

**Question for written answer E-003023/2023
to the Commission**

Rule 138

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Subject: Derogations for the use of pesticides that were banned for health and environmental reasons

A Court of Justice ruling¹ indicates that the Commission's interpretation of Article 53 of Regulation (EC) No 1107/2009² was incorrect with regard to the provision of derogations for the use of pesticides that were banned for health and environmental reasons. The Commission made a statement in a hearing of Parliament's Committee on the Environment, Public Health and Food Safety on 6 March 2023, but has not yet provided a written interpretation of the ruling. When is the Directorate-General for Health and Food Safety planning to provide its legal interpretation of the ruling? What is the timeline for the urgently needed adaptation of the related guidance document?

Since the ruling was handed down, no fewer than 14 Member States have issued a total of 29 derogations for the use of EU-banned pesticides. Romania has recently issued three derogations for the use of neonicotinoids. It has recurrently provided derogations for the use of neonicotinoids since the first restrictions were introduced on these pesticides in 2013. This has had a negative impact on the environment and on beekeepers. What is the Commission planning to do about this infringement of EU law and similar cases?

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¹ Judgment of the Court of Justice of 19 January 2023 in Case C-162/21, *Pesticide Action Network Europe ASBL and Others v État belge*, ECLI:EU:C:2023:30.

² Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).