
At this very moment, 77 traditional chemical plant protection active substances categorised as candidates for substitution are expected to be substituted when appropriate active substances become available. But currently there are no alternatives available. Of the 493 active substances on the market, only 9 are low-risk biological. After subsequent initial agreements between the farmers' association COPA-COGECA and the biocontrol PPPs manufacturers in IBMA at the one hand, and EU Commissioner Vytenis Andriukaitis at the other hand, the European Commission gradually shifted its position from an immediate action to a full review of this Regulation. During a meeting in the European Parliament on 6 June 2017, the Commissioner suggested that the Parliament's Resolution to adapt Regulation 1107/2009 before the end of 2018 could be realised but within REFIT. If the timeline were possible, it would fit well, as REFIT's formal definition includes a reference to the unburdening of SMEs that cannot sit out lengthy and costly procedures.

On Thursday, 5 October 2017, I had the privilege to chair an informal dinner with the Phytopharmaceuticals - Legislation section of SCoPAFF (Standing Committee on Plants, Animals, Food and Feed). After impressive presentations by Mr Pavel Poc (Vice-Chair of ENVI, please see video here) and David Cary (Executive Director of IBMA, please see Attachment 1), the Head of the Pesticides Unit of DG SANTE stated "We share the opinion that the availability of biological low-risk pesticides should be increased. Nevertheless, I find your criticism regarding the regulatory process to be unfair. We cannot act outside it. It is the normal process: we evaluate the Regulation, we draw conclusions and, if necessary, we make a legislative proposal. In my 29-year experience with the Commission, there is never a quick and easy fix. It always takes a lot of time, even for a small fix. [...] When it comes to a legislative proposal, we have to follow rules and procedures." In response, a Belgian diplomat remarked that only political will determines the length of any procedure. From a purely technical point of view, it can be established for a fact that Commissioner Vytenis Andriukaitis has the power to set priorities and adapt a Regulation to the extent that the priority that Regulation 1107/2009 already gives to the use of low-risk PPPs is further elaborated mainly in a Communication that simply explains how the stated priority must be realised in practice. For some reason, the authors of 1107/2009 did not include this in the Regulation.

It has been speculated that in the past 15 years, industrial interests may have caused delays of such adaptation of this Regulation. Correct or not, fact of the matter is that farmers are on record as running out of options with an empty pesticides toolbox, while SMEs have endured unecesary cost and reached the end of the line waiting for a chance for their innovative and green products to be approved. In the attachment, please find a brief overview of instances in which the Commission demonstrated the political will to adapt Regulations within 1 to 14 months (Attachment 2). Against this background, and in view of the requirement for the European Union to demonstrate its commitment to its European constituencies, I implore the European Institutions to carry out the European Parliament Resolution on Regulation 1107/2009 in the next 12 months. At this point in history, European nations expect EU leadership covering the interests of all Member States – particularly when public health is at stake.

Thank you very much in advance for assuming the required leadership.

Yours sincerely,



Prof Mark Eyskens
Chairman PA International Foundation
Former Prime Minister of Belgium

Encl.:

- Attachment 1: Speech of IBMA Executive Director Mr David Cary on 5 October 2017;
- Attachment 2: Commission responses to European Parliament Motions for Resolution;