

17/01/2018

European Parliament decision on setting up a Special Committee on the Union's authorisation procedure for pesticides

The European Parliament,

- having regard to the proposal for a decision of the Conference of Presidents,
- having regard to 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/EEC¹,
- having regard to Commission Regulation (EU) No 546/2011 of 10 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards uniform principles for evaluation and authorisation of plant protection products²,
- having regard to Commission implementing regulations amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval period and the conditions of approval of the active substance glyphosate³,
- having regard to the Commission implementing regulations renewing the approval of the active substance glyphosate in accordance with Regulation (EC) No 1107/2009,
- having regard to its resolutions of 13 April 2016⁴ and of 24 October 2017⁵ on the respective draft Commission implementing regulations renewing the approval of the active substance glyphosate in accordance with Regulation (EC) No 1107/2009,
- having regard to the decision of the European Ombudsman in Case 12/2013/MDC on the practices of the European Commission regarding the authorisation and placing on the market of plant protection products (pesticides),
- having regard to Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers⁶,
- having regard to the preliminary ruling of the Court of Justice under Article 267 TFEU of 23 November 2016⁷

¹ OJ L 309, 24.11.2009, p. 1

² OJ L 155, 11.6.2011, p. 127.

³ Regulation (EU) 2016/1056 of 29 June 2016, OJ L 173, 30.6.2016, p. 52. and Regulation (EU) 2016/1313 of 1 August 2016, OJ L 208, 2.8.2016, p. 1.

⁴ Texts adopted of 13.4.2016, P8_TA(2016)0119.

⁵ Texts adopted of 24.10.2017, P8_TA(2017)0395.

⁶ OJ L 55, 28.2.2011, p. 13.

⁷ Case C-442/14: Judgment of the Court (Fifth Chamber) of 23 November 2016 (request for a preliminary ruling from the College van Beroep voor het bedrijfsleven — Netherlands) — Bayer CropScience SA-NV, Stichting De Bijenstichting v College voor de toelating van gewasbeschermingsmiddelen en biociden (Reference for a preliminary ruling — Environment — Aarhus Convention — Directive 2003/4/EC — Article 4(2) — Public access to information — Concept of 'information relating to emissions into the environment' — Directive

– having regard to Rule 197 of its Rules of Procedure,

- A. whereas concerns have been raised about the assessment of glyphosate, in particular as to whether an independent, objective and transparent assessment has taken place, whether the classification criteria of Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁸ have been properly applied, and whether relevant guidance documents have been properly used,
- B. whereas concerns have been raised with regard to the application of the approval criteria and the precautionary principle, laid down in Regulation (EC) No 1107/2009, by the Commission when granting the technical extension of the approval of glyphosate in 2016, when adopting Implementing Regulation (EU) 2016/1313⁹, and when adopting the abovementioned Implementing Regulation (EU) .../... renewing the approval of the active substance glyphosate and amending the Annex to Implementing Regulation (EU) No 540/2011,

1. Decides to set up a special committee on the Union's authorisation procedure for pesticides, vested with the following strictly defined responsibilities:

(a) to analyse and assess the authorisation procedure for pesticides in the EU, including the methodology used and its scientific quality, the procedure's independence from industry, the transparency of the decision-making process and its outcomes;

(b) to analyse and assess, by using an evidence-based approach, the potential failures that might have arisen in the scientific evaluation of the approval, or renewal of approval, of active substances such as glyphosate by relevant EU Agencies, as well as compliance by the EU Agencies with relevant Union rules, guidelines and codes of conduct in force;

(c) to analyse and assess in particular whether the Commission has acted in accordance with the provisions of Regulation (EC) No 1107/2009 when taking decisions with regard to the conditions of approval of glyphosate and the renewal of the approval of glyphosate;

(d) to analyse and assess possible conflicts of interest at all levels with regard to the approval procedure, including national bodies of the rapporteur Member State in charge of the assessment report pursuant to Regulation (EC) No 1107/2009;

(e) to analyse and assess whether the EU Agencies responsible for the evaluation and classification of active substances are adequately staffed and financed to enable them to fulfil their obligations, and the possibility of commissioning and/or conducting independent research and testing, and the financing thereof;

91/414/EEC — Directive 98/8/EC — Regulation (EC) No 1107/2009 — Placing of plant protection products and biocides on the market — Confidentiality — Protection of industrial and commercial interests

⁸ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁹ Commission Implementing Regulation (EU) 2016/1313 of 1 August 2016 amending Implementation Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance glyphosate (OJ L 208, 2.8.2016, p. 1).

(f) to make any recommendations that it considers to be necessary with regard to the Union authorisation procedure for pesticides in order to achieve a high level of protection of both human and animal health and the environment, as well as, to this end, making visits and holding hearings with the European Union institutions and relevant agencies, with international and national institutions, non-governmental organisations or private bodies;

2. Stresses that any recommendation of the special committee shall be presented to and, if necessary, followed-up by the European Parliament's competent standing committees;

3. Decides that the powers, staff and available resources of Parliament's standing committees with responsibility for matters concerning the adoption, monitoring and implementation of Union legislation relating to the area of responsibility of the special committee shall remain unchanged;

4. Decides that, whenever the special committee work includes the hearing of evidence of a confidential nature, testimonies including personal data, or exchanges of views or hearings with authorities and bodies on confidential information, including scientific studies or their parts granted confidentiality status under Article 63 of Regulation 1107/2009, the meetings should be held *in camera*; decides further that witnesses and experts shall have the right to make a statement or provide testimony *in camera*;

5. Decides that the list of people invited to public meetings, the list of those who attend them and the minutes of such meetings shall be made public;

6. Decides that confidential documents, which have been received by the special committee, shall be assessed in accordance with the procedure set out in Rule 210a of its Rules of Procedures, and decides further that such information shall be used exclusively for the purposes of drawing up the final report of the special committee;

7. Decides that the special committee shall have 30 members in accordance with Rule 199(1) of its Rules of Procedures;

8. Decides that the term of office of the special committee shall be 9 months, except where Parliament extends that period before its expiry, and that its term of office shall start running from the date of its constituent meeting; decides that the special committee shall present to Parliament a final report containing factual findings and recommendations concerning the measures and initiatives to be taken.