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OPEN LETTER

8 November 2021

To:

Attachés to the Permanent Representations to the EU responsible for public health, the environment and agriculture

Members of the Working Party on Statistics (preparatory body of the Council)

Subject: Ending blind spots on agro-chemicals – it is high time for data collection and publication fit to monitor progress towards the Farm to Fork targets!

Dear Health, Environment and Agriculture attachés,

Dear Members of the Working Party on Statistics,

We are writing on behalf of 28 environmental and health organisations and beekeeper associations across Europe (listed below) **relaying the concerns of national organisations**, working in the public interest to protect the health of farmers, residents of rural areas, and other people exposed to pesticides, as well as pollinators, birds and the environment at large.

With this letter, we would like to bring your attention to the ongoing EU reform of agriculture statistics.¹ This legislative reform is of a high importance as it will **define what data will be available to monitor progress towards the sustainable use and reduction of pesticides**,² among other objectives. Setting reduction targets, as proposed in the EU Farm to Fork Strategy is of paramount importance. Ensuring that there will be relevant, reliable and public data to monitor progress towards these targets is equally crucial. The importance of monitoring and an evidence-based approach was particularly emphasised by the Council when it endorsed the Farm to Fork Strategy.³ **Without systems in place to collect and publish such data**, the targets set are **empty political promises**. This lack of transparency can also only fuel mistrust in society.

Lack of transparency in this area penalises everyone, except the chemical industry. States govern blind. Ambitious States' actions cannot be proven. Farmers' efforts and investments remain under the radar; the specific barriers they face remain difficult to identify. Residents of rural areas are deprived of their right to receive environmental information.⁴ This is unfortunately the current state of play which results in more distrust towards governments and the entire farming sector.

Indeed, today, Eurostat only receives from Member States incomplete data on the sales and use of pesticides and only publishes very vague aggregated datasets due to the current weak legal framework.⁵ This means that there is **no precise data available** showing what pesticides were used in the last years to produce food in the EU, nor where, when and in

¹ See [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2021/0020\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2021/0020(COD)&l=en)

² Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides, OJ L 309, 24.11.2009, p.71

³ See Council Conclusions from October 2020 <https://www.consilium.europa.eu/media/46419/st12099-en20.pdf>

⁴ The United Nations Economic Commission for Europe (UNECE) Convention on access to information, public participation in decision-making and access to justice in environmental matters done at Aarhus, Denmark, in 1998 available at: <https://unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

⁵ See https://ec.europa.eu/eurostat/databrowser/view/aei_pestuse/default/bar?lang=en

which quantities they were used. For the record, California has put in place a comprehensive database already 30 years ago.⁶ The EU is therefore very much lagging behind.

In February this year,⁷ the European Commission (Eurostat) proposed a new EU regulation relating to the “Statistics on Agricultural Input and Output” (SAIO), repealing in particular Regulation (EC) No 1185/2009 concerning statistics on pesticides.⁸ Since then, the Agriculture Committee of the European Parliament has adopted its position calling for several amendments to the Commission’s proposal.⁹ We call on you to support key features of the Commission’s proposal as well as essential amendments from the European Parliament to ensure:

1. The systematic and electronic annual collection of all farmers’ records on their use of pesticides

We understand that this proposal made by the Commission raises concerns on the extent of the administrative burden it would create. However, farmers already have to compile and keep such records, not only to comply with Regulation (EC) No 1107/2009¹⁰ but also to inform the food chain about pesticides used. For some Member States this could require an investment up front, but this investment will save a considerable amount of public resources down the line. This is because:

- Without this data, the successful implementation of the Water Framework Directive, Birds and Habitats Directives, Sustainable Use Directive¹¹ and the Pesticides Regulation is inefficient and even unrealistic unless precautionary actions are taken;¹²
- Without this data, the authorities tasked to protect health and environment are missing out on the support of independent scientists that are prevented from performing much needed research (as raised in a recent academic publication);¹³
- If the farmers records are not collected systematically and digitally, **it will have to be collected and disclosed anyway following individual access to document requests in application of EU law**, as recently shown in Germany.¹⁴ This reform is an opportunity to make sure the administration of each country in the EU has the digital tools and data collection systems in place to provide this information efficiently.

⁶ <https://www.cdpr.ca.gov/docs/pur/purmain.htm>

⁷ See Proposal available at:

[https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2021/0037/COM_COM\(2021\)0037_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2021/0037/COM_COM(2021)0037_EN.pdf)

⁸ Regulation (EC) No 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides, OJ L 324, 10.12.2009, p. 1–22

⁹ https://www.europarl.europa.eu/doceo/document/A-9-2021-0285_EN.html

¹⁰ Under Article 67 of Regulation (EC) No 1107/2009 professional users of pesticides have to keep records of the plant protection products they use.

¹¹ Member States have the obligation under the Sustainable Use Directive (Directive 2009/128, SUD) to take “appropriate risk management measures” in particular in protected areas defined under the Habitats and Bird directives (Article 12(b) of SUD). To that end, they need to collect data on the use of pesticides in the relevant areas.

¹² Under Directive 2000/60 Member States are required to “collect and maintain information on the type and magnitude of the significant anthropogenic pressures to which the surface water bodies in each river basin district are liable to be subject” (Annex II section 1.4 of Directive 2000/60). To that end, they need to collect data on the use of pesticides in the area connected to the river basin.

¹³ Mesnage, R., Straw, E.A., Antoniou, M.N. *et al.* Improving pesticide-use data for the EU. *Nat Ecol Evol* (2021). <https://doi.org/10.1038/s41559-021-01574-1>

¹⁴ EU law requires public authorities to collect and disclose these farmers’ records, upon request, in application of Directive 2003/4. This is because the records that farmers must keep are “held for a public authority” within the meaning of this directive. In addition, the data held in these records amount to “information related to emissions into the environment”. See successful German Court cases: VG Freiburg of 13 July 2020 10 K 1230/19, VG Sigmaringen, 30 September 2020 8 K 5297/18, VG Stuttgart of 10 June 2020, 14 K 9469/18, VG Karlsruhe of 30 January 2020 confirmed in appeal on 4 May 2021, VGH 10 S 1348/20, VGH 10 S 2422/20.

2. The collection of data not only on pesticides but also biocides and veterinary products

Like pesticides and fertilisers, biocides and veterinary products are extensively used in agriculture and potentially as harmful to people and nature.¹⁵ Failing to collect data on such chemicals amounts to knowingly creating blind spots.

3. The systematic publication of the data on pesticides' use at a meaningful level of detail

The regulation needs to guarantee that the data will be published per active substance, product, crop/species, year, and at the geographic level of a [Local Administrative Unit](#) to ensure consistency with the UNECE Convention on access to information (**the Aarhus Convention**) while limiting significantly the risk of allowing to identify indirectly the precise location of farms.¹⁶

The goal of publishing the data is not to reveal any personal information on the farmers. The goal is to provide the necessary data to be able to protect their health and the health of other workers, their families, residents of rural areas as well as the environment. When publishing the data at the level of the Local Administrative Unit, it is expected that for 99.9% of the quantities used, it will not be possible – even indirectly - to identify the address of the farms in a given area.¹⁷

France is already publishing the data collected on the sales of pesticides, per active substance, per product and at the level of the postal code of the buyer,¹⁸ following a positive legal opinion of the French Commission on access to documents relying on EU law.¹⁹ It is therefore clear that **there is no legal obstacles for the publication of the data on the use of pesticides at this level of detail.**

4. The unlimited and easy access to the raw data for the European and national public authorities

Raw data – which means not aggregated in any way - must be shared between the statistical offices and the national and European authorities in charge of ensuring the protection of human health and the environment. Too often data are not shared among public authorities due to a fear of breaking confidentiality. Not only is this fear legally unfounded, but this data is indispensable to their regulatory work.

We call on you to ensure the collection and publication of up-to-date, reliable, and precise data to allow evidence-based decisions and the monitoring of progress towards a sustainable agriculture, by supporting key elements of the proposal and amendments of the Parliament and championing new amendments to bring the text where it needs to be.

¹⁵ See Mahefarisoa et al. (2021) 'The threat of veterinary medicinal products and biocides on pollinators: A One Health perspective', available at : <https://www.sciencedirect.com/science/article/pii/S2352771421000276>

¹⁶ <https://unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

¹⁷ The potential issue of revealing indirectly the addresses of farms due to a small number of farms in a given postal code only arose for 0.1% of the quantities sold in France in 2019: http://www.data.eaufrance.fr/opendata-files/a69c8e76-13e1-4f87-9f9d-1705468b7221/bnvd_eaufrance_metadonnees_achat_20201215.pdf.

¹⁸ [Fiche de métadonnées du jeu Achats de pesticides par code postal | data.eaufrance.fr](#)

¹⁹ Opinion of the French Commission on access to administrative documents n°20184341: [Conseil 20184341 - CADA \(data.gouv.fr\)](#)

We thank you for considering our recommendations and would welcome an opportunity to have further exchanges with you on this important topic.

Yours sincerely,

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On behalf of the following organisations:

Centre of activities	Organisations
Austria	Global 2000
Balkans	Earth Thrive
Belgium	Nature et Progrès
Croatia	Earth Trek Eco Hvar
France	Génération Futures
Germany	Umweltinstitute München PAN Germany
Greece	ECOCITY
Italy	Assobio
Ireland	Cork Environmental Forum
Luxembourg	Mouvement écologique
Netherlands	PAN Netherlands
Poland	Coalition Living Earth
Portugal	LPN
Spain	Ecologistas en Accion Bee Garden
EU	Agroecology Europe Beelife ClientEarth Corporate Europe Observatory EPBA (European Professional Beekeepers Association) Euronatur HEAL PAN Europe Tilt!
International	Justice Pesticide

Please note that we intend to make this letter publicly available considering that this matter is of public interest