



**Pesticide
Action
Network**
Europe

Brussels, 19 December 2024.

To: Bernhard Url
Executive director
European Food Safety Authority (EFSA)
Parma, Italy

Subject: Concerns on EFSA's approach for revising the EU Guidance Document on non-target arthropods.

Dear Mr. Url,

Through this letter, PAN Europe wishes to express its deep concern regarding the insufficient protection of non-target arthropods (NTAs) from the harmful effects of pesticides within the EU. PAN Europe is also particularly concerned, in light of the preparatory work EFSA has been conducting to update the guidance document on NTA. The protection of arthropods is directly linked to the protection of ecosystems and biodiversity. Alarmingly, insect populations have rapidly declined in 25 years, a trend that scientists attribute primarily to agricultural intensification—and especially the widespread use of pesticides^{1,2,3}.

Attached to this letter for your review, you will find our latest report, “*Licence to Kill - an EU guideline with far-reaching consequences*”.

The report analyses the numerous well-documented shortcomings of the current Guidance Document on non-target arthropods⁴ (NTAs), meant to protect these essential species from the harmful effects of pesticides. These guidelines were co-written more than 22 years ago by the pesticide industry. Their objectiveness in protecting arthropods is beyond questionable, for they feature shockingly weak protection standards, unscientific methods and flawed testing protocols. To our knowledge, not a single pesticide-active substance has been denied (re-)approval at the EU level solely on the grounds of unacceptable risk for arthropods in the last 22 years. This stems from the continued reliance of the

¹ Dudley, N., & Alexander, S. (2017). Agriculture and Biodiversity: A Review. *Biodiversity*, 18(2–3), 45–49. <https://doi.org/10.1080/14888386.2017.1351892>.

² Sánchez-Bayo, F., & Wyckhuys, K. A. G. (2019). Worldwide decline of the entomofauna: A review of its drivers. *Biological Conservation*, 232, 8–27. <https://doi.org/10.1016/j.biocon.2019.01.020>.

³ Geiger, F., Bengtsson, J., Berendse, F., Weisser, W. W., Emmerson, M., Morales, M. B., Ceryngier, P., Liira, J., Tschardt, T., Winqvist, C., Eggers, S., Bommarco, R., Pärt, T., Bretagnolle, V., Plantegenest, M., Clement, L. W., Dennis, C., Palmer, C., Oñate, J. J., ... Inchausti, P. (2010). Persistent negative effects of pesticides on biodiversity and biological control potential on European farmland. *Basic and Applied Ecology*, 11(2), 97–105. <https://doi.org/10.1016/j.baae.2009.12.001>.

⁴ European Commission (2002). Section 5 of the Guidance Document on Terrestrial Ecotoxicology Under Council Directive 91/414/EEC, p.19-24.

https://food.ec.europa.eu/document/download/424e71a2-5beb-4fa3-9198-89be916c1789_en?filename=pesticides_ppp_app-proc_guide_ecotox_terrestrial.pdf.

EU on these flawed guidelines for pesticide risk assessment, which enable the widespread use of pesticides that harm NTAs in our environment. This regulatory failure is leading us to an ecological crisis that threatens the health of our ecosystems and, consequently, of European food security. Indeed, these small invertebrates play a diverse range of essential ecological roles that are vital to the food supply of almost all land animals and humans. The ongoing use of this guidance document is thus in clear violation of the aim of the EU Pesticide Regulation 1107/2009 to safeguard the environment.

Already in 2019, 12 EU Member States⁵ wrote to the Commission raising their concern about how the current NTA guidelines do not align with the high level of protection of ecosystems and biodiversity, required by the EU Pesticide Regulation. After considerable delay, the European Commission finally granted your Authority an official mandate⁶ to revise the Guidance Document on terrestrial ecotoxicology and produce new guidelines on NTA. While we welcome this decision, we strongly question EFSA's intentions to ensure a high level of protection for non-target arthropods. An analysis of your organisation's preparatory work for the NTA guideline revision, conducted under the AENEAS⁷ programme⁸ gives us cause for concern. We have identified that scientists working in the AENEAS consortium present long-lasting conflicts of interest, by working with and for the chemicals industry for a decade. The outcomes of this research, which were presented at the stakeholder meeting held on October 8-9, 2024 by EFSA, indicate that this work will fail to provide the level of protection foreseen by the EU law.

We have prepared the following questions and would appreciate receiving your detailed scientific responses, in alignment with the recent guidance given to EFSA by the EU Ombudsman on engaging with stakeholders.

1. Ecosystem Services and alignment with the EU Pesticide Regulation

- How does protection based on 'ecosystem services for humans' (Environmental Risk Assessment, ERA) align with (EC) Regulation 1107/2009 (Art. 4), which mandates the protection of all non-target organisms, as well as ecosystems and biodiversity?
- In the AENEAS deliverables, 'agricultural production' qualifies as an 'ecosystem service', despite evidence that current intensive agricultural practices are largely disconnected from ecosystems and are a primary driver of ecosystem collapse (as outlined in our report). Can EFSA explain in detail the scientific reasoning behind this qualification?

2. Classification of arthropods as a 'disservice'

- In the AENEAS deliverables, several categories of arthropods are qualified as a disservice (such as spiders, mites and others), despite their essential role as the foundation of vast food webs. Can EFSA clarify:
 - The scientific reasoning behind approving this qualification, in particular regarding the obligation to protect all biodiversity and ecosystems?
 - If the qualification as a 'disservice' imply that these categories of species should be excluded from protection and/or eliminated from the environment?

3. Effects of multiple pesticide exposures

- The AENEAS deliverables do not address the combined effects resulting from the exposure of NTAs to multiple pesticide substances and other harmful chemicals, despite substantial

⁵ 11 EU Member States + Norway. (2019). *Letter to DG SANTE: Request to revise the Guidance Document for non-target arthropods* [Letter]. European Commission.

[https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/other/12%20MS%20urge%20COM%20to%20revise%20insect%20guideline%20\(2\).pdf](https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/other/12%20MS%20urge%20COM%20to%20revise%20insect%20guideline%20(2).pdf).

⁶ <https://open.efsa.europa.eu/questions/EFSA-Q-2024-00464>

⁷ AENEAS: Advancing ERA of non-target arthropods for PPPs.

⁸ A Framework Partnership Agreement with Wageningen University

scientific evidence showing that arthropods^{9;10} are exposed to mixtures of pesticide residues in agricultural landscapes. This exposure has been identified as a potential contributor to the decline of flower-visiting insects^{11;12}. Could EFSA provide clarification on why this important issue is unaddressed by the AENEAS project?

4. Compliance with Article 4.1 of the EU Pesticide Regulation

- Can EFSA explain why it approved the AENEAS deliverables when they do not align with Article 4.1 of the EU Pesticide Regulation, which requires consideration of current scientific knowledge? Specifically, regarding the AENEAS deliverables that ignore the scientific consensus that arthropods are rarely exposed to a ‘one-chemical’ environment?

5. Scientific basis for AENEAS testing methods

- Why did EFSA approve the AENEAS deliverables without requesting that consultants:
 - identify the most sensitive arthropod species for testing, instead of focusing mainly on predators and parasitoids
 - derive a no-effect level for pesticides potentially harming arthropods

6. Validation of 'glass-plate' studies and recovery assumptions

- Could EFSA provide the scientific evidence demonstrating that:
 - 'glass-plate' studies are sufficient to assess the potential recovery of an arthropod species within a year.
 - allowing arthropods to be absent from the ecosystem for an entire year following pesticide application (with subsequent recovery, as considered in EFSA's current risk assessment) does not harm insect-eating birds or their chicks, which depend on insects for survival.

7. High-Risk identification and Critical Areas of Concern

- Can EFSA explain, considering the obligations under (EC) Regulation 1107/2009, why when a 'high risk' to arthropods has been identified for an active substance, this has never been translated into the identification of a Critical area of Concern in EFSA's peer review opinions?

8. EFSA selection policy and conflicts of interest in the AENEAS programme

- Can EFSA explain why it hired AENEAS consultants with ties to the agrochemical industry, including consultants who worked on projects directly funded by the chemical lobby group CEFIC? How does this hiring policy align with EFSA's mission to “*ensure impartiality of our scientific outputs. Staff and experts, free of conflicts of interests, analyse data and apply methods objectively*”¹³.
- Before selecting the experts, has EFSA carried out a screening of their scientific publications and their co-authorship?

⁹ Nicholson, C.C., Knapp, J., Kiljanek, T. *et al.* Pesticide use negatively affects bumble bees across European landscapes. *Nature* 628, 355–358 (2024). <https://doi.org/10.1038/s41586-023-06773-3>

¹⁰ Brühl, C. A., Bakanov, N., Köthe, S., & others. (2021). Direct pesticide exposure of insects in nature conservation areas in Germany. *Scientific Reports*, 11, 24144. <https://doi.org/10.1038/s41598-021-03366-w>.

¹¹ Botías, C., David, A., Hill, E. M. & Goulson, D. Quantifying exposure of wild bumblebees to mixtures of agrochemicals in agricultural and urban landscapes. *Environ. Pollut.* 222, 73–82 (2017). <https://doi.org/10.1016/j.envpol.2017.01.001>.

¹² Uhl, P., & Brühl, C. A. (2019). The Impact of Pesticides on Flower-Visiting Insects: A Review with Regard to European Risk Assessment. *Environmental toxicology and chemistry*, 38(11), 2355–2370. <https://doi.org/10.1002/etc.4572>.

¹³ EFSA mission and values. <https://www.efsa.europa.eu/en/about/mission-values>

- In light of the above, we are deeply concerned regarding the selection process for the constitution of the EFSA working group which will be entrusted with drafting the new NTA guidelines. Can you detail the criteria based on which the panel of scientists will be selected and explain what measures you are taking to ensure the selected experts are truly independent?

9. Lack of transparency in expert selection

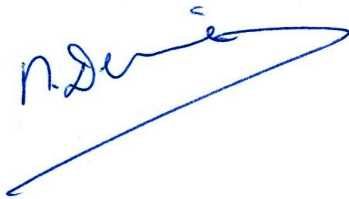
- Can EFSA explain why the expert selection process was not made transparent (in your reply to our access to documents request, you have not provided us with the individual expert assessments) thereby preventing independent verification of whether experts with similar biases were selected and independent scientists excluded? How does this selection procedure, excluding the critical voices of scientists, align with EFSA's commitment to transparency: *"Our risk assessments ... are produced via transparent processes, enhanced by an open dialogue with all interested parties"*¹⁴? We therefore kindly request you to redress this situation and send us the individual experts' selection assessments.

10. Timeline for the revision of NTA guidelines

- Could EFSA provide an estimate of when the first draft of the new Guidance Document on NTA will be ready and when is the work on this revision expected to begin?

From beforehand, thank you for your consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Dermine', with a long horizontal stroke extending to the right.

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¹⁴ EFSA mission and values. <https://www.efsa.europa.eu/en/about/mission-values>