



**Pesticide
Action
Network**
Europe

Brussels, 2 December 2024.

To: Ms Sandra GALLINA
Director General DG SANTE, Health and Food Safety
European Commission
B-1049 Brussels - Belgium

Ms Florika FINK-HOOIJER
Director General DG ENVI, for Environment
European Commission
B-1049 Brussels.

Subject: Concerns on EFSA's misguided approach to the revision of the EU Guidance Document on non-target arthropods.

Dear Director General Gallina,

Dear Director General Fink-Hooijer,

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. The protection of NTAs 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 - particularly the widespread use of pesticides^{1;2;3}. While we welcome the European Commission's decision to finally mandate EFSA to develop a new guidance document on NTAs in June 2024⁴ (NTA guidelines), we would like to express our great concerns about the preparatory work EFSA has been conducting in this regard.

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

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., Lira, J., Tschardtke, 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 <https://open.efsa.europa.eu/questions/EFSA-Q-2024-00464>

The report analyses the numerous well-documented shortcomings of the current NTA guidelines⁵ for pesticide risk assessment in protecting NTAs 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 EU level solely on the grounds of unacceptable risk for arthropods in the last 22 years. This stems from the continued reliance of the 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 contradiction with the intent of the EU Pesticide Regulation to safeguard the environment.

Already in 2019, 12 EU Member States⁶ 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. While we welcome the Commission's decision to mandate EFSA to update the terrestrial ecotoxicology guidelines and develop new NTA guidelines, we have serious concerns about the direction EFSA has taken in its approach to protecting non-target arthropods. EFSA's preparatory work for the NTA guideline revision is conducted under the AENEAS programme — a Framework Partnership Agreement with Wageningen University. 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. Furthermore, the outcomes of this research, which were presented in a stakeholder meeting held on October 8-9, 2024, together with our analysis, indicate that this work will fail to provide the level of protection foreseen by the EU law.

The approach of the AENEAS programme focuses on providing protection only for elements of the ecosystem that directly generate profit, rather than safeguarding biodiversity as a whole. This is in line with EFSA and DG Sante's "ecosystem services for humans" ongoing policy, which is a clear violation of the EU pesticide Regulation according to which pesticide products "*shall have no unacceptable effects on the environment*" (Art.4.3.e) with particular regard to "*its impact on biodiversity and the ecosystem*". Remarkably, the EFSA-approved deliverables of the AENEAS programme promote the idea of elevating 'agricultural production' as one of the main 'ecosystem services' that deserve protection. They go as far as suggesting that agricultural production could overrule ("trade-off") other 'services', leading to a lowering of the protection of non-target arthropod species. The framework ultimately proposes classifying certain species of our ecosystem, such as spiders, mites, and others, as a 'disservice', thereby excluding them from protection despite their essential role as the foundation of vast food webs. Species and ecosystems that have evolved over millions of years are, astonishingly, cast aside as if they were disposable.

The AENEAS programme represents an unlawful and scientifically unfounded approach to the protection of biodiversity, which raises serious concerns about the credibility of EFSA's efforts to improve the protection of non-target arthropods. It is worth noting that several of the consultants involved in the AENEAS programme, selected by EFSA, have a documented history of close

⁵ 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_a_pp-proc_guide_ecotox_terrestrial.pdf.

⁶ 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).

collaboration with the chemical industry. Two consultants for instance have worked on projects which were directly funded by the chemical industry lobby group CEFIC. This also raises serious questions about EFSA's selection policy of experts. Furthermore, one of these consultants presenting strong conflicts of interest was already invited to take part in an event from 2020 organised by DG Sante, to promote the 'ecosystem services for humans' approach. Following a complaint by PAN Europe, the EU Ombudsman has found the Commission guilty of maladministration, by not requesting a declaration of interest to this industry-related scientist, and by not disclosing it to the participants of this meeting⁷.

PAN Europe is deeply concerned regarding EFSA's upcoming selection of experts for the constitution of the working group which will be entrusted with drafting the new NTA guidelines. For the reasons mentioned above, it is essential that the EFSA working group be composed of a truly independent panel of scientists (ecologists and entomologists) without any ties to industry, to lead the revision of the NTA guidelines. EFSA's current approach puts us at risk of an arthropod-free Europe. A new approach that truly prioritises the protection of non-target arthropods is fundamental and this cannot be achieved by putting the drafting of the new guidelines in the hands of biased industry consultants.

We also call for an investigation into EFSA's selection policy of experts. Over the years, we have published multiple reviews — on Threshold for Toxicological Concern (TTC)⁸, pesticide mixtures⁹, guidelines¹⁰, and genotoxicity¹¹ — that reveal a troubling pattern: EFSA's panels and working groups frequently include individuals with industry ties or who share the 'ideological' view that the use of pesticides is safe. In these working groups, the topics selected often reflect the industry's agenda¹², which prioritises profit over public safety, thus undermining the protection granted by Regulation 1107/2009 (EU Pesticide Regulation). Given the notable presence of EFSA management staff with an industry background¹³, it is a legitimate concern whether these influences are compromising the scientific integrity of its policies. Our new report only gives further weight to these concerns, highlighting the need for a thorough reassessment of EFSA's approach and conflict of interest policies.

Your immediate action is needed to ensure that the revision process of the Guidance Document on NTA reflects sound scientific principles, independent expertise, and the protection of biodiversity.

We respectfully ask for a meeting to discuss this major issue, as it is a crucial element in the future of the EU's biodiversity

From beforehand, thank you for your consideration.

Yours sincerely,

⁷ <https://www.ombudsman.europa.eu/en/case/en/57609>

⁸ PAN Europe report. A Toxic Mixture? *Industry bias found in EFSA working group on risk assessment for toxic chemicals.* <https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/pane-2011-a-toxic-mixture-industry-bias-found-in-efsa-working-group-on-risk-assessment-for-toxic-chemicals..pdf>.

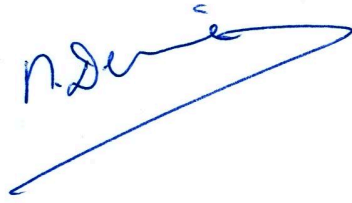
⁹ PAN Europe report. (2014). *A POISONOUS INJECTION - HOW INDUSTRY TRIES TO WATER DOWN THE RISK ASSESSMENT OF PESTICIDE MIXTURES IN EVERYDAY FOOD.* <https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/pane-2014-a-poisonous-injection.pdf>.

¹⁰ PAN Europe report. (2018). *Industry writing its own rules.* <https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/reports/industry-writings-its-own-rules-pdf.pdf>

¹¹ PAN Europe report. (2021). *EFSA - SCIENCE OR IDEOLOGY.* https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/press-releases/PR%20with%20LIFE%20logo/EFSA%20and%20science%20final%20april%202021_Final.pdf.

¹² Such as TTC, the lack of threshold for carcinogens and endocrine disruptors, the consideration that pesticide mixtures are safe, the concept of ecosystem services, etc.

¹³ [EFSA science or ideology - 2021](#), page 50 and 51

A handwritten signature in blue ink, appearing to read 'M. Dermine', with a long, sweeping underline that extends to the right and then curves back under the signature.

Martin Dermine,
Executive Director of PAN Europe
martin@pan-europe.info
+32 2 318 62 55