



Pesticide newsletter

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Jurisdictional news



The controversial return of neonicotinoids in France

Banned since 2018, the use of neonicotinoids in French agriculture is again authorized in sugar beet fields.

Following the [decision](#) of the Constitutional Council on December 10, 2020, which had declared the bill authorizing the return of neonicotinoids to be constitutional, the order temporarily authorizing the use of "sugar beet seeds treated with plant protection products containing the active substances imidacloprid or thiamethoxam for a period of one hundred and twenty days from the entry into force of this order" was published in the JO on February 6, 2021.

Seven associations, including Justice Pesticides and our partner Générations Futures, filed on February 22, 2021 [appeals for cancellation](#) accompanied by summary suspensions against this order, with the administrative courts of Lyon, headquarters of the company Bayer, and Toulouse, capital of the department of the headquarters of Syngenta, which are the two companies producing these

products. The beekeepers' union UNAF has undertaken [similar appeals](#) before the same courts.

In addition, two other appeals have been filed before the Council of State against this same order, one by our partner *Agir pour l'environnement* and the farmers' union *Confédération paysanne*, the other by *Terre d'abeille*, *Syndicat National d'Apiculture* and our partner CRIIGEN, on the basis of Article 53 of European Regulation 1107/2009. This article states that "a Member State may authorize, for a period not exceeding 120 days, the placing on the market of plant protection products for limited and controlled use, where such a measure is necessary because of a danger which cannot be contained by other reasonable means. The groups note the absence of "danger that cannot be controlled by other means" or at least the absence of sufficient study, accompanied by a criticism of the public consultation which "normalizes anonymity".

The judge of summary proceedings of the Council of State decided on March 15, 2021 that the contested order, which merely implements the provisional authorization of these pesticides provided for by the law of December 14, 2020, which has already been declared consistent with the Constitution, does not in itself infringe seriously and manifestly on the freedom of trade and industry and the property rights of beekeepers. The administrative court of Lyon, for its part, referred to the decision of the Council of State.

The applications have not yet been judged on their merits, but all the applications for suspension have been rejected, so beet growers will unfortunately be able to sow seeds coated with toxic neonicotinoid pesticides and contaminate the fields of northern France in the spring of 2021. Bees will be the first victims!

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