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## PRESS RELEASE

### Temporary authorisation of neonicotinoids for sugar beet in 2021 stems from the law

**Validated by the Constitutional Council, the law of 14 December 2020 temporarily authorised the use of neonicotinoids for sugar beet, while other solutions are found to protect these crops heavily threatened by aphids. The Conseil d'État ruled that the ministerial order issued following this law, which merely specifies the terms and conditions of their use for the year 2021, is not contrary to either the Constitution or European law.**

On 5 February 2021, the Minister for Ecological Transition and the Minister for Agriculture and Food set out in a decree the terms and conditions for the provisional use of sugar beet seeds treated with pesticides containing the active substances "imidacloprid" or "thiamethoxam" for the 2021 season.

Several environmental associations and associations representing beekeepers and farmers have asked the Conseil d'État's urgent applications judge to suspend this order.

#### **The temporary authorisation of these pesticides is provided for by the law, which has already been declared in accordance with the Constitution**

The Conseil d'État's urgent applications judge noted that the use of these substances, which are in principle prohibited, was temporarily authorised by the law of 14 December 2020 for sugar beet, which represents 1.5% of the total cultivated area in France. This exemption was granted to protect these crops threatened by large-scale infestations of aphids responsible for viral diseases and for a limited period of time, until satisfactory alternative solutions are developed by 2023 at the latest. This law was deemed to be in accordance with the Constitution, in particular with the Charter of the Environment and the property rights of beekeepers, by the Constitutional Council.<sup>1</sup>

The urgent applications judge therefore found that the contested order, which merely implements this authorisation for the 2021 campaign, does not in itself seriously and manifestly illegally infringe the freedom of trade and industry and the property rights of beekeepers.

#### **The decree complies with EU law on the use of pesticides**

EU law<sup>2</sup> prohibits the use of neonicotinoids but provides for temporary exemptions where there are serious risks to agriculture and where there is no other solution.

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<sup>1</sup> [Decision No 2020-809 DC of 10 December 2020](#)

<sup>2</sup> 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

The urgent applications judge observed that the contested order respects this exemption, because of the serious risk of a new large-scale infestation by aphids carrying beet diseases in the spring of 2021. The significant production losses suffered as a result of these diseases in 2020 show that there are no other reasonable means of controlling this danger, at least for the 2021 season.