Resolution on Commission Implementing Regulation (EU) 2021/621 of 15 April 2021 amending Regulation (EU) No 37/2010 to classify the substance imidacloprid as regards its maximum residue limit in foodstuffs of animal origin

2021/2705(RSP) - 09/06/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 441 votes to 232, with 18 abstentions, a resolution objecting to Commission Implementing Regulation (EU) 2021/621 of 15 April 2021 amending Regulation (EU) No 37 /2010 to classify the substance imidacloprid as regards its maximum residue limit in foodstuffs of animal origin.

An application for the establishment of a **maximum residue limit (MRL) for imidacloprid** in Salmonidae was submitted to the European Medicines Agency. The Agency, based on the opinion of the Committee for Medicinal Products for Veterinary Use in September 2020, recommended setting the MRL for imidacloprid at 0.6mg/kg (600 µg/kg) in all finfish.

The opinion of the Committee for Medicinal Products for Veterinary Use underlying the Agency's recommendation is only available in summary form and, according to the Commission, will only be fully disclosed after the MRL has been adopted.

Imidacloprid is a neonicotinoid (NN) biocidal active substance that was commercialised for widespread use to treat crops and livestock due to its toxicity for a broad range of pests.

Parliament recalled that there is mounting evidence of the **devastating effects of the use of imidacloprid on biodiversity**, particularly in rivers and streams. Indeed, the use of imidacloprid affects not only crustaceans, molluscs and insects, but also soil organisms and bird populations.

Several scientific studies have concluded in animal tests that imidacloprid is toxic to reproduction and that it is an endocrine disruptor.

In the light of these considerations, Parliament considered that Implementing Regulation (EU) 2021/621 does not comply with EU law as it violates freedom of information and the fundamental principles of transparency, democratic scrutiny and accountability, as the opinion of the Committee for Medicinal Products for Veterinary Use on this matter was only made available in summary.

Members considered that the Agency should **make public the full opinion of the Committee for Medicinal Products for Veterinary Use** and that the risk assessment of imidacloprid is inadequate in terms of taking into account acute effect values and does not take into account delayed, cumulative and chronic effects.

The Commission is invited to:

- **repeal Implementing Regulation (EU) 2021/621** and submit a new draft to include imidacloprid in the list of pharmacologically active substances for which no maximum limit for aquatic use can be set in Annex IV of Regulation (EC) No 396/2005;

- duly apply the **precautionary principle** when following an assessment of available information, so that the risk of harmful effects on the environment, biodiversity, animal welfare and human health is quantified;

- communicate systematically on how the precautionary principle and the principle of informed consent have been taken into account and how the conclusions of the opinion of the Committee for Medicinal Products for Veterinary Use were derived;

- uphold the **democratic principle of informed consent** and to undertake a fitness check of the risk assessment process to establish MRLs for veterinary medicinal products in foodstuffs of animal origin; considers it essential that it should be fully consistent as regards the aims referred to in the Commission communication of 11 December 2019 entitled 'The European Green Deal', the Commission communication of 20 May 2020 entitled 'A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system' and the EU biodiversity strategy for 2030;

- ensure that time-cumulative, up-to-date, peer-reviewed, eco-toxicological tests for non-target species in the soil and aquatic environment are included in the risk assessment, and that it also covers environmental residues in the air, soil and water, including the long-term, cumulative toxic effects, and that it specifies the independent, peer-reviewed scientific studies and scientific opinions that were considered; stresses that this information should be publically accessible.

Parliament reiterated the need to reinforce scientific cooperation, coordination and coherence between the Union agencies with competence in this field, namely the Agency, EFSA and ECHA together with national and international agencies, by developing a **common framework for risk assessment for biocidal and phyto-pharmaceutical products** used in food chains, so as to avoid inconsistencies and limit the potential for environmental damage and ecocide.