

Pesticide newsletter

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Jurisdictional news



France: Council of State rejects appeals against the ban on neonicotinoids

Victory for the bees! On July 12, 2021, the Council of State [rejected](#) the appeals of the *Union des industries de la Protection des Plantes* (UIPP) and three producers' organizations (wheat, corn and beets) that had requested the cancellation of Decree No. 2018-675 of July 30, 2018 on the definition of active substances of the neonicotinoid family present in plant protection products in order to render [inoperative](#) Article 125 of the law of August 8, 2016 for the reconquest of biodiversity, nature and landscapes, which states that "The use of plant protection products containing one or more active substances of the neonicotinoid family and of seeds treated with these products is prohibited as of September 1, 2018."

By a [decision](#) of June 28, 2019, the Council of State had stayed the ruling until the Court of Justice of the European Union (CJEU) had ruled on the legality of the measure. On October 8, 2020, the CJEU [considered](#) that France had correctly informed the Commission of the need to adopt measures aimed in particular at

protecting bees. As a reminder, in response to France's draft decree from 2016 banning neonicotinoids, the European Commission had stated in 2017 that it "shared France's concerns related to certain substances of the neonicotinoid family and the risks that these substances pose to bees."

In its important [decision](#) of July 12, the Council of State rejects the petitions of the UIPP and producers and recognizes the dangers of neonicotinoids for non-target species and bees. In particular, it recalls that in the "conclusions of the scientific studies mentioned by the French authorities in support of the notification of February 2, 2017, including the opinion of the European Food Safety Agency (EFSA) issued in January 2013 and the literature review published in 2015 by the Council of European Academies of Sciences (EASAC) (...) neonicotinoids have adverse effects on the health of bees (...) and severe negative effects on non-target species that provide ecosystem services including pollination, as well as negative effects on aquatic invertebrates and, through the food chain, on birds." It also considers that the France has respected the rules in force with the notification to the European Union of the contested national measure.

Our partner Générations Futures welcomes a [very precisely motivated](#) decision regarding the dangers of neonicotinoids. This is a great victory in the fight against neonicotinoids, but it is considerably overshadowed by the [exemptions](#) to this ban granted year after year by the French government.

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