



Newsletter about Pesticides

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Jurisdictional News



EU: European ombudsman for better access to pesticides data

On March 1st, 2022, the European Ombudsman, Emily O'Reilly, [ruled](#) on the [complaint](#) filed by our partner, [Ecologistas en Acción](#), against the refusal of the European Commission to make public statistical data communicated by Spain concerning the active substances of pesticides.

The European Commission relied on the principle of confidentiality of statistical data to justify its refusal, arguing that the publication of the quantities of substances contained in pesticides could harm the commercial interests of the companies that produce or sell pesticides, since it would allow their identification.

The Ombudsman questioned the Commission's position. She first relied on [Regulation n°1367/2006](#) of the European Parliament and the Council of

September 6, 2006 on the application of the revisions of the Aarhus Convention to information, public participation in decision-making and access to justice in environmental matters to community institutions and bodies, which considers that there is an overriding public interest in disclosing information on quantities of active substances present in pesticides (where the information requested relates to emissions into the environment). She also relied on [Regulation n°1185/2009](#) concerning statistics on pesticides, which indicates that it applies without prejudice to the Aarhus Regulation.

Moreover, she recognized that making data on individual active substances available would help the public as well as the authorities in charge of environmental policies to provide a better monitoring and analysis of the impact of these substances.

Thus, it appears clearly from the European Ombudsman position that the transparency of information on emissions into the environment prevails on the statistical confidentiality principle. Therefore, the European Commission, by refusing access to documents containing statistical data about active substances of pesticides, violated the Aarhus Regulation.

However, the Ombudsman did not draw direct consequences from this non-compliance, as she closed the inquiry, considering those questions will be more effectively examined by the European Union legislators, who are currently revising the legislation applicable to statistics on the agricultural sector.

If you have made it this far, can you make one more small effort to allow us to continue this work of investigation and information to help the victims of pesticides?

Justice Pesticides needs you.

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